

GRADE 9
SOCIAL SCIENCE
UNIT 4

TOPIC 1: PAPUA NEW GUINEA

- Pre-Independent Papua New Guinea
- Post-Independent Papua New Guinea
- Neo-colonialism in Independent Papua New Guinea

TOPIC 2: CITIZENSHIP

- Individual Rights and Responsibilities
- Being A Leader
- Responsibilities of Elected and Appointed Leaders

TOPIC 3: THE GOVERNMENT

- Papua New Guinea Government
- Government Services
- The Electoral Commission
- Electoral Process
- Voting in Elections

TOPIC 4: LAW & ORDER IN PAPUA NEW GUINEA

- What is Law?
- The Constitution and the Organic Law
- The Ombudsman Commission
- Crime, Punishment and the Court System
- Law Enforcement and Policing
- Land, Marriage and the Law

TOPIC 5: ETHICS

- What is Ethics?
- Unethical Practices
- The Leadership Code
- Human Rights

Acknowledgements

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Mr. Demas Tongogo
Principal-FODE

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SECRETARY'S MESSAGE

Achieving a better future by individual students and their families, communities or the nation as a whole, depends on the kind of curriculum and the way it is delivered.

This course is part and parcel of the new reformed National curriculum. The learning outcomes are student-centred with demonstrations and activities that can be assessed.

It maintains the rationale, goals, aims and principles of the national curriculum and identifies the knowledge, skills, attitudes and values that students should achieve.

This is a provision by Flexible, Open and Distance Education as an alternative pathway of formal education.

The course promotes Papua New Guinea values and beliefs which are found in our Constitution and Government Policies. It is developed in line with the National Education Plans and addresses an increase in the number of school leavers as a result of lack of access to secondary and higher educational institutions.

Flexible, Open and Distance Education curriculum is guided by the Department of Education's Mission which is fivefold to:

- facilitate and promote the integral development of every individual
- develop and encourage an education system that satisfies the requirements of Papua New Guinea and its people
- establish, preserve and improve standards of education throughout Papua New Guinea
- make the benefits of such education available as widely as possible to all of the people
- make the education accessible to the poor and physically, mentally and socially handicapped as well as to those who are educationally disadvantaged.

The college is enhanced through this course to provide alternative and comparable pathways for students and adults to complete their education through a one system, two pathways and same outcomes.

It is our vision that Papua New Guineans" harness all appropriate and affordable technologies to pursue this program.

I commend all the teachers, curriculum writers and instructional designers who have contributed towards the development of this course.



DR. UKE KOMBRA, PhD
Secretary

Dr. Uke Kombra
Secretary for Education

UNIT 4: INTRODUCTION



Dear Student,

Welcome to Unit 4 of the Grade 9 Social Science course. This Unit is about Civics and Citizenship. It will discuss about Papua New Guinea's pre and post-Independence, the Rights of Citizens, the Government, Leaders' Code of Ethics; and Law and Order.

Unit Learning Indicators:

9.4.1 Students can apply social science skills to make sound and informed decisions

9.4.2 Students can demonstrate an understanding of political systems of Papua New Guinea

Learning Outcomes:

Students will be achieving this outcome when they, for example;

- discuss and describe the political systems of Papua New Guinea
- assess Papua New Guinea's economic development since political independence
- assess the impact of independence on the government's provision of services
- discuss and assess how Papua New Guinea is independent, yet dependent

In Topic 1, you will learn about the time before and after the territory of Papua and New Guinea gained political independence as one nation; and Neo-colonialism.

In Topic 2, you will learn about rights and responsibilities of individuals, and roles and responsibilities of elected and appointed leaders.

In Topic 3, you will learn about the government of Papua New Guinea and types of government services provided. You will also look at the function of the Electoral Commission and electoral processes. Towards the end, you will study the processes of voting in elections in Papua New Guinea.

In Topic 4, you will discover more about the Law, particularly the Constitution and Organic Law. The roles and functions of the Ombudsman Commission are important and is also covered in this topic.

Crime, punishment and the Court System in Papua New Guinea is also studied. Towards the end of this topic, you will study the roles and functions of the Law Enforcement and finally, Land, Marriage and the Law.

In Topic 5, you will learn about Ethics, and Unethical Practices in Papua New Guinea. Then you will go on to studying the importance of the Leadership Code; and Human Rights.

Each Topic has **lessons** with **Practice Exercises** and **Answers**. You must read each lesson and work through the Practice Exercises. You will have to correct your own answers. The answers to the Practice Exercises are given at the end of each topic.

When you complete a topic, you will then complete the **Topic Test** in the Assignment Booklet. You will repeat the same process until you complete the Unit.

STUDY GUIDE

Follow the steps given below and work through the lessons.

- Step 1** Start with Topic 1 and work through it in order.
- Step 2** When you complete Lesson 1, you must do Practice Exercise 1.
- Step 3** After you have completed the exercise, you must correct your work. The answers are given at the end of each Topic.
- Step 4** Then, revise well and correct your mistakes, if any.
- Step 5** When you have completed all these steps, tick the check-box for Lesson 1, on the content page, like this:



Lesson 1: Pre-independent Papua New Guinea

Then go on to the next lesson. You are to repeat the same procedure until you complete all the lessons in a topic.

As you complete each lesson, tick the box for that lesson on the content page, like this . This will help you check your progress.

Assignment: Topic Test

When you have completed all the lessons in a Topic, do the Topic Test for that Topic, in your Assignment Booklet. The Unit book tells you when to do this.

Marking:

The Topic Tests in each **Assignment** will be marked by your **Distance Teacher**. The marks you score in each Assignment will count towards the final result. If you score less than 50%, you will have to repeat that Assignment.

Remember, if you score less than 50% in three (3) Assignments, your enrolment will be cancelled. So, you are encouraged to do your work carefully and make sure that you pass all Assignments.

Here is a sample Study Timetable to use as a guide. Refer to it as a reminder of your study times. A timetable will help you to remember when you should be doing some of your FODE studies each day.

Time	Monday	Tuesday	Wednesday	Thursday	Friday
8:00-10:00	FODE STUDY TIME				
10:00-11:00					
1:00-2:00					
2:00-4:00					
6:00-7:00					
7:00-9:00	Listen to or watch current affairs programmes. Write your diary, read a book.				

Course Materials

Here is a list of resource materials that you will need for this course.

- Grade 9 Social Science Unit 4 course
- Grade 9 Assignment 4 Booklet

Other materials to help you in your learning:

- Ruler
- Pair of dividers
- Blank sheets of paper
- Pencil, eraser
- Exercise book

Other References

- Papua New Guinea School Atlas
- World Jacaranda Atlas

TOPIC 1: PAPUA NEW GUINEA INDEPENDENCE

In This Topic, You Will Learn About:

- **Pre-Independent Papua New Guinea**
- **Post-Independent Papua New Guinea**
- **Neo-colonialism in Independent Papua New Guinea**

TOPIC 1: INTRODUCTION

In Topic 1, you will learn about the time before and after Papua New Guinea gained political independence, and neo-colonialism.

This Topic will be about the events occurring during the British and Australian colonial period in Papua New Guinea.

You will learn about Papua and New Guinea being looked after as separate Protectorates by the British and Germans between 1884 and 1975.

The events after Independence focus on the new government of the Independent State of Papua New Guinea, its social, economic, political achievements, and leadership.

The latter part of this Topic looks at neo-colonialism, its forms, advantages and disadvantages.

Lesson 1: Pre-Independent Papua New Guinea



Welcome to Lesson 1 of Unit 4. In this lesson you will learn about Papua New Guinea's Pre-independence.



Your Aims:

- distinguish between Pre-Independence and Political Independence
- identify political figures and their roles in Papua New Guinea's political independence
- discuss the main steps and events that led to Papua New Guinea's independence
- complete a timeline on Papua New Guinea's political independence

What is Pre-Independence?

Pre-independence is the time before Papua New Guinea gained political freedom.

Before the arrival of foreigners, the people of Papua New Guinea lived in small groups and were more involved in their traditional activities. This was the time of traditional government. During different times from 1884 to 1975, Britain, Germany and Australia controlled Papua New Guinea. The period in which our territory was ruled by foreigners is known as „pre-independence“. The prefix „pre‘ means before or beforehand.

Here are two pictures of pre-independent Papua New Guinea.

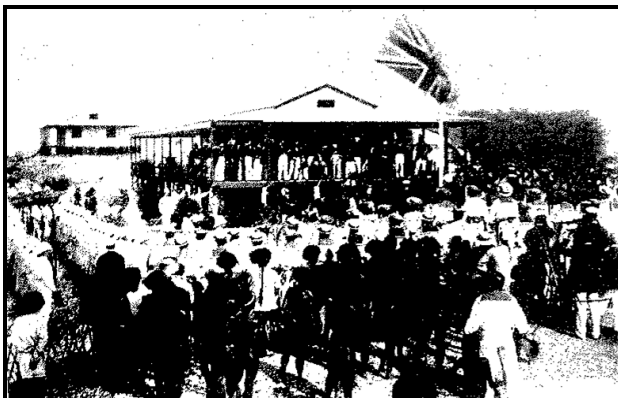


Illustration 9.4.1a: Papua been declared a British Protectorate in 1884



Illustration 9.4.1b: German Medical Officer, Kokopo 1906



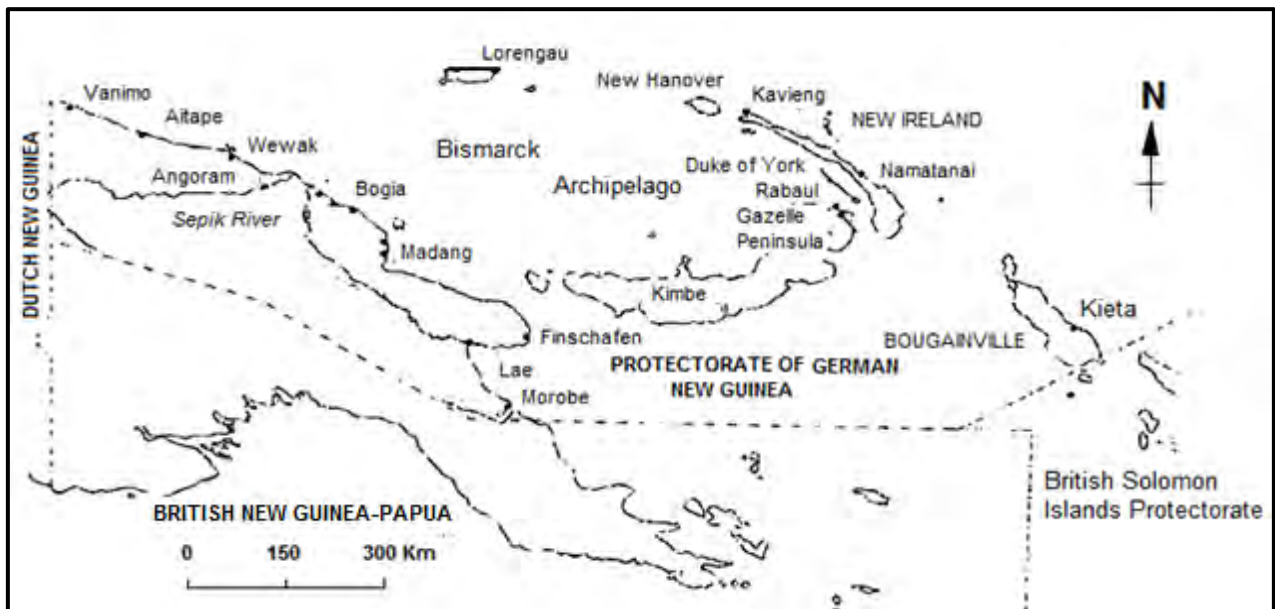
Was Papua New Guinea divided and ruled separately by foreigners?



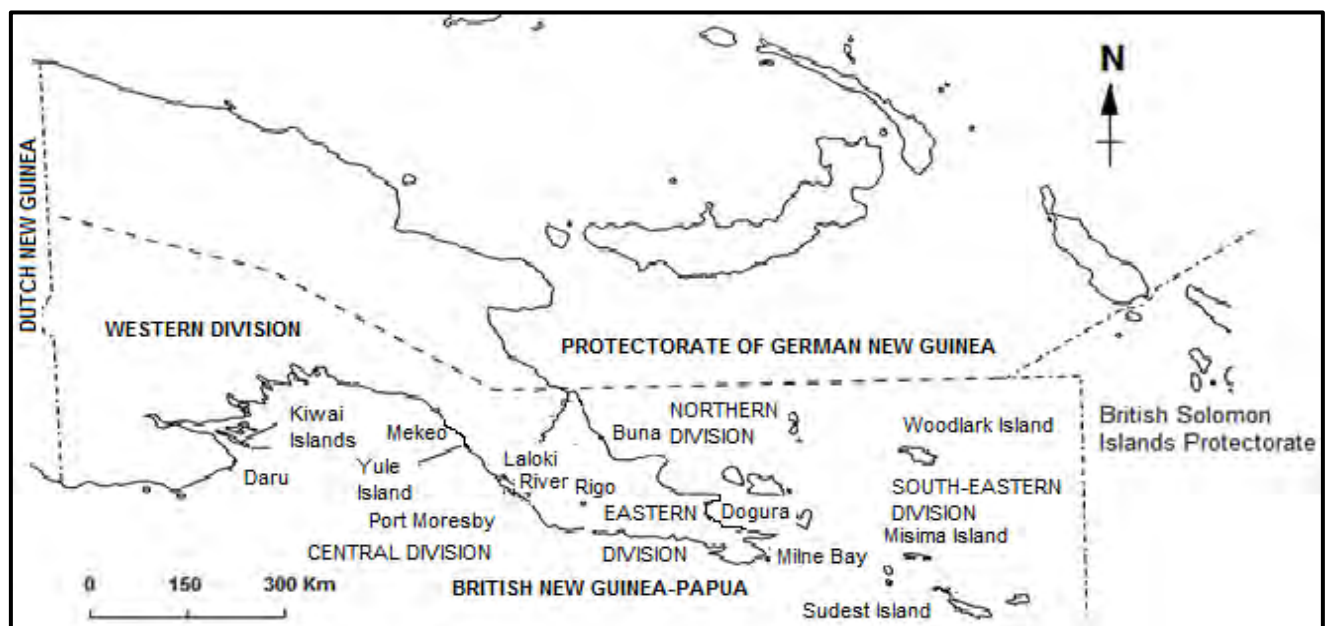
That's right! Britain controlled Papua whilst Germany controlled New Guinea. Let us look at the following maps.

Britain controlled Papua from 1884 until 1906 when it handed control over to Australia. The territory became known as the Australian colony of Papua. Australia controlled Papua up to the Second World War and later combined it with New Guinea. The two territories were later combined into a single country just before independence in 1975.

MAP OF BRITISH NEW GUINEA



MAP OF BRITISH PAPUA



Germany also claimed the northern eastern half of New Guinea in 1884. The German government gave the responsibility of governing the territory to the German New Guinea Company.

In 1889, the German government took back the responsibility from the Company and appointed Albert Hahl as the Governor of the territory. Germany ruled New Guinea until 1921, when it lost the First World War. It also lost its overseas colonies (including New Guinea) as a result of the First World War. The League of Nations gave the mandate or permission to Australia to rule New Guinea after the First World War.

Australia controlled the two territories; Papua and New Guinea, separately until the outbreak of the Second World War in 1942. The Japanese landed in Rabaul and drove out the Australians. Between 1942 and 1945, there was bitter fighting between the Japanese and Australians. The Japanese were eventually defeated in 1945 and Australia regained control of New Guinea.

In 1949, Australia combined the Mandated Territory of New Guinea and its colony of Papua as one territory, known as the Trust Territory of Papua and New Guinea. This had come about as a result of the passing of the Papua and New Guinea Act by the Australian government, which among other things included the setting up of a system of local government councils. Firstly, the aims of the local government councils were to provide a link between the villages and the government in Port Moresby, and to enforce European laws. Secondly, it was to help the village people understand basic European democracy.

The table below shows how this system developed between 1950 and 1960.

Table 1 Local Government Councils

Year	Papua	New Guinea	Total	Population
1950	1	3	4	11 900
1951	1	4	5	17 900
1952	2	4	6	19 000
1953	2	6	8	29 449
1954	2	6	8	29 449
1955	3	6	9	38 124
1956	4	6	10	49 400
1957	6	10	16	76 655
1958	9	15	24	146 436
1959	10	18	28	187 421
1960	16	23	39	265 352
1961	16	27	43	309 597
1962	21	38	59	501 664
1963	27	50	77	696 845
1964	34	55	89	911 396
1965	37	72	109	1 188 165

Source:

Report of the Committee of Enquiry into Local Government Finance and Borrowing (1972) A. W. McCasker (Chairman)

During the period 1945 to 1960, Australia tried to isolate (or separate) the territory from other countries. One reason was Australia's fear of Indonesia's growing power and her presence in Dutch New Guinea (currently West Papua). The second reason was to protect her business interests in the territory. That is Australia wanted to use the natural resources of the territory for her own benefit without causing any social or

political problems like those in other colonies overseas. However, by 1962 Australia's plans changed because of certain local and international developments. Gough Whitlam was the Australian Prime Minister at that time.



What particular changes forced Australia to change her plans?



Australia was under pressure by the United Nations, World Bank as well as local leaders to prepare the territory for political independence.

Much of the pressure by the United Nations was led by its African members, most of whom had gained their political independence from their colonial rulers after the Second World War. In addition, certain local leaders who had been educated by missionaries realised the unfair treatment of nationals by the colonial rulers and wanted to change these practices, began the push for independence.

Let us now look at how the independence movement came about.

John Guise, a member of the Legislative Council was pushing for the establishment of a House of Assembly with greater local representation. This idea was supported by the United Nations and World Bank. In 1964, the process of political separation began with the first general election of the House of Assembly. The **House of Assembly** later replaced the **Legislative Council** as the territories law making body. The move towards independence was slowly beginning as Australia began to bend under international pressure.



Illustration 9.4.1c: Late Sir John Guise.

Legislative Council and House of Assembly were the colonial parliament of the territory of Papua and New Guinea



So, who led Papua New Guinea towards independence?

Well, there were a few educated Papua New Guineans who led our country towards political independence. The following are three such individuals who stood out among the others.



1. **Michael Somare** of East Sepik Province was a very influential and outspoken young leader. A former teacher and radio broadcaster, Somare gathered a group of educated young Papua New Guinean men and formed the Pangu Pati (Pangu means Papua New Guinea Union). In 1968, Somare and eight other members of the Pangu Pati were elected to the second House of Assembly. They were offered ministerial positions but refused and instead formed an opposition.

The group demanded **self-government** and independence. In 1972 during the term of the third House of Assembly, Somare became the **Chief Minister**. In the same year, the PanguPati and Peoples Progress Party formed the first national **coalition** government. In the following year 1973, Papua New Guinea gained self-government.

2. **Julius Chan** of mixed Chinese and New Ireland parentage was the leader of the Peoples Progress Party, one of **the** two major political parties in the pre-independence period. Like the

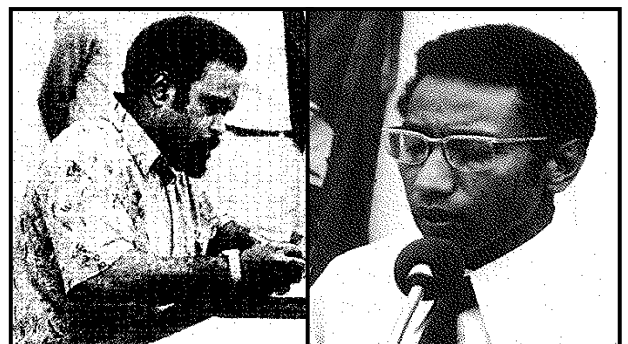


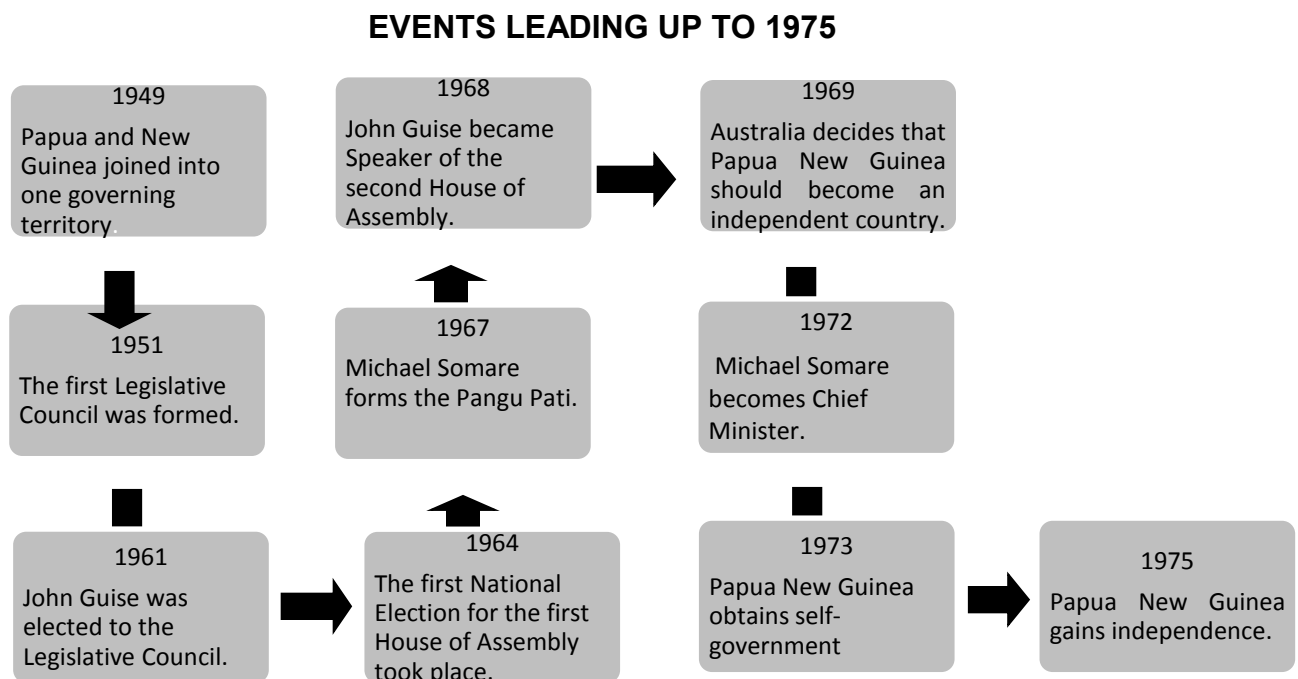
Illustration 9.4.1d: (Left) Michael Somare, (Right) Julius Chan

Pangu Pati, the Peoples Progress Party was also pushing strongly for political independence. The Party under Chan's leadership favoured foreign investment and urban business people more than the village people. Julius Chan launched the country's currency – the Kina and Toea on the 19th August, 1975. Also, in that year he was appointed as the country's first Minister of Finance under Michael Somare. Sir Julius became the country's second Prime Minister in 1980 after a successful **Vote of No Confidence** that ousted Sir Michael Somare. A vote of no confidence is a vote in which members of a group are asked to indicate that they do not support the person or group in power, usually the government. The opposition calls for a vote of no confidence in the government.

3. Late **Sir John Guise** from Milne Bay province was one of three Papua New Guineans elected to the Legislative Council in 1961. He was a very outspoken leader who demanded more local participation in the work of government. His push for the establishment of a House of Assembly was supported by the United Nations and became a reality in 1964. In 1965 he successfully moved for the establishment of the Constitutional Planning Committee to prepare the nation's Constitution.

During the second term of the House of Assembly in 1968, he became the Speaker of the House of Assembly. Before Papua New Guinea's independence in 1975, John Guise was appointed the first Governor General of Papua New Guinea.

Take a look at the flow chart below that outlines the main events leading up to Papua New Guinea's Independence.



In 1971 the name Territory of Papua and New Guinea was changed to Papua New Guinea. At the same time, the House of Assembly adopted a national flag and emblem.

Did you know that Papua New Guinea's flag was designed by a 15 year-old school girl named Susan Karike back in 1975?



Illustration 9.4.1f: (Left) Flag of Papua New Guinea, (Right) Emblem of Papua New Guinea

Now do Activity.



Activity

1. Differentiate between Pre-Independence and Political Independence.

2. Why did Australia isolate the Territory of Papua and New Guinea from 1945 to 1960?

3. What was the role of the Legislative Council?

4. Why did Australia prepare the territory for independence after 1960?

Check your answers after the summary.

Now read the summary.



Summary

You have come to the end of Lesson 1. In this Lesson, you have learnt that:

- for nearly one hundred years Papua New Guinea was ruled by Germany, Great Britain and Australia.
- educated Papua New Guineans such as John Guise, Michael Somare and Julius Chan, led the country's Independence movement.
- the involvement of Papua New Guineans in the work of government helped to prepare the country for independence.
- in 1972 during the term of the third House of Assembly, Somare became the Chief Minister. In the same year, the Pangu Pati and PPP formed the first national coalition government.
- Papua New Guinea gained self-government in 1973.
- Papua New Guinea gained political independence on 16th September, 1975.
- Sir Michael Somare became the first Prime Minister and the late Sir John Guise was appointed Governor General.
- A vote of no confidence is a vote in which members of a group are asked to indicate that they do not support the person or group in power, usually the government.

Answers to Activity

1. Pre-Independence means before independence. Political independence is a state of a nation and its people practicing self-government, free from foreign control.
2. Australia was fearful of Indonesia's growing power and also wanted to use the resources of Papua New Guinea for its own benefit.
3. The Legislative Council was a link between the villages and the government in Port Moresby. Also it aimed to educate the people about European democracy.
4. Australia was pressured by internal affairs and the United Nations and World Bank to prepare the country for independence.

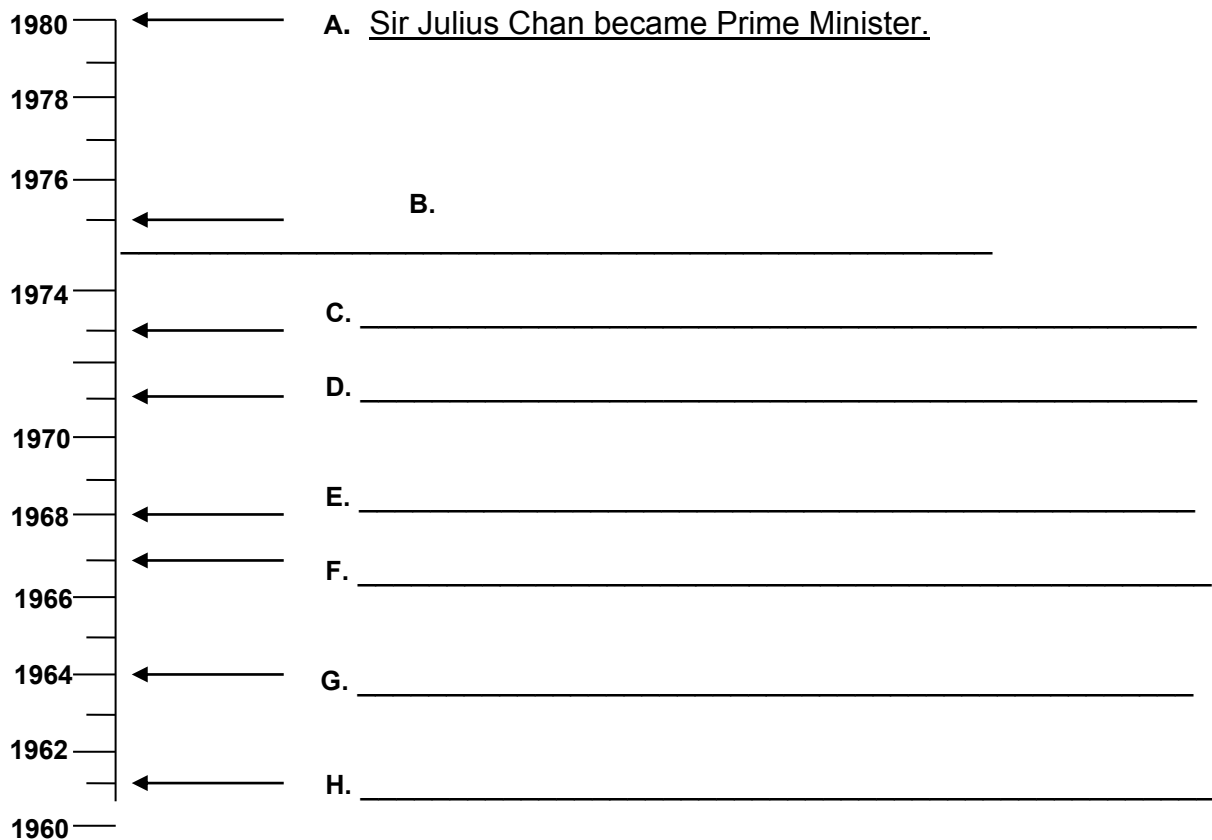
NOW DO PRACTICE EXERCISE 1 ON THE NEXT PAGE



Practice Exercise 1

1. Use the information in the lesson to complete the timeline below by filling in the events numbered 2 – 8. Event A is done as an example for you.

Timeline: Papua New Guinea Political History (1960 - 1980)



2. What was the old name for the House of Parliament? _____
3. What is self-government? When did Papua New Guinea gain self-government?

4. How is a coalition government formed?

5. Explain how Papua and New Guinea were governed between 1884 and 1975?

6. How did Sir Julius Chan become Prime Minister in 1980?

NOW CHECK YOUR ANSWERS AT THE END OF TOPIC 1

Lesson 2: Post-independent Papua New Guinea



In the last lesson you learnt about Papua New Guinea's Pre-Independence period. In this lesson you will learn about the Post-Independence period, in particular its political, economic and social situations in Papua New Guinea.



Your Aims:

- define post-independence
- evaluate the extent of achievement of Papua New Guinea's political independence from the periods 1975-1985 and 1986-2000
- identify some of the government's economic policies during these periods

1. Post-Independence

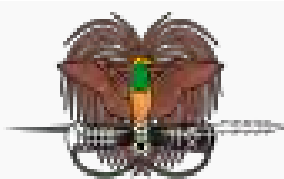
The prefix "post" means *after*. Independence is being free politically from outside rule. You learnt in Lesson 1 about Papua New Guinea receiving self-government on 1 December 1973. During that time Papua New Guinea's relations with other countries were still controlled by Australia. It was not until the Constitution was completed towards the end of 1975 that Independence finally came. Papua New Guinea became an Independent country on 16 September 1975, with Michael Somare as the first Prime Minister.

Independent State of Papua New Guinea

Independen Stet bilong Papua Niugini



Flag



Emblem

Motto: "Unity in diversity"

Anthem: *O Arise, All You Sons*

Post-independence refers to the period of political rule after September 16, 1975.

Westminster Model

Many people said the new independent Papua New Guinea will not be politically stable but they were wrong. After Independence Papua New Guinea's democratic system prospered.

On the eve of Papua New Guinea's independence, there was much talk about the future of democracy in Papua New Guinea. As an Australian-administered territory,

Papua New Guinea adopted the Westminster political system that Australia and the United Kingdom (UK) practiced.

Papua New Guinea adopted these models of the British/UK **Westminster** political system.

- A governor-general as head of state representing the Queen of England
- The Prime Minister who is elected by the majority of the elected members of Parliament
- The NEC which is made up of the Prime Minister and his cabinet ministers
- A multi-party system
- The three branches of government: legislative, judiciary and executive

Papua New Guinea is a constitutional parliamentary democracy. It recognises Queen Elizabeth II as the Head of State. She is represented by a governor general who is elected by parliament. The Head of State is responsible to perform mainly ceremonial functions. The Parliament House is **unicameral**, in that, it has only one chamber or house of meet. Such a practice exists in small states/countries like Papua New Guinea where a second chamber/house is thought unnecessary.

Papua New Guinea has three levels of government: national, provincial, and local. Members of parliament are elected every 5 years. In 2010 two provinces were created, Hela and Jiwaka, increasing parliamentary seats from 109 to 111. The parliament elects the prime minister, who appoints its cabinet members. Members of parliament are elected from 21 provinces and the national capital district of Port Moresby. Parliament introduced reforms in June 1995 to change the provincial government system, with regional members of parliament becoming provincial governors, while retaining their national seats in parliament.

Papua New Guinea's judiciary is an independent arm of the government. It protects constitutional rights and interprets the laws. There are different court levels, and the highest is the Supreme Court.

2. Extent of Achievement:

(a) 1975-1985

Elections in 1972 resulted in the formation of a ministry headed by Chief Minister Michael Somare. He pledged to lead the country to self-government and then on to independence. In the 1977 national elections Michael Somare became Prime Minister and head of a coalition led by the Pangu Party. However, his government lost a vote of no confidence in 1980 and was replaced by a new cabinet headed by Julius Chan as Prime Minister. The 1982 elections increased Pangu's membership, and parliament again chose Somare as Prime Minister.

Though people expressed ideas about a possible coup following Independence in Papua New Guinea nothing of that sort has happened. A **coup** is a sudden takeover of a government illegally or by force. In many cases it is the army of a country that starts a coup but in a few instances a one-man or one-party takeover.

(b) 1986-2000

In November 1985, the Somare government lost a vote of no confidence, and the parliamentary majority elected Pias Wingti as Prime Minister and head of a five-party coalition. A coalition led by Wingti won the elections in July 1987. In July 1988 a no-confidence vote toppled Wingti and brought to power Rabbie Namaliu, who a few weeks earlier had replaced Somare as leader of the Pangu Party.

In 1992 Wingti was elected Prime Minister. Chan took his place in 1994 after a vote of no confidence. The 1997 elections brought Bill Skate to power as Prime Minister, but he was replaced by Mekere Morauta after a vote of no confidence in 1999.

3. A Government's Economic Policy

Economic Policy

The Papua New Guinea government believes that the key to economic growth is the development of private sector investment both here and overseas. The government is also aware that in order to attract investment, it must put in place a policy framework which will bring about development, including its plans to improve the manufacturing sector and boost export figures under an export-led Economic Recovery Program.

Here is the economic Policy: *National Investment Policy*

The National Investment Policy provides guidelines for economic development through the carrying out of investment projects in the country.

Outcome of Policy on major economic sectors in PNG

An economic sector refers to a division or area in a whole group. This whole group is the economy. The major economic sectors in Papua New Guinea include:

- Agriculture
- Forestry
- Fisheries
- Manufacturing
- Mining and Petroleum
- Retail and Wholesale
- Building and Construction
- Transport and Communications
- Finance and Business

Papua New Guinea enjoys a surplus in its trade account. This means that the Papua New Guinean government makes a lot of money from exports therefore one of the government's main aims which is to come up with policies that increase the value and amount of export goods.

1. Exports

An export refers to a good(s) sold overseas. The major exports from Papua New Guinea come from Forestry, Fisheries, Mining and Petroleum. Papua New Guinea is rich with gold, copper, oil, natural gas, and other minerals. Copper and gold are currently mined at Porgera, Ok Tedi, Lihir, Hidden Valley, Sinivit, and Simberi.

The main countries that receive Papua New Guinea's exports are Australia, Japan, South Korea, China, Germany, the United States of America, United Kingdom and Singapore.

Papua New Guinea is rich in natural resources, including minerals, oil, gas, timber, and fish, and produces a variety of commercial agricultural products. About 75 percent of the country's population relies mainly on the subsistence economy (agriculture and small scale fishing). The minerals, timber, and fish sectors are controlled by foreign companies or businesses. Small-scale industries produce beer, soap, concrete products, clothing, paper products, matches, ice cream, canned fish and meat, fruit juices, furniture, plywood, and paint.

Papua New Guinea produces and exports valuable agricultural, timber, and marine products.

A number of Southeast Asian companies are active in the timber industry, but World Bank and other donors have withdrawn support from the sector over concern about unregulated deforestation and environmental damage.

Papua New Guinea has an active tuna industry, but much of the catch is made by boats of other nations fishing in Papua New Guinea waters under license. Papua New Guinea is a member of the South Pacific Tuna Treaty (SPTT), under which the United States (U.S) fish for tuna in the **exclusive economic zones** (EEZs) of the Pacific Island parties. Fish produced locally for exports are restricted mainly to shrimp. The EEZ is an area of coastal water and sea bed within a certain distance of a country's coastline, to which the country claims exclusive rights for fishing, drilling, and other economic activities.

Seine fishing (or seine-haul fishing) is a method of fishing that uses a seine or dragnet. A seine is a fishing net that hangs vertically in the water with its bottom edge held down by weights and its top edge held up by floats. Seine nets can be used from the shore as a beach seine, or from a boat. Boats using seine nets are known as seiners. There are two main types of seine net used from seiners: purse seines (US) and Danish seines.

Seine fishing is discouraged in many coastal areas because this method of fishing usually brings in by catches such as salmon, sharks, marlins and dolphins. An average of two to three dolphins is caught per year in nets. Like all big size fishes, nearly all the dolphins caught in the round up die before they hit the deck.

The following illustration shows how fish and other sea animals are caught in large numbers in the waters of Papua New Guinea, and the type of fishing practiced.

You can see here examples of seine, and the types of fishing nets used to catch a large number of fish and others.



Illustration 9.4.2: Employees of RD Tuna, sorting out the catch of the day.

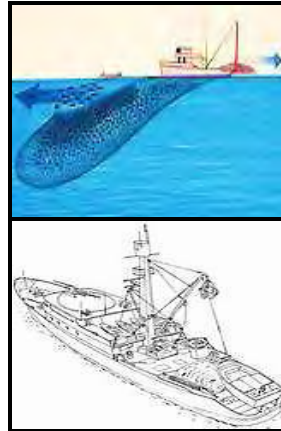


Illustration 9.4.2: Purse seine fishing

Illustration 9.2.4: Tuna purse seine fishing boat.

In December 2009 ExxonMobil began production of the country's natural gas reserves through the construction of a liquefied natural gas (LNG) production facility. InterOil is an American-owned company that opened Papua New Guinea's first oil refinery in 2004. It is also building a second liquefied natural gas production facility in Southern Highlands which was completed in 2012.

2. Imports

An import refers to a good(s) bought from overseas. The major imports to other countries are in Agriculture, Manufacturing, and Building and Construction. Papua New Guinea's imports come from Australia, Japan, the United States of America, Singapore, New Zealand, the United Kingdom, China and Hong Kong.

Australia, Singapore, and Japan are major exporters to Papua New Guinea. Petroleum and mining machinery and aircraft have been the strongest U.S. exports to Papua New Guinea. Australia is Papua New Guinea's most important export market, followed by Japan, China and the European Union. The U.S. imports modest amounts of gold, copper ore, cocoa, coffee, and other agricultural products from Papua New Guinea. The Papua New Guinea economy is highly dependent on imports for manufactured goods.

3. Investments

Most of Papua New Guinea's investment is in Retail and Wholesale, Transport and Communication, Finance and Business.

Papua New Guinea became a participating economy in the Asia-Pacific Economic Cooperation (APEC) Forum in 1993. It joined the World Trade Organization (WTO) in 1996. It is a member of the **ASEAN** Regional Forum. Australian companies are the most active in developing Papua New Guinea's mining and petroleum sectors. ExxonMobil holds a major share of natural gas reserves and **has constructed** a liquefied natural gas processing facility. InterOil operates an oil refinery in Port Moresby and in September 2010 signed an agreement with Energy World Corporation (EWC) to complete engineering and

design and a final investment decision to establish the second LNG project in the country. China is increasing its investment in Papua New Guinea, including development of the \$1 billion Ramu nickel mine.

Shell opened an office in Port Moresby in February 2012 and would be involved in building an **upstream** business in the country.

The oil and gas industry is usually divided into three major sectors: upstream, midstream and downstream. The upstream oil sector is also commonly known as the exploration and production (E&P) sector. The upstream sector includes the searching for potential underground or underwater crude oil and natural gas fields, drilling of exploratory wells, and subsequently drilling and operating wells that recover and bring the crude oil and/or raw natural gas to the surface.

Now read the summary.



Summary

You have come to the end of Lesson 2. In this Lesson, you have learnt that:

- Post-independence refers to the period of rule after Independence.
- Independence means to be „free“ and be able to do things yourself.
- Papua New Guinea system of government follows the Westminster model of the Politics of the United Kingdom.
- Papua New Guinea is a constitutional parliamentary democracy. It recognises Queen Elizabeth II as the Head of State. She is represented by a governor general who is elected by parliament and who performs mainly ceremonial functions.
- Papua New Guinea has three levels of government: national, provincial, and local.
- members of the unicameral parliament are elected every 5 years. Unicameral refers to a one chamber or house of meet.
- since 1973 there have been eight national elections and eight changes of government. All changes of government have taken place through normal constitutional channels.
- there were five changes of government as the result of votes of no confidences and three through normal elections. All governments have been formed through coalitions.
- an export refers to a good(s) sold overseas and an import is a good(s) bought from overseas.

- Papua New Guinea is rich with natural resources of gold, copper ore, nickel, cobalt, crude oil, natural gas, timber, fish, oil palm, tea, and rubber.
 - the oil and gas industry is divided into three major sectors: upstream, midstream and downstream. The upstream oil sector is commonly known as the exploration and production (E&P) sector.
 - the Exclusive Economic Zone refers to the zone that stretches from the coastline up to 370 kilometres out at sea. No foreign fishing boats are allowed to fish in this area of water.
-

NOW DO PRACTICE EXERCISE 2 ON THE NEXT PAGE



Practice Exercise 2

Study the illustration below and answer questions 1 to 4.

Independent State of Papua New Guinea
Independen Stet bilong Papua Niugini

	
Flag	Emblem

Motto: "Unity in diversity"

Anthem: O Arise, All You Sons

1. What does the bird on the map represent?

2. What do the five stars on the map represent?

3. What is Papua New Guinea's Motto? Explain your answer.

4. Why is it called an "Independent State of Papua New Guinea?" Explain.

For questions 5 to 10 read your lesson notes and answer questions.

5. When did Papua New Guinea gain self-government and Independence?

6. What is a coalition, and who was the head of the coalition party that formed the government on Independence?

7. What are the features of the Westminster model of politics that our government has adopted?

8. What is one economic policy since 1975? Explain what this policy is about.

9. What is a „unicameral parliament“? Why does Papua New Guinea have a unicameral parliament?

10. List the major economic sectors in Papua New Guinea?

11. Make a list of some small scale industries that contribute to the economy?

12. Define export and import and give an example of each.

13. Briefly describe the economy of Papua New Guinea.

CHECK YOUR ANSWERS AT THE END OF TOPIC 1

Lesson 3: Neo-Colonialism in Independent Papua New Guinea



You learnt about the Post-independence period in Papua New Guinea in the last lesson (2). In this lesson you will learn about Neo-colonialism in Independent Papua New Guinea.



Your Aims:

- define neo-colonialism
 - identify forms of neo-colonialism in Papua New Guinea
 - discuss the advantages and disadvantages of neo-colonialism
-



What is Neo-colonialism?

What is Neo-colonialism?

Neo means *new*, while colonialism *is the control of a nation over a dependent country, territory, or people*.

Neo-colonialism is the ability to influence a weak nation, not by direct political control, but by economic and cultural influence.

A typical example of colonialism is the control of India by Britain from the eighteenth century to 1947. And also Papua and New Guinea were being colonised by Britain, Germany and Australia at different times starting in 1884 to Independence in 1975 (refer to Lesson 1 of this unit).

Types of Neo-colonialism in Papua New Guinea

There are many forms of neo-colonialism. In this lesson you will study forms or examples of culture, economic, and politics.

Being Independent, Papua New Guinea is supposed to be responsible for its own affairs. It should control its own resources, make and enforce its own laws, and develop a strong economy. Somare announced on Independence Day that strength and authority are basics for true independence. However by definition true Independence for Papua New Guinea was not, and has never been or is not yet reached. Economically, politically and culturally, Papua New Guinea has not grown much since Independence. The signs show that

- life expectancy is only 55 years

- infant mortality is high, and
- educational attainment is low.

Despite political Independence, PNG still relies on Australia and other countries for skilled workforce and capital. This means that although political Independence is gained from Australia we will still learn and get help from Australia. As we allow more and more of their influence, we are being controlled by them indirectly.

1. Cultural neo-colonialism

Examples of cultural influence and control

Example 1

The UN contributions in solving the Bougainville crisis are one example of outside control and influence of our affairs. You can read here what the UN did in Bougainville.

The United Nations was required to assist and seek a solution. The UN made an important contribution to the peace process through its involvement in discussing, reuniting and helping the decision of the conflict. The following activities were what the UN did to help in the peace process in Bougainville.

- Supervised the collection and destruction of some 2000 weapons
- Pushed the parties involved to meet before election deadlines
- Mainly to make easy the election itself.

Example 2

Lifestyles: The clothes we wear, food we eat, quality of education we want, and type of car we drive, to name a few. In other words, we are violating our social and cultural norms and values in exchange for foreign values.

Around the world people want the same things, children think that wearing *Nike* means they will have happiness, while their parents look longingly at a car or television - soon to be a plasma screen. People want power and money, and a better standard of living.

Many third world countries like PNG are independent yet dependent. In terms of economy we still depend on other developed countries such as Australia to help us. Certainly the economy of PNG is linked to Australia.

Accepting western norms and values and adopting written constitutions is a sign of Independence. When the colonial power withdraws, the newly Independent nations try to find a similar framework of government and a new legal way of life.

2. Political neo-colonialism

Example of new political control: Asylum seekers programme in Manus

Example 3

Development is related to the colonial past. During the colonial period a set of economic and political dealings were set which favoured the colonial power. The colonial power continued to operate even after Independence. For example in PNG, colonial problems

have added to Papua New Guinea still relying on aid. The changing of government has made it difficult for investment. One example of such was that a vote of no-confidence is passed upon a Prime Minister after only 18 months in power. Another example is that Australia (especially Queensland) is a producer of plantation crops and it restricted for a long time the selling of cheap crops in PNG. This means that our cash crop growers were not given the support to be able to grow their own crops to sell at lower prices here and overseas. We did not have a choice and continued to import from them.

3. Economic neo-colonialism

Example 4

Another example of Australian influence is the introduction of the Enhanced Cooperation Package, or in short, ECP.

The effects of this are that our police force is not capable of handling law and order issues in the country. Some smart policemen challenged our police force and invited the Australian Federal Police (AFP) to take charge of law and order in PNG.

For some people in PNG, the fear of Australian neo-colonialism occurred before the Enhanced Cooperation Package (ECP). Before the ECP, over a third of Australia's aid were given to PNG. When a country relies heavily on Aid, it means that it is also going to follow the demands of the donor. Australia is also PNG's largest source of imports. Over half of the imports from Australia are manufactured goods. PNG is Australia's seventh largest market. Australia benefits the most from this unequal trade.

Australia's main goal is to protect its own national interest. That is why when it introduced the ECP police personnel in some provinces the people were against it. Although there were wide support within the community and police to help reduce crime levels. When an aid is given not always does the receiving country completely control its management. The aid is used according to the policies of the donor country.

The banks, savings and loan societies, and monetary savings are a foreign culture. As these institutions were set up new financial management skills were learned. As these newly learned skills were introduced Papua New Guineans were not effectively trained resulting in mismanagement and led to corruption.

The effect of this mismanagement is seen in having rundown buildings, roads and bridges, and lack of having good financial records.

Such happenings in the government sector have led us to rely on western financial aid and development assistance.

Advantages and Disadvantages

There are good and bad sides to neo-colonialism. Below are some advantages and disadvantages.

Advantages

- Globalisation- the world is connected electronically, and cultures must change to keep up with the trend of modern times
- Improved social, economic and political ideas and changes

Disadvantages

- Influences and “spoils” traditional cultures
- Cultural and economic changes are mainly for the benefit of the former colonial power
- “Failed states” may occur as a result of traditional clashes and corruption
- Self-interest by former colonial power
- Rely on former colonial power for cultural and economic assistance

Now read the summary.

**Summary**

You have come to the end of Lesson 3. In this Lesson, you have learnt that:

- neo-colonialism is the ability to influence a weak nation’s economic and cultural developments, rather than politics
- colonialism is also called imperialism which is the policy and practice of a power in extending control over weaker peoples or areas.
- forms of neocolonialism are economic, cultural and political.
- neocolonialism is strongest in forms of cultural and economic influences.
- cultural influences include education, lifestyle, clothes worn, attitudes and technology
- economic influences are seen in trade and mining industries, investor confidence, and donor aid funding.

NOW DO PRACTICE EXERCISE 3 ON THE NEXT PAGE



Practice Exercise 3

Study your notes and answer questions.

1. What is Neo-colonialism? _____

2. What are the different forms of neocolonialism?

3. List 2 examples of cultural neocolonialism.

4. List 1 example of economic neocolonialism.

5. List 1 example of political neo-colonialism.

6. List at least two advantages and disadvantages of Neo-colonialism.

Advantages

(i) _____

(ii) _____

Disadvantages

(i) _____

(ii) _____

7. What are the signs that tell us that Papua New Guinea has not grown much in terms of the economy?

CHECK YOUR ANSWERS AT THE END OF TOPIC 1

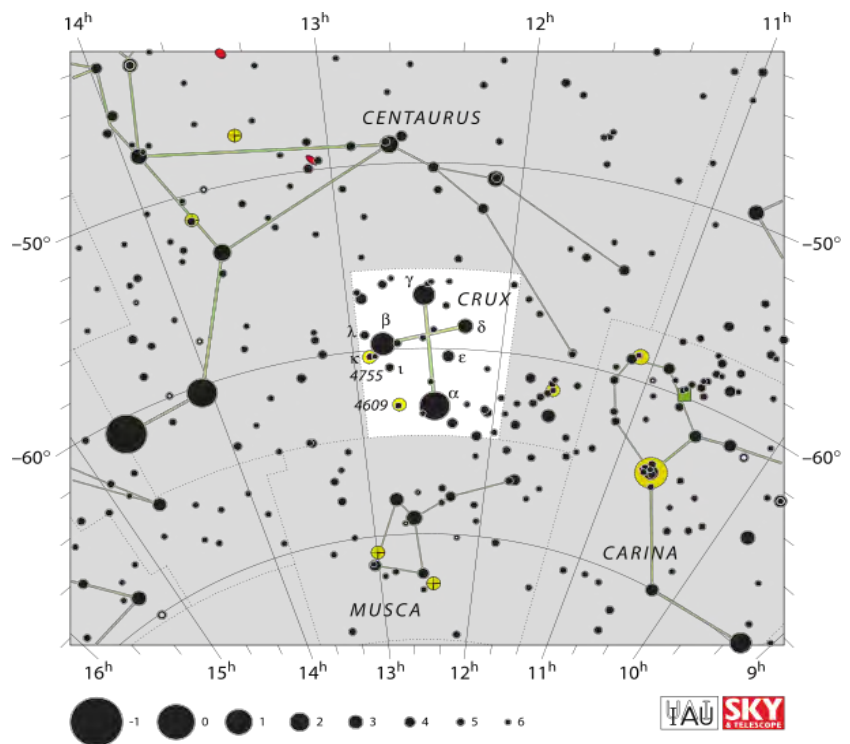
ANSWERS TO PRACTICE EXERCISES 1-3

Practice Exercise 1

- Sir Julius Chan became Prime Minister – 1980
 - Papua New Guinea gains political Independence – 1975
 - Papua New Guinea gets self-government – 1973
 - National flag and emblem adopted or Papua and New Guinea is changed to Papua New Guinea – 1971
 - Sir John Guise becomes Speaker of second House of Assembly – 1968
 - Sir Michael Somare forms Pangu Pati – 1967
 - First National Elections for the First House of Assembly established – 1964
 - Sir John Guise elected to the Legislative Council – 1961
- House of Assembly
- Self-government means a colony rules itself however its foreign affairs, defence and court system are controlled by its former colonial rulers. Michael Somare was the leader at that time.
- A coalition government is formed by different political parties uniting or coming together.
- Britain controlled Papua from 1884 until 1906 when it handed control over to Australia. The territory became known as the Australian colony of Papua. Australia controlled Papua till the Second World War and combined Papua and New Guinea. The two territories were brought together as one country just before independence in 1975.
- Through a Vote of No Confidence (that overthrew Sir Michael Somare).

Practice Exercise 2

- The bird on the map represents the native bird of paradise found in the tropical rainforests of PNG.
- The five stars on the map represent the *Southern Cross* group of stars seen in the southern hemisphere. Papua New Guinea is located in the southern hemisphere. See *right* a drawing of the location of the Southern Cross in the sky.
- Papua New Guinea's Motto is: "Unity in Diversity", which means the Papua New Guinea



culture is diverse but yet we are united as one people and nation. Our culture is varied in terms of over 800 native languages, and customs and traditions but we are united as one nation and people under one rule of government.

4. It is called an Independent State of Papua New Guinea because the country is free of outside rule. It is free to manage its own social, political and economic affairs.
5. Papua New Guinea gained self-government in 1973, and became a sovereign/independent state on September 16, 1975.
6. A coalition is a party made up of more than one political party. The head of coalition party at time of Independence was Michael Somare.
7. The features of the Westminster model our constitution has adopted were:
 - a governor-general as head of state representing the Queen of England
 - the Prime Minister who is elected by the majority of the elected members of Parliament
 - the NEC which is made up of the Prime Minister and his cabinet ministers
 - a multi-party system
 - the three branches of government: legislative, judiciary and executive
8. The National Investment Policy
The National Investment Policy provides guidelines for economic development through carrying out investment projects in the country.
9. A unicameral parliament refers to one chamber or house of meet. Such exists in small states/countries where a second chamber/house is thought unnecessary.
10. The major economic sectors in Papua New Guinea are:
 - Agriculture
 - Forestry
 - Fisheries
 - Manufacturing
 - Mining and Petroleum
 - Retail and Wholesale
 - Building and Construction
 - Transport and Communications
 - Finance and Business
11. Small-scale industries include beer, soap, concrete products, clothing, paper products, matches, ice cream, canned meat, fruit juices, furniture, plywood, and paint, and many others you can mention.
12. An export is a good (s) sold overseas, for example, coffee, copra, fish, prawns, crude oil, gas, gold, copper, and many more. An import is a good(s) bought from overseas, for example, metals, steel, vehicle, bulldozer, ship, computer, TV screen, mobile phone, milk, butter, radios and stereos, watches and clocks, flash drive, disk, ear phone, iPhone, and many others you can add to the list.
13. Papua New Guinea is rich in natural resources, including minerals, oil, gas, timber, and fish, and produces a variety of commercial agricultural products. The economy generally can be separated into an informal sector centered on subsistence agriculture and a formal sector centered on resources. Approximately 75% of the country's

population relies primarily on the subsistence economy. The minerals, timber, and fish sectors are controlled by foreign investors.

Practice Exercise 3

1. Neo-colonialism is the ability to influence a weak nation's economic and cultural developments, rather than politics.
2. The forms of neo-colonialism are economic, cultural and political.
3. Cultural Neo colonialism
 - (i) The UN contributions in solving the Bougainville crisis.
 - (ii) Lifestyles: The clothes we wear, food we eat, quality of education we want, and type of car we drive, and so on.
4. Economic Neo-colonialism
The introduction of the Enhanced Cooperation Package
5. Political Neo colonialism
One example is that a vote of no-confidence is passed upon a Prime Minister after only 18 months in power. Another example is that Australia (especially Queensland) is a producer of plantation crops and it restricted for a long time the selling of cheap crops in PNG. This meant that our cash crop growers were not given the support to be able to grow their own crops to sell at lower prices here and overseas.

Advantages

- Globalisation- the world is connected electronically, and cultures must change to keep up with the trend of modern times
- Improved social, economic and political ideas and changes

Disadvantages

(Any two of these answers are correct)

- Influences and "spoils" traditional cultures
- Cultural and economic changes are mainly for the benefit of the former colonial power
- "Failed states" may occur as a result of traditional clashes and corruption
- Self-interest by former colonial power
- Rely on former colonial power for cultural and economic assistance

7. The signs are:

- life expectancy is only 55 years
- infant mortality is high, and
- educational attainment is low.

END OF ANSWERS TO TOPIC 1

TOPIC 2: CITIZENSHIP AND LEADERSHIP**In This Topic, You Will Learn About:**

- **Individual Rights and Responsibilities**
- **Being a Leader**
- **Responsibilities of Elected and Appointed Leaders**

TOPIC 2: INTRODUCTION

In this Topic students will learn about the rights and Responsibilities of Individuals, Quality Leadership, and Responsibilities of Elected and Appointed leaders.

Learning Outcomes: Students will be achieving this outcome when they, for example:

9.4.2: discuss the roles and responsibilities of citizens and leaders in a society, and

9.4.1: discuss voting rights.

Not everyone in our society knows all the constitutional roles and responsibilities of both the citizens and leaders. Therefore you will discuss these roles and responsibilities of citizens and leaders in Papua New Guinea society, and in particular the voting rights in National Elections.

The style of voting in Papua New Guinea has changed since the 2002 National Elections from the “First Past the Post” to the “Limited Preferential Voting” or LPV. Therefore along with the new LPV you will also discuss voters’ rights and responsibilities.

Voting empowers leaders to represent them in Parliament. Not all the leaders that are voted possess quality leadership. You also will discuss the roles and responsibilities of citizens and members of Parliament.

Lesson 4: Individual Rights and Responsibilities



In the last lesson you learnt about neo-colonialism in Papua New Guinea. In this lesson you will learn about Individual Rights and Responsibilities.



Your Aims:

- define citizen, rights, responsibilities and obligations and voting in national elections
 - identify the basic rights, responsibilities and obligations of a citizen
 - describe the rights of candidates in elections
-

Let us begin this lesson by reading the definitions given below.

Definition

Citizen

A community can be small like a classroom, school, or a large city, state, or country. The global community includes everyone on earth. Everyone is a member of a community and has a responsibility to maintain it.

Rights

The Osborn's Concise Law Dictionary defines *right* as an interest recognised and protected by the law, respect for which is a duty, and disregard of which is wrong.

A right is a freedom that is protected, such as the right to free speech and religion. A right is what every human being has, no matter who they are or where they live. Citizens of different countries have different rights. A *right* is what a person is entitled to and others are duty bound to respect it. For example, the Constitution guarantees the right to freedom. This means that we have the right to freedom and others have the duty to respect our right to freedom. Through the rights to freedom, we have choices in what we take part and make decisions independently, free from any bribery, threat or influence from other members of our societies.

Responsibilities

A responsibility can be a chore at home or school, or it can be following rules, helping other community members, and making positive changes. When someone works to help the whole community, he or she works for the common good. Obeying laws is an important responsibility. Cities, towns and neighbourhoods have their own laws to govern themselves. If

a community member breaks a law there are consequences. Laws help protect citizens' rights. If a law is unfair, it is the community's responsibility to change the law. Laws can be amended or changed when responsible citizens take actions.

Obligations

(i) Voting in Elections

Voting is both a right and a responsibility. Every citizen and those who have become naturalised citizens have the right to vote. Voting is about making a decision about which candidate you want to be your elected representative.

Basic Rights, Responsibilities and Obligations of a citizen

Basic Rights

We decide our own destiny in everything that we may wish to do. Only in few cases the law requires us to elect or appoint other people to make decisions for us. These are usually in situations where the law places a decision-maker in a position of authority and power. For example, a Member of Parliament makes decisions for the benefit of his electorate or the country. The parents make decisions for the benefit of their children. However, the law sets the rules, processes and procedures to guide other persons who make decisions for us. Through these rules, processes and procedures our rights and freedoms are protected.

Freedom refers to a person being free. It means a person is free to engage in activities as he or she wishes, as long as he or she does not interfere with other people's rights.

Some of the rights guaranteed in the Constitution are listed below.

- Right to freedom of life
- Right to freedom of liberty
- Right to freedom of assembly and association
- Right to freedom from inhuman treatment and forced labour
- Right to freedom from arbitrary rule of power
- Right to freedom of expression
- Right to freedom of information
- Right to freedom of movement
- Right to freedom of employment
- Right to privacy
- Right to freedom of choice
- Right to freedom of speech
- Right to protection of law
- Right to equality
- Right to freedom from arbitrary search and entry
- Right to freedom of conscience, thought and religion
- Right to freedom from unjust deprivation of property

Here are two examples of rights explained below.

(i) What is right to freedom of arbitrary rule of power?

The freedom from arbitrary rule of power is a concept and it deals with people in power and authority and the way they rule, manage, administer or govern their group, community, organisation or country. This is one of the principles of the rule of law. It requires that the people in power and authority use their power and authority according to the law. Freedom from arbitrary rule of power refers to the freedom we have from

force and unlawful decisions of the elected leaders or others who are in authority. This means that the elected leaders or others in authority cannot make a decision that may suppress our rights and freedoms and force us to accept it.

(ii) What is right to equality under the law?

Equality under the law means that we have equal rights, privileges and obligations. Every human being is equal regardless of these factors.

- Race
- Skin colour
- Tribe
- Religion
- Place of origin
- Gender
- Political opinion

Everyone should practice equality. We should treat each other equally. We should not favour one person or one group from another. Everyone will benefit if we practice equality in our societies.

Basic Responsibilities and Obligations

A responsibility is a job or duty that you must perform, or do something about. It is something that affects our lives and other people's lives.

Here are some of our responsibilities:

- follow the rules at home, school and in the community. After all, they are there for our safety and to protect our rights and the rights of others
- stand up for our rights and the rights of others as much as we can
- be the best person that we can be
- able to take care of our own bodies as best as we can.
- respect the rights of others
- look after our own belongings and respect others' belongings
- learn as well as we can
- care about others who are not as strong in some ways as we are

What happens when people do not accept responsibility?

When people do not take responsibility for their actions some of the following outcomes occur.

- Other people lose their rights, e.g. people could be bullied, treated unfairly, abused or feel unsafe.
- It is unfair because other people have to do a job that is another person's responsibility.
- There could be consequences at home, at school or in the community, e.g. people might be punished or harmed in some way.

- People could become less successful and happy than they might have been, e.g. they might give up trying or keep away from people.
- People could feel unsafe or unhappy, e.g. they could be hurt or teased.
- People could be selfish and uncaring. They might not even know the good feeling that people get when they share and care about others.
- People would not care about their belongings or those of others, e.g. they could steal things or damage them.
- Children could find it hard to learn well because of disturbance to school.

Rights and Responsibilities of Citizens who are voting in Elections

What is election?

An election is a way of choosing a leader by voting him or her to become an elected representative. It is a process where we exercise our rights and freedoms to choose a nominated candidate to represent us in the National Parliament or the Local-level Government Council. It is also the time to exercise our rights and freedoms to stand for public office to represent other people in the National Parliament or Local-level Government Council. In an election we also re-assess our leaders or representatives based on their performances and leadership in their previous terms.

Who can vote in elections?

The law guarantees the rights and freedoms to vote in the National and Local-level Government Elections. However there are some qualifications that you must meet before you can exercise your rights and freedoms to participate in an election. Given below are the requirements a person must have to stand for election.

- The candidate must be a Papua New Guinea citizen.
- Must be more than 18 years of age.
- Must live in that electorate for more than 6 months or be born in that electorate.
- Must be registered in the common roll of an electorate. For example, if you were living in Wewak Open Electorate in East Sepik Province, your name must be enrolled in the Common Roll of Wewak Open Electorate. If your name is not on the Wewak Open Electorate Common Roll, then you cannot vote in that electorate.

The law does not allow us to enroll names of persons who are already dead. Such practices are illegal.

It is our responsibility to ensure that the election process is carried out according to the law. If we entertain any illegal practice, it may damage the democratic election process and the rule of law. Such irresponsible actions give rise to election-related violence and disputes which may become expensive to resolve.

Rights of Candidates in Elections

Who can stand for election?

Every Papua New Guinean has the freedom to stand for election as the Constitution guarantees our rights and freedoms to stand for public office.

The main requirements that the law has set for us to qualify to contest in election are given below. If a person does not meet any of these requirements, they are not ready to exercise their freedoms to stand for election.

These requirements are:

- must be a citizen of Papua New Guinea
- be over 25 years of age.
- if you are not born in that electorate, you must have lived in that electorate for 6 months.
- be registered in the Common Roll of that electorate.
- must not be under a death sentence.
- must not be imprisoned for a period of more than 9 months.
- is not being disqualified to stand for election or occupy public office by the Court for any offence or breach of the Leadership Code.
- a person must satisfy all other requirements stated in the Organic Law on Provincial and Local Level Government elections.
- has not been convicted, within a period of 3 years or more.

Characteristics of a Good Citizen

Given below are some characteristics of a good citizen.

- Respects others and their property
- Is helpful and considerate, willing to put others first
- Listens to the views of others and thinks about what they have to say
- Helps people who are not in a position to help themselves
- Respects the environment and does not damage it in anyway
- Works hard
- Is well mannered and pleasant
- Is always willing to learn

Now read the summary.



Summary

You have come to the end of Lesson 4. In this lesson, you have learnt that:

- a citizen is a member of a community. Every citizen has basic rights, responsibilities and obligations
- a *right* is an interest recognised and protected by the law, Respect for which is a duty, and disregard of which is wrong.
- a *responsibility* is a job or duty that you must perform, or do something about
- an *obligation* is a duty one must perform.
- voting is both a right and a responsibility. Voting is about making a decision about which candidate you want to be your elected representative.
- when people do not take responsibility for their actions things are not done or other people are hurt.
- an election is a way of choosing a leader by voting him or her to take a political position or public office.
- a citizen must meet the requirements to vote in an election.
- all citizens have the freedom to stand for election as long as one meets all the requirements.

NOW DO PRACTICE EXERCISE 4 ON THE NEXT PAGE



Practice Exercise 4

1. Define these terms.

(i) Citizen

(ii) Right

(iii) Responsibility

(iv) Obligation

(v) Election

2. List 5 basic rights of citizens.

3. Who can vote in an election, and what are the requirements?

4. List 4 basic rights of candidates standing for elections?

5. List 4 characteristics of a good citizen?

CHECK YOUR ANSWERS AT THE END OF TOPIC 2

Lesson 5: Being a Leader



In Lesson 4 you learnt about the rights and responsibilities of individuals. In this lesson you will learn about being a leader.



Your Aims:

- define leader and leadership
 - discuss qualities of a good leader
 - identify the roles and responsibilities of leaders in different settings
-



"Leadership is the art of getting someone else to do something you want done because he or she wants to do it." – Dwight D. Eisenhower

A **leader** is someone who directs or has control or power over others.

What is leadership?

It is a person's ability to lead other members of the society. In our country, leadership is governed by law and a leader must act according to the law. The Principle law that governs the leadership is called the **Leadership Code**. A leader in this respect means a person who occupies a public office and becomes subject to the Leadership Code.

Qualities of a Good Leader

Every day we make many decisions about our lives. Many other decisions are made for us by the leaders of our communities. Leaders are a special group of citizens because they have the power to influence the lives of other citizens. We all belong to many groups with different levels of leadership. People become leaders for many reasons. Some people become leaders because of their knowledge or skills. Others become leaders because of their strength or wealth.

In traditional Papua New Guinea everyone knew their leaders and the leaders knew the people they represent in government. In these modern times, however, there are leaders whom many citizens will never meet because it is not possible for leaders to meet everyone in large societies. Many leaders forget the people who have voted them into Parliament. It is difficult to say what makes a good leader. Throughout history there have always been leaders. They have all behaved differently, but all leaders have one thing in common. They are able to make other people listen to, and follow them. Styles of

leadership are different. Some leaders are followed because they are feared. Others are followed because they are respected.

The leaders we hear a lot about are the national and provincial politicians. They are the most powerful group in the governing of the country. The word „minister“ comes from the Latin word *ministrare*, which means „to serve“. Service to others is an important quality of good leadership. There are many different ideas about good leadership. The list below describes some qualities of good leadership. Here are some key characteristics of a good leader:

- **Honesty**
Displays sincerity, integrity, and honesty in all actions; deceptive behaviour will not inspire trust.
- **Competent**
Your actions should be based on reason and moral principles. Do not make decisions based on emotional desires or feelings.
- **Forward-looking**
Sets goals and have a vision of the future. The vision must be owned throughout the organisation. Effective leaders foresee what they want and how to get it. They usually pick priorities coming from their basic values.
- **Inspiring**
Displays confidence in all that they do by showing endurance in mental, physical, and spiritual strengths. As a result, they will inspire others to reach new heights and take charge when necessary.
- **Intelligent**
Read, study, and seek challenging assignments.
- **Fair-minded**
Show fair treatment to all people. Prejudice is the enemy of justice. Display empathy by being sensitive to the feelings, values, interests, and well-being of others.
- **Broad-minded**
Seek out diversity. This means looking at problems in different ways and resolving them in a way satisfying to all those involved.
- **Courageous**
Have the drive to accomplish a goal, regardless of the challenging obstacles. Display calmness when under stress.
- **Straightforward**
Use sound judgment to make decisions at the right time.
- **Imaginative**
Make timely and appropriate changes in their thinking, plans, and methods. Show creativity by thinking of new and better goals, ideas, and solutions to problems. A good leader must be innovative!

As you can see nothing revealed here is shocking, but skills we are all aware of, yet we take little time to practice. Again, developing good leadership skills does take practice and

a great deal of time. If it were easy there would be far more leaders and far less managers. A manager is someone who is in charge of a section in a company.

The [characteristics of a leader](#) are not skills or behaviours that will be new to those that strive to master them, but will often times be the actions we all know we should be focused on, if we only had the time. Yes, developing good leadership skills take time, just like perfecting an idea or delivering on a project. Without an investment of time, very few people will have the skills to become the great leaders they envision. Quality leadership comes in many forms and styles.

Roles and Responsibilities

Leaders have many roles and responsibilities. They must be visionaries, managers and problem solvers. Whether they are leading a company or leading a school, effective leaders possess similar skills. Some of these skills come naturally, whereas others are developed over time. As these skills are developed, leaders become more effective in serving and guiding others.

(i) Parliamentarian

A leader in a large society has many responsibilities. A leader's job is to serve his people and to make decisions. These decisions must be in the best interests of most people. This is not easy, because it is not possible to please everyone. As well as having responsibilities, leaders are also given privileges or special treatment.

Our Constitution has a special section called the Leadership Code. Its purpose is to encourage responsible leadership. It says how leaders should behave and what they are allowed or not allowed to do. Leaders who misuse their privileges are charged under the Leadership Code.

The Constitution sets out general duties and responsibilities of a leader. The standard of conduct for a leader also applies to their spouses, children and associates. The roles and responsibilities of a Parliamentarian are given below.

- Must not place himself or herself where he or she could have a conflict of interest or where he or she might compromise his or her position when he or she is performing official duties
- Must not demean the office he or she occupies. This means that a leader should not be involved in activities that will discredit the public office he or she occupies
- Must not allow his or her integrity to be called into question. The integrity of the government of Papua New Guinea must be preserved at all times.
- Must never use his or her office for personal gain.

(ii) Village 'big man' or leader

- Role model
- Brave warrior
- Many pigs and traditional money
- Respected by the villagers

- Law abiding

Now read the summary.



Summary

You have come to the end of Lesson 5. In this Lesson, you have learnt that:

- a leader is someone who directs or has control or power over other people.
- leaders have the power to influence or control the lives of others.
- there are many different levels of leadership.
- people can become leaders in different ways.
- people have different opinions about the qualities of good leadership.
- leaders have roles, responsibilities and privileges.
- the roles and responsibilities of Parliamentarians are tasks they must do to satisfy the needs of the people in their electorates.

NOW DO PRACTICE EXERCISE 5 ON THE NEXT PAGE



Practice Exercise 5

1. What is a leader? _____

2.
 - (a) Write at least 4 important qualities which you think are necessary for good leadership.
 - (i) _____
 - (ii) _____
 - (iii) _____
 - (iv) _____

 - (b) Describe each of these qualities listed below.
 - (i) _____
 - (ii) _____
 - (iii) _____
 - (iv) _____

3.
 - (i) Can you think of an outstanding village, provincial, national or world leader? If your answer is yes then write down his or her name.

 - (ii) What good changes or things did he or she do in his or her time of leadership?

4. What are the 3 most important roles and responsibilities a leader has?
 - (i) _____

 - (ii) _____

 - (iii) _____

5. List 2 examples of leadership in Papua New Guinea.

(i) _____

(ii) _____

6. Explain the importance of the roles and responsibilities of a Parliamentarian.

CHECK YOUR ANSWERS AT THE END OF TOPIC 2

Lesson 6: Responsibilities of Elected and Appointed Leaders



In Lesson 5, you learnt about being a leader. In this lesson you will learn about the Elected and Appointed Leaders' responsibilities and the Leadership Code.



Your Aims:

- define elected and appointed leaders
 - identify the responsibilities of elected leaders
 - discuss the Leadership Code and its purpose
-

What is a Leader?

Every day we make many decisions about our lives. Sometimes decisions for us are made by leaders in our community. A **leader** is an individual who has the power to influence or control the lives of other people.

Leaders are a special group of people who lead others. In a group, the level of leadership and the roles of the leaders differ greatly. For example, a father has a higher position and greater responsibilities in a family than the wife and children. But in a clan, he may have a lower position and lesser responsibilities than a chief or a *bigman*.

How does a person become a leader?

People become leaders in different ways and for different reasons. An individual can become a leader by being elected or appointed. Sometimes people become leaders because they have special skills or knowledge. Other individuals become leaders because of their strength, wealth or lineage. For example, some individuals receive positions of leadership from their parents. This type of leadership is called hereditary leadership.

Lineage refers to the series of families that someone belongs to or comes from. They inherit leadership.

Some examples of elected leaders include school class captains, church leaders, members of Local Level or Provincial Governments and Members of Parliament. Appointed leaders may include Secretaries of Government Departments, heads of the disciplinary forces such as the Police, Defence Force and Correctional Services. Chief Executive Officers of the various Government owned organisations like PNG Power, Telikom, Air Niugini and PNG Ports Corporation Limited also have appointed leaders.

The following photographs show five **elected leaders** from the 2012 national elections.



Illustration 9.4.6a: Havila Kavo, Governor of Gulf Province (2013), (Middle) Sam Basil, Member for Bulolo Open (2013), (Right) Delilah Gore (Oro), Louzaya Kouza (Morobe), Julie Soso (E.H.P), 2012

These photographs show two leaders by **appointment**.



Illustration 9.4.6b: Andrew Trawen, Electoral Commissioner (2013), (Right) Tom Kulunga, Police Commissioner (2013)

These photographs show **hereditary** leadership.



Illustration 9.4.6c: Queen Elizabeth II of England; Queen Victoria; King Henry VIII; and Queen Elisabeth II

Responsibilities of Elected and Appointed Leaders

Whichever way a person becomes a leader, every leader has responsibilities. A leader in a larger group has many responsibilities than a leader in a smaller group. A leader's main responsibility is to serve his or her people and to make decisions. The decisions a leader makes must be in the best interest of most people. However, this is not easy because it is very difficult to please everyone.



The Elected and Appointed leaders:

- understand the needs of the people and come up with solutions to meet these needs
- make laws and decisions on behalf of the people
- must engage in lawful activities
- must use their position to help other people and not themselves or their friends and family
- should use the peoples' money for the right purposes
- must behave in a manner that will bring respect to the government

In Papua New Guinea, the behaviour of our elected and appointed leaders is governed by law and a leader must act according to the law. Our Constitution has a special law called the **Leadership Code** which governs the behaviour of our leaders.

The purpose of the Leadership Code is to encourage responsible leadership. It states how leaders should behave and what they are allowed or not allowed to do. Leaders who break any of the laws in the Leadership Code are investigated and often referred to a special court to answer charges against them. You will learn more about the duties and responsibilities of leaders, and the Leadership Code in Lesson 20.

Now read the summary.



Summary

You have come to the end of Lesson 6. In this lesson, you have learnt that:

- a leader has the power to influence or control the lives of others
- leaders are chosen in many ways including being elected or appointed, in some societies people inherit leadership.
- all elected and appointed leaders have responsibilities that they are expected to perform
- a leader's main responsibility is to serve his or her people and to make decisions. The decisions a leader makes must be in the best interest of most people.
- leaders in Papua New Guinea are guided by the Leadership Code
- leadership Code is a set of rules that sets out what our leaders can do and cannot do.

NOW DO PRACTICE EXERCISE 6 ON THE NEXT PAGE



Practice Exercise 6

1. Define

a) Elected Leader

b) Appointed Leader

2. State at least 5 responsibilities of elected leaders.

a) _____

b) _____

c) _____

d) _____

e) _____

3. Explain what the Leadership Code means and state its purpose.

4. How is leadership inherited?

5. What is a leader's main responsibility?

CHECK YOUR ANSWERS AT THE END OF TOPIC 2

ANSWERS TO PRACTICE EXERCISES 4-6

Practice Exercise 4

1.

- (i) A citizen is a member of a community. Every citizen has basic rights, responsibilities and obligations
- (ii) A right is an interest recognised and protected by the law, respect for which is a duty, and disregard of which is wrong.
- (iii) A responsibility is a job or duty that you must perform, or do something about.
- (iv) An obligation is a duty one must perform.
- (v) An election is a way of choosing a leader by voting him or her to take a political position or public office.

2. The basic rights of citizens are listed below. (Any five answers from this list are correct)

- | | | |
|---|-----------------------------------|--|
| - Right to freedom of life | - Right to freedom of expression | - Right to protection of law |
| - Right to freedom of liberty | - Right to freedom of expression | - Right to equality |
| - Right to freedom of assembly and association | - Right to freedom of information | - Right to freedom of arbitrary search and entry |
| - Right to freedom of inhuman treatment and forced labour | - Right to freedom of movement | - Right to freedom of conscience, thought and religion |
| - Right to freedom from arbitrary rule of power | - Right to freedom of employment | - Right to freedom of unjust deprivation of property |
| | - Right to privacy | |
| | - Right to freedom of choice | |
| | - Right to freedom of speech | |

3. Every citizen has the right to vote in an election however there are some requirements a voter must abide by to vote. They are listed below. A voter

- must be Papua New Guinea citizen
- must be 18 years of age or over 18 years old
- must have lived in that electorate for 6 months or more than 6 months or born in that electorate
- must be registered in the common role of an electorate.

4. The candidate

- must be a citizen of Papua New Guinea
- must be over 18 years of age
- must be born in that electorate
- if not born in that electorate, then must have lived in that electorate for 6 months or more
- must be registered in the Common Roll of that electorate
- must not be under a death sentence
- must not be imprisoned for a period more than 9 months
- has not been convicted, within the period of 3 years, or
- is not been disqualified to stand for election or occupy public office by the Court for any offence or breach of the Leadership Code
- must satisfy all other requirements stated in the Organic Law on Provincial and Local-level Government Elections.

(Any four answers from this list are correct)

5. A good citizen:

- respects others and their property
- is helpful and considerate, willing to put others first
- listens to the views of others and thinks about what they have to say
- helps people who are not in a position to help themselves
- respects the environment and does not damage it in anyway
- works hard
- is well mannered and pleasant
- is always willing to learn

(Any four answers from this list are correct)

Practice Exercise 5

1. A leader is someone who directs or has control or power over others.

2. Qualities of good leadership: (Any four answers from this list)

(a) Honesty, competent, forward-looking, inspiring, intelligent, fair-minded, broad-minded, courageous, straightforward, imaginative

(b) Describe each of these qualities:

- **Honesty**
Display sincerity, integrity, and honesty in all your actions. Deceptive behavior will not inspire trust.
- **Competent**
Your actions should be based on reason and moral principles. Do not make decisions based on childlike emotional desires or feelings.
- **Forward-looking**
Set goals and have a vision of the future. The vision must be owned throughout the organisation. Effective leaders envision what they want and how to get it. They habitually pick priorities stemming from their basic values.
- **Inspiring**

Display confidence in all that you do. By showing endurance in mental, physical, and spiritual stamina, you will inspire others to reach new heights. Take charge when necessary.

- **Intelligent:** Read, study, and seek challenging assignments.
- **Fair-minded**
Show fair treatment to all people. Prejudice is the enemy of justice. Display empathy by being sensitive to the feelings, values, interests, and well-being of others.
- **Broad-minded**
Seek out diversity. This means look at problems or issues in different ways.
- **Courageous**
Have the drive to accomplish a goal, regardless of the challenging obstacles. Display a confident calmness when under stress.
- **Good Judgement**
Use sound judgment to make decisions at the right time.
- **Imaginative**
Make timely and appropriate changes in your thinking, plans, and methods. Show creativity by thinking of new and better goals, ideas, and solutions to problems. Be innovative!

3. Here are sample answers.

(i)

- Sir Michael Somare-Provincial and National leader
- Charles Abel-Provincial leader/National leader
- Sir Anthony Siaguru-National leader
- Sir Martin Luther King-World leader

(ii) Good changes these leaders have brought about in their time of leadership.

- Sir Michael Somare, first Prime Minister of Papua New Guinea and provincial leader of East Sepik Province. He brought development to his province and the country of PNG since 1975.
- Charles Abel, a dedicated Provincial and National leader who has brought a lot of development to Milne Bay Province since being elected in 2007
- Martin Luther King Jr;

In 1963, Dr. King helped lead over 200,000 people to the Lincoln Memorial Park in Washington. The march was organised by King and groups of civil rights, labour and religious organizations in order to gain civil and economic fairness for African-Americans. It was here where King made his historic "I Have a Dream" speech which called for an end to racism. The march was important in helping to pass the Civil Rights Act, which banned discrimination based on race, colour, religion, sex or national origin.

4. Leaders must be visionaries, managers and problem solvers. Whether they are leading a company or leading a school, effective leaders possess similar skills. Some of these

skills come naturally, whereas others are developed over time. As these skills are developed, leaders become more effective in serving and guiding others.

5.

- (i) Parliamentary
- (ii) Village „big man“

6. A parliamentarian's main job is to serve his people and make wise decisions. These decisions must be in the best interests of most people. Therefore it is not easy, as it is not possible to please everyone. As well as having responsibilities, leaders are also given privileges or special treatment.

Practice Exercise 6

1.

- (a) Elected leaders are individuals chosen by the people to lead through an Election.
- (b) Appointed leaders are people who obtain their position of leadership through their education and experience.

2.

- (a) A leader must not use his or her position to benefit himself or herself, their families or friends.
- (b) A leader should not use the peoples' money for their own benefit.
- (c) A leader must not involve in activities that are against the laws of our country.
- (d) A leader tries to find solutions to meet the needs of the people.
- (e) A leader should not act in a manner that brings disrespect to the government.

3. The Leadership Code is a set of rules that states what our leaders can and cannot do. Its purpose is to encourage responsible leadership.

4. Some individuals receive positions of leadership from their parents. This type of leadership is called hereditary leadership.

5. A leader's main responsibility is to serve his or her people and to make decisions in the best interest of most people.

END OF ANSWERS TO TOPIC 2

TOPIC 3: THE GOVERNMENT

In This Topic, You Will Learn About:

- **Papua New Guinea Government**
- **Government Services**
- **The Electoral Commission**
- **Electoral Processes**
- **Voting in Elections**

TOPIC 3: INTRODUCTION

In Lessons 7, you will learn about the type of government in Papua New Guinea. You will discuss the roles and responsibilities of our government and the different services provided in Lesson 8.

Lesson 9 will be about the Electoral Commission and its functions. Towards the end of the topic in Lesson 10, you will describe the Electoral Processes, election candidates, and registration of political parties in preparation of the National Elections.

In Lesson 11, you will discuss Voting in Elections. You will compare and contrast the past and present style of voting used in Papua New Guinea. They are “First Past the Post”, and Limited Preferential Voting (LPV) systems.

Learning Indicators: Students will be achieving this outcome when they, for example:

- describe the roles and responsibilities of the government of Papua New Guinea
- identify the different services provided by the government
- discuss the Electoral and voting systems in Papua New Guinea

Lesson 7: Papua New Guinea Government



In the last lesson you learnt about the responsibilities of elected and appointed leaders. In this lesson you will learn about the government of Papua New Guinea and its functions.



Your Aims:

- define: government, democracy and democratic government
 - identify the types of system of government adopted by Papua New Guinea
 - identify the various branches of the government and their functions
 - identify the other levels of government in Papua New Guinea
-

What is Government?

A government is a type of political authority.

There are about 192 recognised countries in the world today. People are citizens of one of these countries. Every country is represented by an official government system. In Papua New Guinea the term has three meanings.

- Firstly, at the Parliamentary level, it is used to refer to a Prime Minister and his other Ministers as a collective body, referred to as the National Executive Council (NEC).
- Secondly, it is used to refer to the system of administration of the country. In this sense, the Government of Papua New Guinea consists of the parliament, the National Executive and the Judiciary.
- Thirdly, people use the term loosely to refer to the Ministers, the Government Departments and public servants all put together.

Democracy and Democratic Government

Democracy is a government by the people. It is a form of government in which the supreme power comes from the people and exercised directly by them or by their elected agents under a free electoral system. An example of a country having such a form of government is Papua New Guinea. So you can say Papua New Guinea is a democracy or has a democratic government. Other examples are the Solomon Islands, Vanuatu and Canada. You can name a few more democratic countries that you can think of.

Type of Government

There are many differences in the way an official government of a country is chosen. The National Government of Papua New Guinea is a constitutional, parliamentary democracy, with Queen Elizabeth II as Head of State. This means that we have a Constitution that

guides the three arms of the government. The Constitution provides for a Westminster type democracy with only one legislative chamber or meeting room.



What is Westminster?

A Westminster system is a parliamentary system of democracy based on responsible ministerial government.

Now do Activity 1.



Activity 1

1. How is government referred to in Papua New Guinea?

2. What are the three arms of the government?



Illustration 9.4.7a: The National Parliament, Port Moresby

Check your answers after the summary.

The Constitution

Constitutions are sets of rules which sets out duties, powers and functions to the various institutions of government.

In 1972 a Constitutional Planning Committee (CPC) was established to come up with a „home grown“ constitution for an independent Papua New Guinean state. The idea behind a „home grown“ constitution is that it may improve the **legitimacy** of the government among the people of the new Papua New Guinea state.

On the 15th of August 1975 the Papua New Guinean Constitution was formally adopted . Our Constitution sets out the structure of the government by outlining the formal distribution of authority within the state, that is, the Legislative, Executive and Judiciary. It also provides the framework for our government by setting out the pathways of power, showing the procedures for making laws and reaching decisions.

The Constitution can be used for limiting the power of government. In other words, a constitution lists the rights of citizens and in doing so creates limits and duties for the government.



What is legitimacy?

Legitimacy is allowed and acceptable according to the law

Three Branches of our Government

The Constitution sets up the three arms of our government. They are the Legislature (Parliament), the Executive (National Executive Council), and the courts or Judiciary. Each branch is independent of the others. Each serves in the form of shared powers to ensure that there are checks and balances on the others, avoiding a concentration of powers that could lead to dictatorship.

Study the illustration below on the different powers of the government.

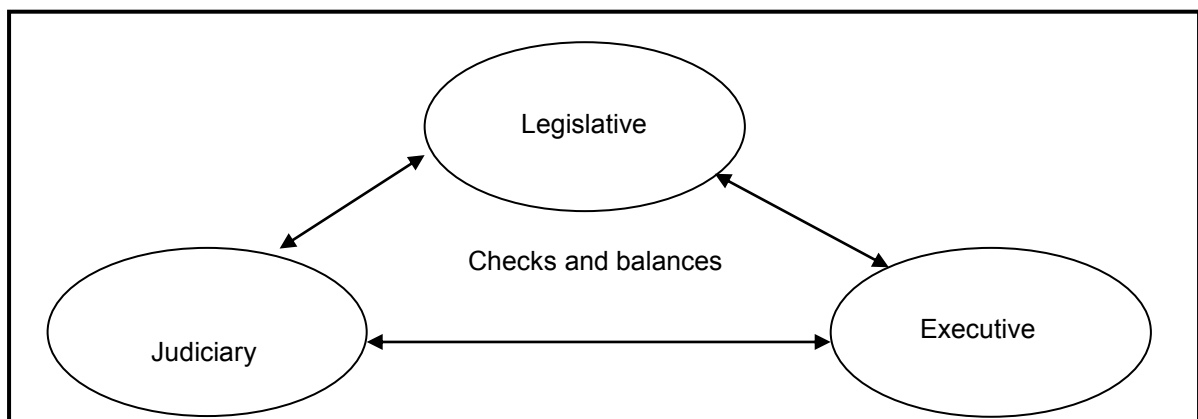


Illustration 9.4.7b: Diagram showing separation of powers

The Prime Minister leads the Government and has both lawmaking and executive roles. However, Parliament can reject his programme and or remove him from office by a Vote of No Confidence. The courts can rule his government's actions illegal. All three arms of government are based at Waigani, National Capital District.

You can refer back to your notes in Lessons 1 and 2 on Vote of No Confidence.

(i) The Legislature

The first arm of the government is the legislature. It is the branch of government responsible for making laws. Parliament is made up of Members of Parliament (MPs) from the Government and the Opposition.

(ii) The Executive

The second arm of our government is the executive. The executive branch is responsible for the execution of laws and policies made by the parliament. The executive branch starts from the head of government to the members of enforcement agencies such as the police and the military. It therefore includes both the ministers and public officials. Under the constitution the National Executive Council (NEC), which is made up of ministers chosen by the Prime Minister, is the main constitutional body. The constitution states that the NEC should comprise of no less than six, and no more than a quarter of the total number of parliamentary members (MPs). Given that there are now 111 MPs there may only be 28 Ministers.

(iii) The Judiciary

The third arm of the government is the Judiciary. The Judiciary is the branch of government that is **empowered** to decide legal disputes. Its main function is to give a ruling on the meaning of law, and it interprets the law. In other words it plays an important role in the maintenance of the rule of law.



What is Empowerment?

To empower is to give power or authority to do or have over something or someone

What is Decentralisation?

Decentralisation is the giving of power to the lower levels of government, that is, the National government giving the power to the Provincial and Local Level governments, to carry out some activities, such as Licensing, and a few others.

It is where a part of public policy decisions or power taken in a country's central government is given to smaller national bodies. Political decentralisation of this form aims to give citizens and their elected representatives more power in local public decision-making, and greater influence over the public policies that affect their lives. Papua New Guinea's decentralisation policy accepts a three level government system. This comprises of the National Government, Provincial Government and the Local Level Government.

The main aims of decentralisation are to:

- bring government closer to the people
- promote greater participation of the people
- increase government accountability and
- channel goods and services through lower local level government

Lower Levels of Government

A. Provincial Government

When the Constitution of Papua New Guinea was adopted in 1975, there was no reference in it for provincial assemblies and governments. However, to prevent a **secessionist** threat from Bougainville, a constitutional change was made in September 1976 to provide for provincial government. To secede is to break away or withdraw formally from a political organisation or country. For example, Bougainville wanted to break away from Papua New Guinea and form its own country. The National government had to give them considerable decision-making and administrative powers in matters of direct concern to them. The National government also had to give provinces reasonable financial support. However the condition did not give provincial governments freedom. They could not make laws that go against the Constitution.

On many issues, national law overruled provincial law. The National government could suspend provincial governments for corruption, mismanagement, a breakdown in running of the province, or constant violations of laws or lawful directives from the National government.

A provincial government system was then introduced in 1976. The National Parliament modified the provincial government system in 1995. The provincial assemblies were made up of national members from each province, including a governor.

Provincial governments are responsible for these following activities.

- provincial taxes
- community and village schools
- local government
- village courts
- the sale and distribution of alcoholic drinks
- the licensing and control of small trade stores
- the licensing and control of sports and recreation centres
- Libraries; museums and cultural centres.



What are the roles of the provincial government?

B. Local Level Government

Papua New Guinea has 260 rural and 24 urban local level governments. They decide what services will be offered in their area. The Organic Law on Local-level Government gave

local governments the power to make laws related to local peace, order, and good government.

These include various matters such as;

- the traditional copyright
- land and sea resources
- the consumption of alcohol
- village courts, and
- the local development and planning.

National or provincial governments would be able to override local laws on the 12 subjects only where they can show that this would be in the national or provincial interest.

The Organic Law also gave the local-level governments new direct grants of money from the national government, new taxing power and the right to borrow money from sources in PNG or overseas. Local-level council members also are subject to the **Leadership Code**. You can refer back to your notes on the Leadership Code in Lesson 6.

Now read the summary.



Summary

You have come to the end of Lesson 7. In this Lesson, you have learnt that:

- every country is represented by an official government. A government is a type of political authority.
- democracy is a government by the people. It is a form of government in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system.
- a democratic government is a system of government in which power is vested in the people, who rule either directly or through freely elected representatives.
- the National Government of PNG is a constitutional, parliamentary democracy, with Queen Elizabeth II as Head of State
- constitutions are sets of rules which set out duties, powers and functions to the various institutions of government.
- each branch keeps a check on each other avoiding a concentration of powers that could lead to dictatorship.

- the first arm of the government is the legislature. It is the branch of government responsible for making laws.
- the second arm of our government is the executive. The executive is the branch of government responsible for the execution of laws and policies made by the parliament.
- the third arm of our government is the Judiciary. The judiciary is the branch of government that is empowered to decide on legal disputes.
- political decentralisation aims to give citizens and their elected representatives more power in local public decision-making, and greater influence over the public policies that affect their lives

Answers to Activity 1

1. The government can be referred to in three ways.
Firstly, it refers to the Prime Minister and his Executive Council. Secondly, it refers to the system of administration of the country which consists of the Parliament, the National Executive and the Judiciary. Thirdly, people use the term to refer to the Ministers, the Government Departments and the public servants.
(Any one of these three ways is correct)
2. The Legislative, Executive and Judiciary.

NOW DO PRACTICE EXERCISE 7 ON THE NEXT PAGE



Practice Exercise 7

1. What level of government in Papua New Guinea had its powers decentralised to other levels of government?

2. List three advantages of decentralisation in Papua New Guinea

(i) _____

(ii) _____

(iii) _____

3. Which law gave powers to local level governments to make laws for its own use?

4. Which arm of the government is more powerful than the other two?

5. How important is the Local Level government?

6. Name the lower levels of government.

7. Explain how important the Organic Law is to the local level government.

CHECK YOUR ANSWERS AT THE END OF TOPIC 3

Lesson 8: Government Services



In the last lesson you learnt about the Government of Papua New Guinea. In this lesson you will look at the types of services provided by the government.



Your Aim:

- define service and government services
 - identify the different types of ministries and their roles as service providers
 - identify the different types of services that the government provides
-

What is Service?

A Service is providing people with something that they need or a body of people who carry out work for the public benefit within an organisation which is run by local or national government

Government Services

A government service is a service provided by the government for the public or people to use. Examples of basic government service include education, hospitals and courts.

Papua New Guinea has a mixed market economy. This means that while some of the goods and services that people need are produced by privately owned businesses, other goods and services are provided by the government. So government services are those that are provided and funded by the government. There is also the need to manage the country's resources. The term infrastructure refers to those services which enable the rest of the community to function, and includes such things as transportation facilities (roads, bridges, seaports and airports). Other services include buildings, universities, government offices, stadiums, recreational areas.

Given below are two pictures showing government services.

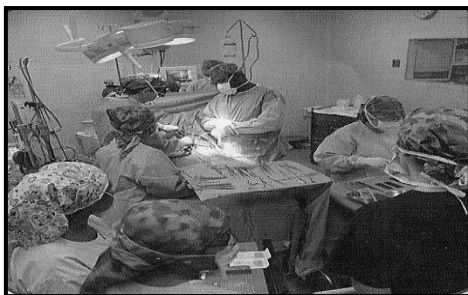


Illustration 9.4.8a: An operation in a public hospital theatre.



Illustration 9.4.b: A fire truck for fire emergency.

It is possible for some of these services to be provided by private businesses. However, businesses only provide these services if they can make a profit. This means selling their services for very high prices. Examples are private schools and private hospitals. Only people who have money can afford to pay the higher prices and those who do not will miss out on important services such as health and education. Some government departments may charge fees for use of their services such as lodgment and registration of documents and the issue of certificates. Other ways of raising revenue or money for the government service is through tax.



What is taxation?

A tax is money paid to the government by wage earners.

There are fees for providing government services. Businesses are also taxed on their profits. And the personal incomes of employees are also taxed. There are also many indirect and direct taxes placed on goods and services, however many services provided by the government are free. Tax is the money collected and used by the government to build and improve the basic services such as roads, bridges, schools, classrooms, health centres, and so on. Some of these services are mentioned in the beginning of this lesson.

Now do Activity 1.



Activity 1

1. Why is it that some businesses provide essential services?

2. Why does the government charge tax to its citizens?

Check your answers after the summary.

Coordination of the delivery of government services

Each government department has a particular area to look after and is managed by a corporate head called the Secretary. The Secretary is a public servant, who is a person employed by the government. The Secretary reports to a political head called the Minister.

A Minister is an elected member of parliament and is appointed by the Prime Minister to be in charge of a particular department. The minister reports to the National Executive Council which is made up of all the ministers of government. They are in turn answerable to the national parliament for the performance of the department and the expenditure of public monies allocated to their departments.

To organise and carry out government plans, the government has also set up the office of the Chief Secretary to the government. The person holding this office reports to the Prime Minister who is the chairperson of the National Executive Council. The Chief Secretary to the government has powers to call the meetings of the various departmental secretaries to make sure that government plans are decided by the Prime Minister and the ministers.

Government Ministries providing services

The Public Service is made up of all the people who work in the government departments. Sometimes, the government closes a department that is not needed or opens another one to carry out particular tasks. Listed below are government departments that provide various services in Papua New Guinea.

In 2012 the Public Service had the following Departments.

- **Agriculture and Livestock** to oversee all laws about agriculture and livestock. It promotes agricultural development and the creation of jobs in the industry. It also prepares and carries out investment programmes for major commodities and livestock.
- **Attorney General** gives legal advice to all government offices. It also assists the Legal Training Institute, the Law Reform commission, the Public Solicitor's Office, and the courts in the national judicial system.
- **Civil Aviation** develops air transport policy; administers laws on civil aviation; designs and maintains airports; provides civil aviation services, including Government Flying Unit aircraft; maintains and controls civil aviation navigational aids; provides services to the Accidents Investigations Branch.
- **Corrective Institutional Services** helps develop and then carry out policies for jails and the care and rehabilitation of prisoners; and manages the jails.
- **Culture and Tourism** administers laws on culture, and encourages the promotion of writers, printers, filmmakers, poets, creative artists, and literature; co-ordinates the preservation of PNG's culture and oversees its cultural institutions.
- **Defence** helps develop defence policy; plans the development and use of the Defence Force, runs its investigatory, research, executive, administrative, and financial services.
- **Education** helps develop and then carries out policies on pre-school, primary, secondary and higher education, technical education, teacher education, general education services, and internal school education.
- **Environment and Conservation** helps develop and then carry out policy on environment and conservation; administers laws on environment planning and

population control, conservation and the protection of plants and animals and their habitat.

- **Finance and Treasury** manages the collection and spending of public monies; gives the government advice on major economic policies and the management of the public debt and foreign aid; prepares and administers annual budgets; controls government income.
- **Fisheries and Marine Resources** oversees all laws on marine resources; helps develop and carry out policies for the development of these resources; prepares and carries out investment plans for major marine resources; conducts research on marine resources, fishing techniques, and marketing the catch.
- **Forest Authority** regulates the timber industry; enforces laws concerning forests; helps make and oversee policy on forestry development and the management and marketing of forest resources; conducts scientific research about trees, their ecology, and forestry development.
- **Foreign Affairs and Immigration** helps develop and carry out foreign policy; keeps up contacts with international bodies; negotiates foreign aid; runs PNG's overseas posts; oversees immigration, migration, and citizenship laws; coordinates, along with the Prime Minister's department, the visits of foreign officials; oversees PNG's international boundaries and coordinates the activities of border administration.
- **Health** oversees hospitals, medical, dental, nursing, preventative health, and disease control services; helps develop and administer national health laws and policies; monitors standard of health across the country; provides drug, mental health, radiotherapy, and specialist medical services; provides medical training; assists the Medical Board, the Nursing Council.
- **Housing Corporation** administers housing laws; manages government and institutional housing, hostels, and various government housing schemes.
- **Information and Communication** services help develop policies relating to information, communication and censorship; administers technical requirements for radio and television broadcasts; collects and publishes government policy decisions and other initiatives, and provides the government printing service.
- **Lands and Physical Planning** promotes better use of land in PNG; oversees the acquisition, transfer, resumption, and disposal of land; provides survey, mapping, and land valuation services; recommends policy on urban resettlement; runs land titles registration; helps form and then oversees policies on land-use planning and road, water, sewer and other infrastructure needs for urbanisation; prepares physical development plans, and exercises planning control.
- **Mining and Petroleum** encourages private sector exploration and development of mineral resources; negotiates mining and petroleum agreements; conducts research on mineral resources and geology; conducts research on volcanoes and earthquake faults to better understand these natural hazards; and promotes small-scale mining to speed rural development.

- **Personnel Management** oversees laws concerning the management of government employees; monitors the enforcement of policies for staff recruitment, selection, training, and localisation, the terms and conditions of employment, the growth and size of the public service, and measurements of organisational performance and efficiency; advises the government on personnel management.
- **Police** helps set and then carry out policy on the development and use of the police force; runs its investigatory, research, executive, administrative, and financial affairs.
- **Welfare and Social Development** administers welfare laws; helps set and carry out policies on welfare services, women, and youth; reviews policies on religion and recreation; registers births, marriages, and deaths.
- **Transport** suggests and enforces policies and laws concerning land and sea transport; maintains and controls navigational aids; and helps the Marine Board and the Land Transport Board.
- **Village Services and Provincial Affairs** maintains contacts between national, provincial, and local governments to identify problems and co-ordinate assistance; gives legal and corporate advice to provincial and local governments; runs the village services programs; co-ordinates training programs for provincial finance and audit staff, manages provinces that have been suspended.
- **Works** carries out government policies on works functions; designs, plans, supervises, builds, and maintains government roads, buildings and other structures; gives technical advice to local and provincial governments and water supply services; runs government plant and transport facilities, including the allocation of government vehicles; helps the building boards and the Central Building Tribunal.

Now do Activity 2.



Activity 2

1. Who is the head of a government department?

2. In what way is the department secretary different from a chief secretary?

Check your answers after the summary.

Privatisation

There are some services that were previously supplied by the Papua New Guinea government or government bodies, such as Telikom PNG, and the water supply (for Port

Moresby). When a government sells such a service to a private business, this is called privatisation. There are only a few examples of privatisation in PNG. Other examples include PNG Power, Air Niugini, PNG Ports, National Airports Corporation. Air Niugini and PNG Ports are partly sold. This means it is not completely sold to a private company as the government still has some shares or control in these corporations. In the future these corporations could be completely bought off by private businesses or still be under the PNG government.

The services these private corporations provide include telecommunications (Digicel and BMobile), water supply (Eda Ranu), and electricity (PNG Power).

Now read the summary.



Summary

You have come to the end of Lesson 8. In this Lesson, you have learnt that:

- government services are services that are provided and funded by the government.
- taxation is one way of raising revenue or money for the government.
- each government department has a particular area to look after and is managed by a corporate head called the secretary.
- a minister is an elected MP and is appointed by the Prime Minister to be in charge of a particular department.
- the Chief Secretary to government reports to the Prime Minister who is the chairperson of the National Executive Council.
- the Public Service is made up of all the people who work in the government departments.
- when a government sells a service to a private business, it is called privatisation.

Answers to Activity 1

1. Because they want to make their own profit from those services
2. Because they need the money to provide and maintain public services that people use

Answers to Activity 2

1. Secretary.
2. The Secretary is a public servant, who is employed by the government and he reports to a political head called the Minister. The Chief Secretary coordinates and implements government plans; he has powers to call for meetings of the various departmental secretaries to make sure that government plans are carried out.

NOW DO PRACTICE EXERCISE 8 ON THE NEXT PAGE



Practice Exercise 8

1. Matching Activity. Match the type of responsibility each department has by writing the correct letter on the line provided beside each department.

- | | | |
|---|-----|--|
| (i) Attorney General | ___ | A. develop our mineral resources |
| (ii) Civil Aviation | ___ | B. oversees hospitals |
| (iii) Corrective Institutional
policy | ___ | C. develops& carries out foreign
policy |
| (iv) Culture and Tourism | ___ | D. manages public monies |
| (v) Defence
resources | ___ | E. oversees laws on marine
resources |
| (vi) Education | ___ | F. administers laws on culture |
| (vii) Environment and Conservation
PNG | ___ | G. promotes better use of land in
PNG |
| (viii) Finance and Treasury | ___ | H. develops air transport policy |
| (ix) Fisheries and Marine Resources | ___ | I. regulates the timber industry |
| (x) Forest | ___ | J. administers housing laws |
| (xi) Foreign Affairs and Immigration | ___ | K. carries out policy on environment |
| (xii) Health | ___ | L. management of government employees |
| (xiii) Housing Corporation | ___ | M. manages the jails |
| (xiv) Lands and Physical Planning | ___ | N. carries out policies education |
| (xv) Mining and Petroleum | ___ | O. develop defence policy |
| (xvi) Personnel Management | ___ | P. gives legal advice to government offices |

2. Explain what privatisation is. Give an example of privatisation in Papua New Guinea.

3. What is taxation? How does it help the government?

4. What is a service? List some examples of services provided by the government and private companies?

CHECK YOUR ANSWERS AT THE END OF TOPIC 3

Lesson 9: The Electoral Commission



In the last lesson you learnt about the different government services. In this lesson you will identify and discuss the work of the Electoral Commission in Papua New Guinea.



Your Aims:

- identify and discuss the role of the Electoral Commissioner
- identify which government bodies help the Electoral Commission
- discuss examples of election offences

In Democratic countries, one thing that must happen regularly is the general elections. In our country, which is a democratic country, general elections are held every five years. For example, it is in the following years in the past that we have had elections; June 1992, June 1997, June 2002, June 2007, June 2012, and so so.

General Election

The Electoral Commission is the government department responsible for conducting general elections in Papua New Guinea. A general election is an event in which the citizens of a country or state vote to elect representatives of all electorates to a legislative body such as the House of Parliament. It is a symbol of a democratic country in which the whole nation participates. However, only citizens over the age of 18 years can vote.

The diagram below shows some processes of voting organised by the Electoral Commission.



Illustration 9.9.1: The Electoral Commission is responsible for voting in Papua New Guinea.

Electoral Commissioner

The Electoral Commissioner is the top officer in the organisation and holds a constitutional office. He or she is appointed for a fixed number of years. This fixed term is meant to keep him free of political control. He or she works independently from the government. The Constitution gives to the Commission wide-ranging powers and specifically says that these powers are to be exercised independently of any person, including the government of the day.

Roles of the Electoral Commission

The Commission's head office is located at Boroko in the National Capital District. It also has regional and provincial offices. The Electoral Commission is a constitutional office. This means that the office and its top job are created by our Constitution and all its work is clearly stated in it. Therefore, it is not easy for the government to remove this office because it is a constitutional office. The government has no power to direct the Electoral Commission, as it can with other government departments.

The Electoral Commission plays an important role in promoting democracy as it is responsible for the conduct of elections. It is the only organisation allowed by the Constitution to conduct government elections, such as the National and Local Level government. The Commission also draws up the electorates' boundaries.

It is not a simple thing to organise voting in a country. The citizens of a country need to have faith in the way the election is organised. If it is controlled by the government of the day, then many people will doubt whether the election will be fair. Another important part of the work of the commission is to inform members of the public about how to vote and the need to respect the rights of others to vote.

Now do Activity 1.

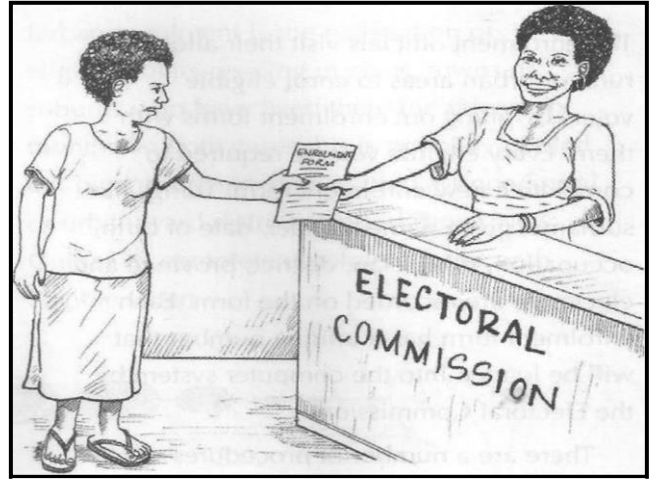


Illustration 9.9.2: The Electoral Office is responsible for Enrolment forms.



Activity 1

1. Why is it not easy for the government to remove the office of the electoral commission?

2. After how many years are the National Elections held in Papua New Guinea?

Check your answers after the summary.

Challenges of Elections in PNG

Conducting elections in Papua New Guinea is a challenging activity because it is the only event that takes place throughout the country at the same time where the whole of Papua New Guinea is involved. Elections in Papua New Guinea have been held in very difficult

environments. The number of candidates contesting elections has increased very much. Some Papua New Guineans have become more vocal in elections and have used negative practices or behaviour such as violence, intimidation and vote buying. Police have now become an important part of elections.

Government Bodies that help the Commission

One of the bodies that help the Electoral Commission is the Courts of Disputed Returns. People resort to the Courts when they cannot get their way. It is the right and constitutional duty of the Courts to hear and make decision on the complaints received. These rights and obligations are granted by law and are part of democracy based on the rule of law.

Apart from hearing and solving disputes brought before them, the National and Supreme Courts have supported the Electoral Commission in clarifying the electoral law. This has greatly assisted election administration. For national elections, the National Court is the appropriate court to deal with election related disputes. Those people who are dissatisfied with decisions of the National Court can appeal to the Supreme Court, which is the final Court of Appeal.

The formal Court process deals with election disputes in two parts. First, complaint is raised that candidates and their supporters have behaved unlawfully. In most cases, allegations of bribery of voters or unnecessary influences are made. Second, complaints are raised against electoral officials. These complaints may be made against the Returning Officer in his or her decisions. A Returning Officer may refuse to accept a nomination, or accepts a nomination where he should not. Or, a complaint may be raised against the Returning Officer that the scrutiny or counting was not done properly. Complaint may be raised against polling officials that they did not conduct polling properly or that polling was not done in particular places.



Who is a returning officer?

A returning officer is a person appointed by the commission to run an election in an electorate.

Now do Activity 2.



Activity 2

1. What type of court hears national election complaints?
-

2. Why have police become an important part of elections in Papua New Guinea?

Check your answers after the summary

Election Offences

In the following notes you will read some examples of the Electoral election offences.

False Electoral Claims can occur when voters falsely claim that they are from that area, and cast their votes in that electorate. Some candidates deliberately bring people from outside areas to vote for them. The penalty for this offence is a prison term of seven years. If you are being transported around by candidates to vote outside your own area, they are using you to try and gain an unfair advantage. They have no respect for you as a person, and they have no respect for the laws of this country.

Another electoral offence is **Double Voting**. Some voters manage to rub off the ink from their thumb and vote for a second time. If caught doing this, you can be jailed for two years. By committing these offences voters are trying to corrupt the government system. Corrupt voters, are partly responsible for what may happen later in our national political system. There is a saying that, 'corruption breeds corruption'.

Bribery is another serious election offence. Bribing occurs when valuables such as money and pigs are given to a voter, in return the voter votes for the candidate. The penalty for this crime is a fine of K400 or a prison term of one year. The question you, as a responsible and concerned person, should be asking yourself and the other voters is, 'Where is all this money coming from?' If someone is lending that money to a candidate, surely they will want it back with a big profit. And that may be one reason why some MPs are pressured into using public money to repay debts. This is where corruption starts. You are involved from the start! In the end, you and other ordinary people will suffer, because if candidates get voted in through bribery, the whole system will soon be full of corrupt people.

Undue Influence is an offence usually committed by supporters, through the use of excessive force, intimidation and threats to voters. The penalty for this offence is a K400.00 fine or imprisonment for one year. This practice can result in creating a lot of problems in the community. For example, the supporters of candidates may start a fight. This may develop into a major tribal warfare. Such a problem in the community will certainly interfere with development. People who live in fear are unable to work in their gardens, their coffee or oil palm plots. Children will be unable to complete their education and businesses may close down and move somewhere else.

Who commits Election Offences?

Anyone can commit election offences. For example, the electoral officials, the police, army, other government officers working in the election, the business community, clan and village leaders, women leaders, candidates, and you the voter.

Now read summary.

**Summary**

You have come to the end of Lesson 9. In this Lesson, you have learnt that:

- a general election is an election in which the citizens of a country or state vote to elect representatives of all constituencies to a legislative body such as the House of Parliament.
- the Electoral Commission is a constitutional office. This means that the office and its top job are created by our Constitution.
- the Electoral Commissioner is a constitutional officer who is appointed for a fixed number of years. This fixed term is meant to keep him free of political control.
- false electoral claims can occur when voters who do not belong to an electorate falsely claim that they are from that area, and cast their votes in that electorate.
- A complaint may be raised against polling officials that they did not conduct polling properly or that polling was not done in particular places.

Answers to Activity 1

1. Because the Electoral Commission is a constitutional office created by our Constitution.
2. Every 5 years

Answers to Activity 2

1. National Court
2. Because some people have been involved in negative practices (such as violence, intimidation and vote buying).

NOW DO PRACTICE EXERCISE 9 ON THE NEXT PAGE



Practice Exercise 9

1. What is the work of the electoral office?

2. Why is it important to have different officials responsible for different tasks in polling and counting?

3. Why is it difficult for the government to remove a constitutional officer like the Electoral Commissioner?

4. Who is a Returning Officer?

5. Who commits election offenses?

6. How do false electoral claims occur? _____

CHECK YOUR ANSWERS AT THE END OF TOPIC 3

Lesson 10: The Electoral Process



In the last lesson you learnt about the work of the Electoral Commission. In this lesson you will study the electoral processes of elections in Papua New Guinea.



Your Aims:

- define electoral system
 - identify the electoral processes that lead up to an election
 - identify government bodies who help conduct a general election
-

In this lesson, we will look at the election processes in Papua New Guinea. The election procedures is made up of confirming the electoral boundaries; registration of voters; registration of political parties, putting together the Electoral Roll, awareness exercises, polling, counting and declaration of winners.

Electoral System

As you have seen earlier the Electoral Commission runs the national elections. The commission staff compiles the voter Common Rolls. It decides where people will vote and on what days. Many countries do their voting all in one day. In PNG, elections last several weeks, as trained election teams go from one village to the next. The commission staff oversees the voting. It counts the ballots and announces the winners. Many things make up our electoral system. The electoral system refers to the people, laws and regulations, and the organisations related to electing representatives to our National Parliament and local level governments. These include:

- the Constitution, laws, regulations and rules that deal with anything concerning elections
- the organisation that looks after elections, the Electoral Commission, the Electoral Commissioner and his or her staff
- the planning, preparation, holding and declaring of general elections
- the education of the people about elections
- drawing of electoral boundaries



The electoral commission does a lot of things before a National Election is held.

Electoral Processes for Election

1. *Confirming the Electoral Boundaries*

Before any general election can proceed, the electoral boundaries must be made clear by the Electoral Commission. The Commission may draw up new boundaries or just confirm the existing ones. Boundaries are affected by the size of the electorate's population. This means, there should be about 30 000 to 45 000 people in one electorate. What does this information mean to you? If you do not agree with the way the electoral boundary is made, you can speak to the electoral officers and raise your concerns. Where possible, people of the same culture, language, district group should be in the same area.

2. *Election Awareness Exercises*

Educational programmes by the Commission have been designed to help the voters understand the election procedures. Informed voters can also help to educate others. Youth groups, community groups and church groups can all help the Commission to bring awareness to the people, especially before the elections begin. Awareness is important for all voters.

3. *Common Roll*

After everyone has registered, the officers of the Electoral Commission will put together all the names of the registered voters from the same electorate in a single book called the Electoral Roll. All the eligible voters must have their names in the Electoral Roll before the Governor-General issues the writ. A writ of election is a writ issued by the government ordering the holding of an election.

You can refer back to Lesson 4 of Topic 2 to read about the voter eligibility.

Remember, you cannot vote if your name is not on the Common Roll

Registrar of Political Parties

The Registrar of Political Parties is a qualified person appointed by the Commission to hold office for a term of six years. The Registrar is responsible to the Commission for the administration of the Registry and the administration of the terms and conditions of employment of executives of Registered Political Parties.



A person cannot be the registrar of the political parties if he or she is:

- (i) a member of the Parliament.
- (ii) a member of a Provincial Government.
- (iii) a member of a Local-level Government.
- (iv) a member of a political party.

(v) or of unsound or under sentence of death or imprisonment.

Now do Activity 1.



Activity 1

1. What is the name of the book that is used to record the names of all the eligible voters?

2. Can the government terminate the registrar of political parties before his or her term expires? If your answer is No, then explain why.

Check your answers after the summary.

Registration of Political Parties

Candidates can either stand as members of a political party, or as **independents**. A political party shall not restrict membership of the party on the basis of sex, race, religion or place of origin. A non-citizen shall not be a member of a political party. A person shall not be a member of more than one political party at the same time. An application for registration of a political party shall be made to the Registrar by the public officer of that political party.

As soon as the application is made to the Registrar he or she will then give notice of the application to be published in the **National Gazette** and in a newspaper more than once in a week. The Registrar shall, as soon as possible after the date of issue of a writ for an election to the Parliament, publish in the National Gazette a list of all registered political parties. The National Gazette is a book produced by the government showing all the politically registered parties that are eligible to take part in elections.



An independent candidate is a candidate who does not belong to a political party.

Requirements for Political Party

A political party can apply to register if:

- it aims to nominate a candidate for election to the Parliament.
- or it intends to nominate a candidate for election to a Local-level Government.
- its objectives, policies encourage the development of the country as one nation and do not encourage **secession** and it does not discriminate on the basis of sex, race or religion.
- its membership is not restricted by its constitution to persons from a particular province, region or group.
- its constitution provides for a president, a secretary and a treasurer and such executive officers have been appointed or elected in accordance with its constitution.
- it does not encourage any illegal or unlawful purposes.
- and it has at least 500 financial members who are eligible for enrolment on the National Electoral Roll
- The name of the political party does not contain the word “independent”.



What is secession?

Secession refers to an area or group of people becoming independent from a larger country.

You can refer back to Lesson 7 of Topic 3 to read more on secession, and the Bougainville crisis.

Procedures for Intending Candidate

Before an election is held, people who wish to stand as candidates in a particular electorate need to nominate with the electoral commission. Your chance to register expires when the Governor General issues a document called the 'writ'. This writ is usually issued by the end of March in the year of a general election. Therefore, you must register your name before the issue of the writ.

Now read the summary.



Summary

You have come to the end of Lesson 10. In this Lesson, you have learnt that:

- the electoral system refers to the people, laws and regulations, and the organisations related to electing representatives to our National Parliament and local level governments.
- before any general election can proceed, the electoral boundaries must be made clear by the Electoral Commission.
- after everyone has registered, the officers of the Electoral Commission will put together all the names of the registered voters from the same electorate in a single book called the Electoral Roll.
- the Registrar is responsible to the Commission for the administration of the Registry and the administration of the terms and conditions of employment of executives of Registered Political Parties.
- a political party shall not restrict membership of the party on the basis of sex, race, religion or place of origin.
- your chance to register as a candidate expires when the Governor General issues a document called the writ.
- a writ of election is a writ issued by the government ordering the holding of an election.

Answers to Activity 1

1. The Electoral Roll or Common Roll
2. No, because his or her position is a constitutional position for a period of 6 years.

NOW DO PRACTICE EXERCISE 10 ON THE NEXT PAGE



Practice Exercise 10

1. What is an electoral system?

2. List groups of people that can help the commission give awareness to the people about elections

3. When does nomination of candidates and enrolment of names for voting stop before an election?

4. How is a political party registered to contest in Elections?

5. What 3 requirements that a political party should have in order to register for contest in an election?

CHECK YOUR ANSWERS AT THE END OF TOPIC 3

Lesson 11: Voting in Elections



In the last lesson you learnt about the electoral process. In this lesson you will discuss voting in Elections in Papua New Guinea.



Your Aims:

- explain what voting and polling are
 - discuss responsibilities of officials at polling and counting centres
 - explain the limited preferential voting systems
 - identify some problems related to elections
-

Voting

Voting is making a decision about which candidate you want to be your elected representative. You vote by marking on a ballot paper, indicating who your preferred candidate is in an election. To vote in an election, a person needs to go to a polling station which is a place chosen by the electoral commission. Usually places that are easy to get to, like schools, are used as polling stations.



Remember you cannot vote if your name is not on the Common Roll.

Responsibilities of Polling and Counting Officials

Polling Centres

Polling is the period of actual voting. Papua New Guinea has a fourteen day voting system. Voting locations called 'polling booths' are set up and operated by electoral commission officials. Voting usually starts at 8.00 a.m. and finishes at 6.00 p.m. on each day of voting.

Eligible voters vote for three representatives;

- (i) National Parliament open representative,
- (ii) provincial representative and,
- (iii) local government council ward.

The provincial government members will be made up of your local government presidents. The voter enters the polling station and approaches the people who are working there on behalf of the electoral commission. They say their name and the workers check to see that

the person's name is on the Common Roll. They then hand the person the ballot papers which are the papers that will be used for the vote. These show the names of the candidates you must vote for.

The Common Roll is a book that has the names of all the people in an electorate.

There are usually four officials at a polling centre: Returning Officer, Assistant Returning Officer, the Presiding Officer, and Poll Clerks.

The **Returning Officer** is appointed by the Electoral Commission. This officer is in charge of conducting the polling operations. He or she also recruits, manages and trains other polling officials.

The **Assistant Returning Officer** helps the Returning Officer in making sure the polling runs smoothly without any problem. This officer is in charge of marking the tally sheet to determine the numbers of male and female voters.

The **Presiding Officer's** main role is to manage the polling centre and team. This officer is the overall manager in the polling operation in the centre. Presiding officers in each polling area takes part also in the counting. Candidates may also assign scrutineers to monitor the counting if they wish.

The **Poll Clerks** check voters' identities against the Common Roll. They check those voters who have already voted, as well as marking and inspecting voters' fingers for ink marks that prevent them from voting more than once as stated by Kekeya (2007).

Counting Centres

At the counting centres there are five officials altogether, namely: Returning Officer, Assistant Returning Officer, the Recorder, Sorters and Counters, and Police Officers.

The Returning Officer is in charge of the counting centre and counting. This officer is in charge of ballot papers, and decides on a vote being formal or informal. He or she keeps the Electoral Commission informed about the progress of the counting and releases progressive and final results. The winner is also declared by this officer.

The Assistant Returning Officer assists the Returning Officer in the overall running and organization of counting.

The recorder is in charge of keeping proper and correct results in the tally sheets during all stages of the counting.

Sorters and counters are in charge of counting the ballot papers. They must make sure that the count is true and accurate. They must follow the instructions of the Returning Officer and his or her Assistant.

The **Police Officers** main role is to remain at the counting areas to make sure the ballot papers are secured and counting is conducted peacefully.

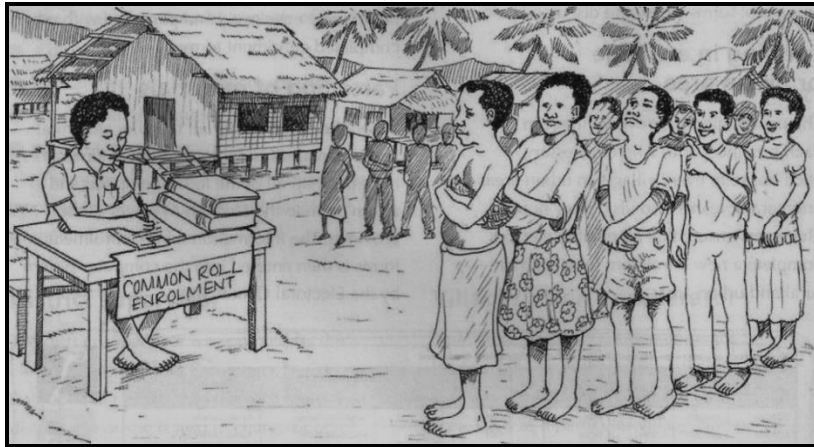


Illustration 9.4.11a: Typical Polling Booth

Direction in voting

The people who are elected are expected to represent the people in their electorates. This means that any issues that the people in an electorate are worried about can be brought to the attention of their elected representative. The representative can then take the issue to government, decision-makers and sometimes to the parliament. A good member of parliament will listen and talk to people in their electorate and not spend all their time in Port Moresby. Voters should remember what their members said at the last election and hold them accountable for these statements. This means that the member must take responsibility for their actions or lack of action.

The candidate you select must show strong leadership qualities. Elected candidates, who show no loyalty to a political party, may move from one party to another causing a lot of uncertainty, especially in government. Instability can be caused if elected candidates move around from party to party looking for better deals for themselves, and not their people. A change of government through votes of no-confidence results in the peoples' money and time being wasted.

Given below are some qualities of a good leader.

- Awareness of obligations
- Confidence
- Enthusiasm
- Intelligence,
- An approachable and friendly character,
- Ability to learn from mistakes,
- Good communication skills,
- Courage, determination, reliability, fair and consistent judgment,
- Ability to be a good team player

Now do Activity.



Activity

1. The Electoral Commission sets up voting locations. What are these voting locations called?

2. How can we have an unstable government through our local representatives?

Check your answers after the summary

Limited Preferential Voting

There are two main types of ballot papers. One type is for each of the national parliament representatives and the other for the local level government representatives. For the national parliament representatives, there is one for the provincial seat representative and the other open seat representative. This is done at the district or provincial headquarters. There must be a police presence at all times during counting. The Returning Officer is the person in charge of counting, and all candidates and supporters have to abide by the rules and regulations laid down by the returning officer. There should be a stand-by lighting to use if the power goes off. Previously, some candidates have attempted to cheat in the dark. Party leaders and scrutineers should talk to each other to avoid suspicion, misunderstandings and violence amongst their supporters, during the counting.

Below are the steps you take when you go to vote at a polling station.

- You will be asked to identify yourself and your name will be crossed off the electoral roll.
- You will be given two ballot papers by the polling official, one for the open electorate and one for the provincial seat.
- The electoral official must sign the back of both ballot papers before handing them to you.
- You will then go into the voting booth where you will see two candidate posters.
- You are entitled to have assistance from someone you trust to help you vote if you cannot read or write.
- Write the candidate number and name of your first choice candidate beside number one 1.
- Write the candidate number and name of your second choice candidate beside number 2.
- Write the candidate number and name of your third choice candidate beside number 3.

- If you make a mistake you can ask for a replacement ballot paper.
- After you have completed both ballot papers, check you have filled in three preferences on each and the back has been signed by the electoral official.
- Now drop both ballot papers in the ballot box.

The LPV was introduced after an electoral reform and it aims at making elected candidates more representative than those elected under the First-Past-the Post Voting system. This system of voting involves the highest number of votes by a candidate of an electorate to be declared the winner.



Illustration 9.4.11b: Casting the vote

In the LPV, voters have to write the names of three candidates or their numbers (or both) on their ballot paper. If they do not do so, their vote is informal and will not be counted. Box 1 is for the first choice, box 2 is for second choice, and box 3 is for the third choice.

This is how the votes are counted.

- (i) Counting officials first count the first choices to see if there is a majority of votes (over 50 per cent).
- (ii) If there is not a majority, the counting officials remove the person with the lowest number of votes and give their second votes to the other candidates. They then check if anyone now has a majority.
- (iii) If there is not a majority, the counting officials remove the next person with the lowest number of votes and give their second votes to the other candidates. If the second vote has been used up they use the third vote. If the third vote has been used up, then the ballot paper is put in a pile of 'exhausted' votes, meaning all the votes have been used up. They then check if anyone now has a majority.
- (iv) This process of removing the next lowest candidate and using their votes is continued until one of the candidates has a majority (over 50 per cent of the votes)

Issues Raised

Sometimes during or after an election issues are raised involving many aspects of the election. One of the common issues raised during or after an election are the recounts and disputed results. A Recount means to count again the votes that have already been counted and declare a winner but because a dispute has been registered at the National Court.

However sometimes problems still occur after an election even though the matter or the election petition is before the courts. Election is a very sensitive issue in Papua New Guinea. In both the coastal and highlands regions, some people or a few see elections as

a tribal obligation and must be conducted properly and fairly so that supporters of all the candidates are content with the results. It is only when supporters of a candidate are not content with the outcome, or suspect foul play with ballot papers, and so on that election related fights occur.

Now read the summary.



Summary

You have come to the end of Lesson 11. In this lesson, you have learnt that:

- voting is making a decision on which candidate you want to be your elected representative.
- Limited Preferential Voting is a new system of election that became effective in the 2002 National Elections. The previous system was called the First-Past-the-Post.
- LPV was introduced after an electoral reform and aims at making elected candidates more representative than those elected under the First-Past-the Post Voting system.
- polling is the period of actual voting. Counting is the period of counting votes.
- there are different Polling and Counting officials present during actual polling and counting.
- polling officials include: Returning Officer, Assistant Returning Officer, the Presiding Officer, and Poll Clerks.
- counting officials include: Returning Officer, Assistant Returning Officer, the Recorder, Sorters and Counters, and Police Officers.
- there are two main types of ballot papers, one for each of the National Parliament representatives and the other for the local level government representatives.
- there are some problems that occur either during or after every election.

Answers to Activity

1. Polling Booths
2. Instability can be caused if elected candidates frog jump from one party to another looking for better deals for themselves.

NOW DO PRACTICE EXERCISE 11 ON THE NEXT PAGE



Practice Exercise 11

1. Complete each sentence with the correct word or phrase given in the box below.

Words:
Listen, Voting, representative, Returning Officer, Electoral Commission, police, democratic

- (a) _____ is making a decision about which candidate you want to be your elected representative.
- (b) To vote in an election, a person needs to go to a polling station which is a place chosen by the _____.
- (c) Papua New Guinea is a _____ country. The candidates who are elected represent the people in their electorates in parliament.
- (d) A good Member of Parliament will _____ and talk to people in their electorate and not spend all their time in Port Moresby.
- (e) There must be a _____ presence at all times during counting.
- (f) The _____ is the person in charge of counting, and all candidates and supporters have to abide by the rules and regulations laid down by the returning officer.

2. What _____ is _____ polling?

3. Name the four officials who should always be present at a polling station.

- (i) _____ (ii) _____
- (iii) _____ (iv) _____

4. What is the role of the poll clerks during voting?

5. Which three representatives should a voter vote for?

(i) _____

(ii) _____

(iii) _____

CHECK YOUR ANSWERS AT THE END OF TOPIC 3

ANSWERS TO PRACTICE EXERCISES 7-11

Practice Exercise 7

1. The National Government
2.
 - (i) It gives more power for local people to participate in decision-making.
 - (ii) The people's representatives can stay closer to the people instead of making their homes in Port Moresby.
 - (iii) The local level government can provide services quickly.
3. The Organic Law on Local-level Government
4. None. They are all the same.
5. The LLG decides what services will be offered in their area.
6. The Provincial and Local Level governments.
7. The Organic Law gives the local-level governments new direct grants of money from the national government, new taxing power and the right to borrow money from sources in PNG or overseas.

Practice Exercise 8

- | | |
|---|--------------------------------------|
| (i) Attorney General <u>P</u> | A. develop our mineral resources |
| (ii) Civil Aviation <u>H</u> | B. oversees hospitals |
| (iii) Corrective Institutional policy <u>M</u> | C. develops & carries out foreign |
| (iv) Culture and Tourism <u>F</u> | D. manages public monies |
| (v) Defence resources <u>O</u> | E. oversees laws on marine |
| (vi) Education <u>N</u> | F. administers laws on culture |
| (vii) Environment and Conservation PNG <u>K</u> | G. promotes better use of land in |
| (viii) Finance and Treasury <u>D</u> | H. develops air transport policy |
| (ix) Fisheries and Marine Resources <u>E</u> | I. regulates the timber industry |
| (x) Forest <u>I</u> | J. administers housing laws |
| (xi) Foreign Affairs and Immigration <u>C</u> | K. carries out policy on environment |

- | | | |
|-----------------------------------|-----------------|--|
| (xii) Health | <u>B</u> | L. management of government employees |
| (xiii) Housing Corporation | <u>J</u> | M. manages the jails |
| (xiv) Lands and Physical Planning | <u>G</u> | N. carries out policies education |
| (xv) Mining and Petroleum | | O. develop defence policy |
| (xvi) Personnel Management | <u>L</u> | P. gives legal advice to government offices |

- Privatisation is the selling of government services to private companies. There are some services that were previously provided by the government or government bodies, such as telecommunication services, and the water supply for Port Moresby. Eda Ranu and Telikom are privatised.
- A tax is the money paid to the government by the working class people and businesses operating within the country. Tax money collected helps the government to build and improve the basic services and infrastructures such as roads, bridges, schools, classrooms, health centres, and vehicles, etc.
- A service is providing people with something that they need or a body of people who carry out work for the public benefit within an organisation.

Examples of government services include: roads, bridges, schools, hospitals, airports, courts, government vehicles, Broadcasting services (NBC Kalang Radio).

Services provided by government bodies, part or solely owned by private businesses include; telecommunications (Digicel and BMobile), EMTV, Yumi FM, and water supply by Eda Ranu.

Practice Exercise 9

- The Electoral Commission plays a central role in promoting democracy as it is responsible for the conduct of elections. It is the only organisation allowed by the Constitution to conduct national and local level government's elections.
- If all those parties do their jobs well, the elections will progress well without any problems.
- Because his position by law is directed by the constitution and not the parliament.
- A returning officer is a person appointed by the commission to run an election in an electorate.
- Anyone can commit election offences. Some examples are listed below.
The electoral officials, the police, army, other government officers working in the election, the business community, clan and village leaders, women leaders, candidates, you the voter.
- False Electoral Claims can occur when voters who do not belong to an electorate falsely claim that they are from that area, and cast their votes in that electorate.

Practice Exercise 10

1. The electoral system refers to the people, laws and regulations, and the organisations related to electing representatives to our National Parliament and local level governments.
2. Youth groups, community groups, church groups and schools.
3. When the Governor General issues a document called the 'writ'. This writ is usually issued by the end of March in the year of a general election.
4. An application for registration of a political party shall be made to the Registrar by the public officer of that political party.
5. A political party can apply to register if
 - it aims to nominate a candidate for election to the Parliament
 - or it intends to nominate a candidate for election to a Local-level Government
 - its objectives, policies encourage the development of the country as one nation and do not encourage secession
 - and it does not discriminate on the basis of sex, race or religion
 - its membership is not restricted by its constitution to persons from a particular province, region or group
 - and its constitution provides for a president, a secretary and a treasurer and such executive officers have been appointed or elected in accordance with its constitution
 - do not encourage any illegal or unlawful purposes
 - and it has at least 500 financial members who are eligible for enrolment on the National Electoral Roll.

(Any one of the answers above is correct)

Practice Exercise 11

1.
 - (a) Voting
 - (b) Electoral commission
 - (c) Democratic
 - (d) Listen
 - (e) Police
 - (f) Returning Officer
2. Polling is the actual period of voting.
3.
 - (i) Returning Officer
 - (ii) Assistant Returning Officer
 - (iii) Presiding Officer
 - (iv) Poll clerks
4. The Poll Clerks check voters' identities against the Common Roll.
5. (i) National Parliament Open representative
(ii) Provincial representative
(iii) Local government council wards representative

TOPIC 4: LAW AND ORDER IN PAPUA NEW GUINEA**In This Topic, You Will Learn About:**

- **What is Law?**
- **The Constitution and the Organic Law**
- **The Ombudsman Commission**
- **Crime, Punishment and the Court System**
- **Law Enforcement and Policing**
- **Land, Marriage and the Law**

TOPIC 4: INTRODUCTION

In Topic 4, you will look at 6 lessons altogether. You will generally discuss the Law in Papua New Guinea.

In the first part of the topic we will define Law. We will discuss the different types of laws particularly the Constitution and Organic Law. The Constitution is the body of law governing Papua New Guinea as a country since 1975. However it can be altered to suit current social, economic and political conditions if and when is necessary.

The Organic Law came into effect to polish the voting and election-related issues.

You will also define and study in detail the roles of the Ombudsman Commission, Police and the Courts in Papua New Guinea. You will distinguish between crime and punishment and identify ways the court system deals with these issues in the society.

The latter part of this will discuss the roles of the law enforcement bodies. Under the Law, Land and Marriage are aspects within our communities that can be made legal. Therefore, you will discuss and elaborate on these themes to broaden your understanding of the process of law in Papua New Guinea.

Learning Indicators: Students will be achieving this outcome when they, for example:

- discuss the law and justice system in Papua New Guinea.
- describe the types of laws and law enforcement agencies that uphold the law.

Lesson 12: What is Law?



In the last lesson you learnt about voting in Elections. In this lesson you will learn about law, its purpose and the types of laws in Papua New Guinea.



Your Aims:

- define law
 - identify the purpose of laws
 - identify the types of laws in Papua New Guinea
 - differentiate between Criminal Law and Civil Law
-

What is Law?

Law is a rule that guides people to act according to it.

Most people in our societies do not understand what law is all about. People hold different views and may explain what law means in different ways. Some people try to define law in terms of what they think it does for them or the societies they live in.

Let us look at some views people have about the meaning of law.

The law:

- tells people what they can do and cannot do.
- stops people from doing certain things that harm others.
- tells people how they can elect their leaders to represent them in Local-level Governments or the National Parliament.
- provides the expected standards of behaviour for elected leaders.
- states how the government, business organisations and other social groups should work.
- sets out punishments whenever we break it.

Authority refers to an individual or group, such as the Prime Minister, City Council or the Government, which has the power to make decisions and get others to obey it.

By knowing the meaning of law it will help you understand *purpose* of law. The term *purpose* means a thing that we have in mind to do or get or achieve.



...but why do we need to know the purpose of law?

Well, if we understand the purpose of law, we'll be able to understand why we need to obey the law.



Here are some purposes of law to:

- provide us with the freedom to move freely.
- protect people and property from harm.
- keep peace and order in our communities.
- protect our rights and freedoms as well as respect other peoples' rights and freedoms.
- help us to vote candidates of our choice freely in elections.
- make sure that individuals, groups, communities and countries have good, peaceful relations with each other.

Can you think of any other aim of law that you can add to the list above? You have so far learnt what law means and have also identified the reasons why law is made. In order for the law to achieve its purpose, every individual has a duty to obey the law. When the law is recognised and followed, there will be peace and order in our societies. Imagine if there were no laws. There would not be any restrictions or limits on the behaviour of people such that individuals would do anything as they please including stealing, killing, raping, burning and destroying. This would lead to a total breakdown in law and order and cause so many problems in our societies. Therefore, society needs law in order to operate peacefully for the benefit of all people.

Before we proceed further, here is a little activity for you to do. Check your answers after the Summary.

Now do Activity.



Activity

Study the following pictures and answer questions.

PICTURE A



PICTURE B



PICTURE C



1. In a short sentence, briefly describe what is happening in each of the pictures.

Picture A

Picture B

Picture C

2. How do we know that these events in the three pictures are unacceptable behaviour?

3. What happens when law achieves its purpose?

Types of Laws

There are many types of laws in Papua New Guinea but these are the *six main laws* organised in order from the highest to the lowest.

The Constitution

The Constitution is a set of laws that states how our country should be governed and developed. This is the highest law in our country and every other law including customs, laws made by parliament and decisions taken by authorities must always be in line with the Constitution.

The Organic Laws

This is the second highest law of our country. An organic law is a law or system of laws which forms the foundation (base) of a government, business or other organisations body of laws. The Constitution is a particular form of organic law for an independent state (or country).

The Acts of Parliament

These are simply laws made by the national Parliament and are also known as Statutes. These laws are also very important because they are made by our elected representatives or members of parliament.

The Emergency Regulations

These are special laws that are put in place (or enforced) during times of *emergency* especially, after a natural disaster, war or during social disturbances like riots, rise in criminal activities, terrorist attacks, etc. The word emergency means a situation that needs quick action. These laws exist during the period of an event and stops after the event ends.

The Provincial and Local – level Government laws

Provincial and Local – level Governments are given powers to make laws under the Organic Law on Provincial and Local – level Governments. Some areas in which the two levels of governments make laws include sale and distribution of alcohol, cultural centres, museums, labour and employment.

The Underlying Law

This law is made up of traditional custom or **Customary Law**, **Common Law** and decisions of the courts in our country. Common Law refers to unwritten laws of Britain that were adopted by Papua New Guinea from Australia straight after independence. *Custom* means usual and acceptable behaviour among members of a social group.

Hierarchy levels of laws in Papua New Guinea



You have now learnt that our country has different types of laws. Each law has different powers depending on where it is located in the order from the highest to the lowest. A law higher up the order has more power than the one below it.

Finally, for the laws to work peacefully and in agreement with one another, the laws below the order must be in line or in agreement with the ones that are higher up the order.

Next we will look at the categories (or groups) of laws in Papua New Guinea.

Civil and Criminal Law



What are the categories of law in Papua New Guinea?



There are actually two categories of laws and they are Civil Law and Criminal Law.

The laws in Papua New Guinea are categorised (or grouped) into two groups. Any action we take against the law can be classified under the Civil or Criminal Law. The Courts in Papua New Guinea deal with both civil and criminal law.

Civil law is also referred to as private law because it deals with disputes between individuals and is not necessarily criminal in nature. For example, a car crash victim can

claim for damages or compensation against the driver for injury or loss he or she may have suffered in an accident.



Illustration 9.4.12a: A traffic accident

Source: *The National newspaper* – July 2011

Some examples of civil cases include:

- marriage disputes
- not honouring or keeping a contract
- spreading false rumours about someone
- personal conflicts about land or property
- causing injury to another person in a fight
- insulting or swearing another person

We can claim compensation from a person that causes us injury or loss because of his or her actions. Compensation payment for wrong done to an individual or their property is the main concern of civil law. Civil cases brought before a court depends on the amount been claimed. For example, claims less than K10,000.00 are dealt with at the District Court while claims over K10,000.00 are dealt with at the National Court. The main source of civil law in Papua New Guinea is the common law of England which our country adopted at independence.

The Criminal Law relates to crime or offences including activities which break existing laws. The term offence means breaking a law. Criminal acts are punishable under the Criminal Code Act. The Criminal Code is the basic law that deals with criminal offences in Papua New Guinea.

Under Criminal Law the police detect the crime, investigate, charge and brings the offender to a court of law to be tried. Investigate means to do a careful study of something and charge means that a person is said to have broken a law. If the offender is proven guilty,

Did you know that civil cases are brought to court by private individuals, and not the police?



A quarrel between a husband and wife is an example of a marriage dispute.

the court will punish him or her in a way that is suitable to the crime. The word guilty means having done wrong.

Criminal offences fall into two categories: Summary Offence and Indictable Offence. Summary offence refers to minor criminal offence like careless driving, littering and drinking alcohol in public places. Indictable offence refers to serious criminal offence including murder, rape, breaking and entering.

Some common criminal offences are:

- murder
- possessing unlicensed guns
- rape
- armed robbery
- forgery
- breaking and entering
- possession of illegal drugs; marijuana
- assault (includes wife beating)
- destroying other peoples' properties
- incest
- theft

Now read the summary.



Summary

You have come to the end of Lesson 12. In this Lesson, you have learnt that:

- law is a system of rules an authority sets to maintain order and protect people and property from harm.
- the main purpose of law is to ensure society operates peacefully and in an orderly manner.
- the six types of laws in Papua New Guinea are The Constitution, The Organic Laws, The Acts of Parliament, The Emergency Regulations, The Provincial and Local-level Government Laws, and the Underlying Law.
- laws in Papua New Guinea are categorized into Civil Law and Criminal Law.
- criminal offences fall into two categories; Summary Offences and Indictable Offences.

Answers to Activity

1. Picture A. A man has stolen a woman's bag and is running away.
Picture B. A man is beating his wife.
Picture C. A thief breaking into a house.
 2. It is the law that tells us right from wrong or acceptable from unacceptable behaviour.
 3. There will be peace and order in the society, and people will enjoy life.
-

NOW DO PRACTICE EXERCISE 12 ON THE NEXT PAGE



Practice Exercise 12

1. Define Law.

2. List down three purposes of the Law.

3. Describe the difference between *Civil Law* and *Criminal Law*.

4. Explain what 'Summary Offence' and 'Indictable Offence' mean.

5. List 5 'common criminal offences'?

CHECK YOUR ANSWERS AT THE END OF TOPIC 4

Lesson 13: The Constitution and the Organic Law



In Lesson 12 you discussed about the Law in Papua New Guinea. In this lesson you will define and describe the roles and importance of the Constitution and Organic Law.



Your Aims:

- define The Constitution and the Organic Law
 - explain the purpose of the Constitution and how it was created
 - explain the importance and role of the Legislature as the law making body
 - explain the areas in which the government makes the laws
 - discuss provincial laws and the areas in which provincial governments make laws
 - discuss the local level government and areas where it makes laws
 - identify who the Local Level government laws apply to
-

The Constitution

Generally a constitution is a set of rules, which states how a particular body or organisation should be run or managed. You can refer to your notes in Lesson 12 on The Constitution.

In a country a constitution is a set of laws that defines citizenship rights, obligations and powers, (and says what the government and the people can and cannot do). It shows the way a nation is to be governed and the sort of society the nation is trying to develop. The constitution contains written rules that the government and the people must follow.

In Papua New Guinea, the constitution is a document that outlines the fundamental (basic) laws of our country.

The Organic Law

Organic laws are laws that form the basis of our constitution. This means that they provide a foundation on which our other laws are built. In other words, they are the fundamental laws. Organic laws are so important to the way our society operates that changing an organic law requires an Act of Parliament.

The Constitution and the Organic Laws are the supreme (main) laws of Papua New Guinea. The other laws in Papua New Guinea consist of those made under or adopted from the main laws in the Constitution. (Refer to Lesson 12)

We will now look at the purpose of the Constitution.

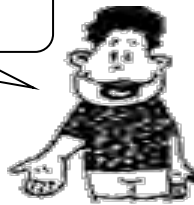
What is the purpose of the Constitution?

The purpose of the Constitution is to give everyone in the country a good government and to protect them from bad government. It determines the structure of the government, the court system and other bodies.

In our country, the Constitution performs the following roles:

- recognises Papua New Guinea as an independent state.
- directs and guides how our country should be governed and developed
- gives us rights and freedoms.
- imposes duties upon us. For example, duty to obey the law and respect other people's right and freedoms.
- provides guidelines on how new laws should be made and how the existing should be changed by the National Parliament.

I agree. By the way, who created the Constitution of Papua New Guinea?



Just imagine, if we do not have a Constitution. It will be chaotic for the whole nation.



The Creation of the Constitution of Papua New Guinea

The constitution of Papua New Guinea was created by the members of the House of Assembly. The House of Assembly was our National Parliament during the colonial period. It was made up of Papua New Guinean leaders as well as the representatives of the Australian Colonial administration. Some of our leaders who participated in the designing of the Constitution included Michael Somare, John Momis, Matiabe Yuwi and Peter Lus.

Our constitution is often referred to as the Home Grown Constitution. Why is it called a Home-Grown Constitution?



Our Constitution is normally referred to as a home-grown constitution because of the way it was created. In 1970, the House of Assembly formed a special committee to work on the formulation of the Constitution. This committee is known as the Constitutional Planning Committee (CPC). The CPC consulted people throughout the country to collect their views on the Constitution. Based on these views the CPC drafted the Constitution and recommended the House of Assembly to adopt the Constitution. On September 1975, when our country gained independence from Australia, the Constitution was adopted and became our national Constitution.

Now, we will move on to looking at the creation of laws.

The Legislative branch

The legislative arm of government makes the laws of the country. The legislative power of the people is vested in the National Parliament. The main bodies that make laws are:

1. The National Parliament
2. The Provincial Assembly
3. The Local - level Government.

The Constitution says that the National Parliament **is** the supreme law-making power in Papua New Guinea. This means that the National Parliament is the highest law-making body.

It also has power to change any law or do away with any law or part of the law it has made before. The National Parliament can change or replace the existing law with a new law if that existing law or part of that existing law is not suitable for our societies or does not serve the purpose that it has been made for. The law that the National Parliament makes is called the Act of Parliament. Sometimes it is referred to as *Statute* or *National Law*.

Areas the government makes laws

1. National Parliament

The National Parliament has the power to make law or change existing law in relation to any matter as it is the highest law making authority under the Constitution. The National Parliament has unlimited law-making powers.



I hope members of parliament do not abuse this power to come up with laws that will only suit their interest.

2. The Provincial Government

The Organic Law on Provincial and Local Level Government is the law that deals with the powers and functions of the provincial governments. This law gives powers to provincial governments to make laws or change or replace existing law or part of provincial government law with the new law.

The provincial government has restricted powers and they can only make laws on the certain areas. The Organic Laws on Provincial and Local level Governments list the areas which the provincial government can make laws on.

These areas include:

- Primary, secondary technical and vocational, but not curriculum
- Sale and distribution of alcohol
- Public entertainment
- Culture and cultural centres

- Museum and library
- Sports and recreation
- Tourism
- Village and urban community courts.

The provincial government laws apply only in its own province. It does not apply to other provinces.

3. Local level Government

Local level Government is made up of elected ward or council members of a community. Each Local level Government has its own elected Local level Government president, deputy president and other ward or council members. The main responsibility is to look after the affairs, make good decisions, solve problems, facilitate government services and maintain peace and good order in its Local level Government area.

Areas the local level government can make laws

The local level government can make laws or change any section of its law but its powers are very limited. It cannot make laws on any matter it wants. Whatever decision it makes must follow the Organic Law on Provincial and Local level Government. The local laws are developed to govern the communities but also have to contribute towards national and provincial peace and order. Any local law that does not agree with the Constitution is not valid or right.

The Local level Government may make laws in the following areas:

- Bride price
- Tribal fighting
- Land dispute
- Marriages
- Head tax
- Gardening
- Fishing
- Hunting
- Traditions, beliefs and custom

Where and to whom does the local level government law apply?

Most of the Local level Government laws apply to the behaviours and activities that warrant control at the community level.

Some of these laws apply to behaviours and unwarranted activities such as:

- Drunkenness
- Fighting

- Gossiping
- Adultery
- Marriage problems
- Assault
- Theft
- Land and its use
- Compensation payment
- Suspicious death

Now read the summary.



Summary

You have come to the end of Lesson 13. In this Lesson, you have learnt that:

- a Constitution is a set of rules, which states how a particular body or organisation should be run or managed.
- a Constitution is a set of laws that defines citizenship rights, obligations and powers, and defines the limits of the government and people. It shows the way a nation is to be governed and the sort of society the nation is trying to develop.
- organic laws are laws that form the basis of our constitution
- The Constitution and the Organic Laws are the supreme (main) laws of Papua New Guinea.
- the purpose of the Constitution is to give everyone in the country a good government and to protect them from bad government.
- the Constitution of Papua New Guinea was created by the members of the House of Assembly.
- the legislative arm of government makes the laws of the country.
- The legislative power of the people is vested in the National Parliament.
- Provincial government has restricted powers and it can only make laws on the designated areas.
- Local level government is made up of elected ward or council members of a community.
- Local level government can make laws or change any section of its law but its powers are very limited.

NOW DO PRACTICE EXERCISE 13 ON THE NEXT PAGE



Practice Exercise 13

1. Define Constitution.

2. Which sets of Laws does the Constitution define?

3. What does the Constitution outline?

4. Define the Organic Law.

5. What is the purpose of the Constitution?

6. What are some of the roles the Constitution performs?

7. How was Papua New Guinea's Constitution created and who was involved?

8. What does it mean by a 'home-grown' Constitution?

9. Who makes the Laws of the country?

10. Which areas can the Provincial governments make Laws in their provinces?

CHECK YOUR ANSWERS AT THE END OF TOPIC 4

Lesson 14: The Ombudsman Commission



Welcome to Lesson 14. In the last lesson you learnt about the Constitution and the Organic Law. In this lesson you will learn about the Ombudsman Commission.



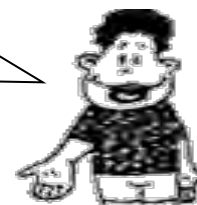
Your Aims:

- define Ombudsman Commission
 - state the functions of the Ombudsman Commission
 - discuss the relationship between the Leadership Code and the Ombudsman Commission
 - define the leadership tribunal and its purpose
-

Ombudsman Commission

The Ombudsman Commission is the ‘watchdog’ of the country. It is a government body that keeps leaders and those in authority to stay within the law in whatever activities or job they do or hold. It is an independent constitutional institution created by the Constitution in 1975. Being an independent institution means that any other arm of government, Member of Parliament or the Prime Minister cannot direct the Ombudsman on what to do or what not to do. It consists of the Chief Ombudsman and two Ombudsmen, one of whom must have an accounting qualification. Do you know who the current Chief Ombudsman Commissioner is?

If this institution was created by the constitution then it must be an important institution in Papua New Guinea. I wonder why it was created.



Functions of the Ombudsman Commission

Our leaders who formulated the constitution knew that the governments or leaders would not be perfect. They knew that not every member of our societies will be satisfied with the decisions of the government or decisions and activities carried out by our leaders. Since a lot of power and discretion is placed upon our leaders, it was important to set up the Ombudsman commission so that it can keep watch of all the leaders’ activities.

We have the Ombudsman Commission to carry out a check and balance on decisions taken by our leaders. This will make sure that our leaders act within their powers and uphold the Leadership Code and the Constitution.

Now, we will proceed to the functions of the Commission.

The main functions of the Commission are:

- investigate complaints about the administrative actions of governmental bodies and agencies.
- administer the Leadership Code (outlined in The Constitution) by conducting investigations into the actions of Leaders.
- investigate Discriminatory Practices Act and the HIV/AIDS Management and Prevention Act.

We will now basically look at each of these functions.

(i) Administrative complaints

Administrative complaints are complaints about the decisions and procedures of governmental bodies and agencies.

(ii) Discriminatory practice complaints

Discriminatory practice complaints are complaints about discrimination on the grounds of colour, sex, race or ethnic, tribal or national origin, or where a person has HIV or AIDS. The Commission only investigates complaints about discriminations by governmental bodies or agencies.

(iii) Leadership Complaints

A leadership complaint is a complaint about the conduct of a leader who breaches the Leadership Code. Leaders are required to maintain a standard conduct under the Leadership Code. For example, under the Leadership Code,

- leaders must not place themselves in a position where a conflict of interest may arise. If a leader does have an interest in a matter, that leader must disclose the interest.
- leaders must not use their office for the benefit of themselves, their family or associates and they must apply public funds as they were intended.

You will learn more about Leadership Code in Lesson 20 of this Unit.



Now I see. The Ombudsman Commission is like a watch dog. However, how do I make a complaint?

Relationship between Leadership Code and Ombudsman Commission

Refer to *Function 3 on Leadership complaints*. The Leadership Code was put in place to keep leaders' from misusing the public office they hold. The Ombudsman Commission's role is to 'watch' anyone, including leaders in public office to act within the law.

Making a complaint with the Ombudsman Commission

Any citizen can lodge a complaint with the Ombudsman Commission regarding any decision of the government or any leader. Below is the general process that takes place once a complaint is lodged with the Ombudsman Commission.

1. We contact the Ombudsman Commission and lodge a complaint. An officer at the Ombudsman Commission will write down all the relevant information regarding the complaint.
2. The officer at the Ombudsman Commission will check if the Ombudsman Commission has the power to investigate the complaint. If the Ombudsman Commission does not have the power to investigate, then, it will refer the complaint to other appropriate agency, such as the police. If the complaint is one that the Ombudsman Commission has the power to investigate, then, it will approve the complaint for investigation. Take note that the Ombudsman Commission does not have the power to investigate complaints about:
 - Court proceedings or decisions
 - Conduct that amounts to criminal behaviour (e.g. misappropriation)
 - Private Individuals, companies
 - Personal matters of public servants
3. If the Ombudsman Commission approves the complaint to be investigated, then it can also ask the person who lodged the complaint to provide further documents to support the complaint.
4. The Ombudsman Commission will contact any relevant agencies or department to get their feedback on the complaint. Information that the department or the agencies provide to the Ombudsman Commission may provide full answers to the complaint. Many complaints are resolved at this stage.
5. If the complaint is complicated and needs further evidence or other documents, the Ombudsman Commission has the power to summon or order any person to come forward and give evidence or produce documents. These evidence or documents are used to provide its findings on the complaint.
6. If the Ombudsman Commission sees that the outcome on the investigation on the complaint will affect the leader, it will give opportunity to the leader to come forward and give his/her responds to the complaint or allegations.
7. Once the Ombudsman Commission is satisfied with the information it has gathered in relation to the complaint, it writes its final report, opinions and recommends that the leader be referred to the Public Prosecutor for prosecution under the Leadership Code.

8. When the investigation on the complaint is completed and its findings are made, the officer of the Ombudsman Commission who investigated the leader, on the complaint will inform the leader of the outcome of the investigations into his or her conduct.

Purpose of the Leadership Tribunal

The purpose of the Leadership Tribunal is to ensure that leaders or Parliamentarians who hold public office do not misuse it in terms of public monies.

Public monies being budgeted for and planned for basic services delivery must be used accordingly and for its purposes for the benefit of the people in the country.

Leaders who hold public office must be role models for others to see and follow.

Now read the summary.



Summary

You have come to the end of Lesson 14. In this lesson, you have learnt that:

- Ombudsman Commission is an independent Constitutional institution created in 1975.
- it was important to set up the Ombudsman commission so that it can keep watch of all the leaders' activities.
- the Ombudsman Commission has three main functions.
- administrative complaints are complaints about the decisions and procedures of governmental bodies and agencies.
- discriminatory practice complaints are about discrimination on the grounds of colour, sex, race or ethnic, tribal or national origin, or where a person has HIV/AIDS.
- the Commission only investigates complaints about discriminations by governmental bodies or agencies.
- a leadership complaint is a complaint about the conduct of a leader which breaches the duties and responsibilities of leaders established under the Leadership Code.
- any citizen can lodge a complaint with the Ombudsman Commission regarding any decision of the government or any leader.

NOW DO PRACTICE EXERCISE14 ON THE NEXT PAGE



Practice Exercise 14

1. Explain in your own words the meaning of Ombudsman Commission.

2. What is the purpose of the Ombudsman Commission?

3. State the three main functions of the Ombudsman Commission.

(i) _____

(ii) _____

(iii) _____

4. State and explain the three types of complaints that can be lodged with the Ombudsman Commission?

(i) _____

(ii) _____

(iii) _____

5. What is the difference between the Leadership Code and the Ombudsman Commission?

CHECK YOUR ANSWERS AT THE END OF TOPIC 4

Lesson 15: Crime, Punishment and the Court System



Welcome. In Lesson 15 you will learn about crime, punishment and the court system in Papua New Guinea.

In the last lesson you learnt about the Ombudsman Commission, its purpose and functions.



Your Aims:

- define crime, punishment and the court system
 - list the common types of crime in Papua New Guinea
 - differentiate the types of punishment set out by the law
 - identify and explain the different levels of court and their features
-

Every society needs laws to protect people, property and keep peace in the community. There is no society where people have total freedom to do as they wish. Peoples' behaviour has always been guided by rules and laws for hundreds of years. The body of law that controls the actions of individuals in a country is known as Criminal Law. This law tries to control and prevent actions that harm other people and disturb the peace in a community. Actions of people that are forbidden by law are known as crime.

Therefore, when a person commits a crime it is regarded as an offence (wrong) against the people and the lawbreaker can be taken to court, trialed and punished. A criminal case is between a person who commits a criminal offence against another individual, group or the Government.

Common crimes in Papua New Guinea

All criminal offences are punishable under a law called the Criminal Code Act of 1974. The Criminal Code Act is the main law that deals with all criminal offences in our country. It lists the different criminal offences and their punishments. The following are some examples of common criminal offences in Papua New Guinea.

- stealing
- rape
- murder
- forgery
- robbery
- destroying other people's property
- possessing unlicensed guns
- consuming illegal drugs
- assault
- bribery

Criminal offences fall into two categories: Summary Offences and Indictable Offences. Summary offences are minor criminal offences. The law that deals with these types of offences is called the Summary Offences Act. Indictable offences are serious criminal offences. These types of offences are dealt with under the Criminal Code Act.

Here are few examples of Summary and Indictable Offences.

Summary Offences

- Traffic Offences
- Careless Driving
- Drinking alcohol in public
- Carrying stolen goods
- Littering

Indictable Offences

- Murder
- Rape
- Arson (burning a building)
- Treason (threat to overthrow a government)
- Piracy (robbery at sea)



It is important to know the categories of criminal offences so we can understand the processes that are involved and the punishments the court may give out to a person who is found guilty.

Common Punishments

Let us now look at some examples of criminal offences and their punishments under the Criminal Code Act.

Offence	Punishment
1. Dangerous driving	K200 fine or 6 months prison term
2. Treason	Death penalty
3. Piracy	Death penalty
4. Riot	3 years prison term
5. Bribery	K400 fine or 1 year prison term
6. Wilful Murder	Death penalty or Life Imprisonment
7. Common Assault	1 year prison term
8. Rape	15 years prison term
9. Abduction	7 years prison term
10. Breaking and Entering	1 year prison term

Since criminal offences are punishable by law, we will now look at the Court System of our country and identify the different levels of court and their features.

Court System

There are four levels of court in Papua New Guinea. They are the Village Court, District Court, National Court and the Supreme Court. Each level of court deals with different cases. Also the powers and roles of the magistrates or judges in each court differ. Every court, regardless of its level is a neutral body. This means that a court does not support or takes sides with any party in dispute. Its role is to make sure that a dispute between conflicting parties is solved in a fair and peaceful manner.

Let us now look at the 4 levels of court and their features.

The Village Courts



Illustration 9.4.15a: A Village Court sitting in Pari Village, Port Moresby

The Village Court is the first and lowest level of court in Papua New Guinea. It is usually controlled by a Magistrate appointed by the Department of Justice and Attorney General. The Village Court deals with small disputes in the village and its decisions are usually based on the customs of the village.

District Courts

The District Court is the second level of court and it is found in all the districts throughout our country. A Magistrate controls the court and it deals with Summary Offences up to the value of K10, 000.00. The court makes a decision after hearing all the evidences and arguments from the disputing parties.

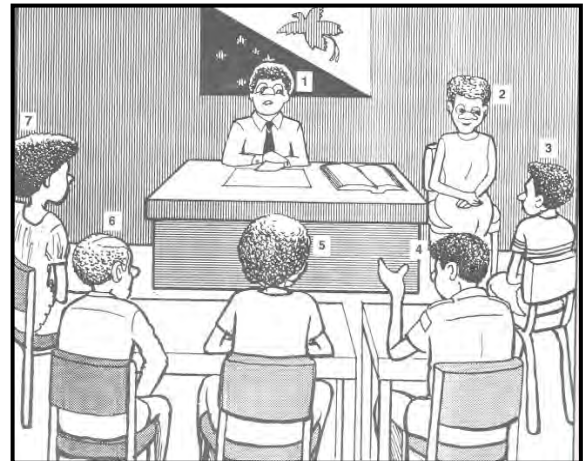


Illustration 9.4.15b: Drawing of a Court Room session

The National Court

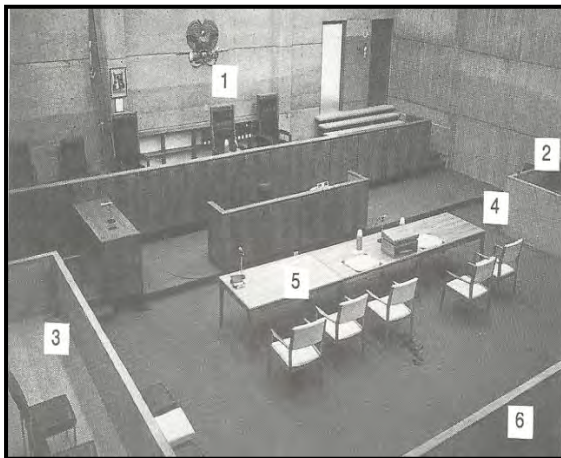


Illustration 9.4.15c: Picture of the National Court in Waigani, Port Moresby

The National Court is the third highest court in Papua New Guinea and hears any type of case including appeals from the other two lower courts as well as serious offences. It is controlled by a Judge with the assistance of lawyers representing the disputing parties. National Courts are located in almost every provincial capital of the country.

The Supreme Court

The Supreme Court is the highest court in Papua New Guinea and has unlimited power to hear cases. Judges control the court and hear appeals from the three lower courts as well as matters relating to the interpretation of the Constitution. The decisions of the Supreme Court are final and no appeals can be made as there is no other court above it. However, an individual can apply for a review of the Court's decision if they are not satisfied.



Illustration 9.4.15d: The Supreme Court at Waigani, Port Moresby

Now read the summary.



Summary

You have come to the end of Lesson 15. In this lesson, you have learnt that:

- Crime is an act of breaking the law
- Criminal offences are acts of crime that are punishable by law.
- Criminal offences fall into two categories: Summary Offences and Indictable Offences.
- Summary offences are minor criminal offences. The law that deals with these types of offences is called the Summary Offences Act.
- Indictable offences are serious criminal offences. These types of offences are dealt with under the Criminal Code Act.
- Punishment is the act of doing time in prison.
- The court refers to the judges and magistrates who have the constitutional power to listen to disputes and make decisions accordingly.
- The 4 levels of court in Papua New Guinea are the Village Court, District Court, National Court and Supreme Court.

NOW DO PRACTICE EXERCISE 15 ON THE NEXT PAGE



Practice Exercise 15

1. What is crime?

2. Which court bases its decisions on the customs of the village?

3. How is the National court the third highest court in the country? Explain.

4. List the 4 levels of the court and explain briefly the type of cases they deal with.

- (a) _____
- (b) _____
- (c) _____
- (d) _____

5. State how these crimes are punished by the law in Papua New Guinea.

- (a) Rape _____
- (b) Wilful murder _____
- (c) Treason _____

6. How is the Supreme Court the highest court of Appeal? Explain.

7. Differentiate between summary and indictable offences.

Summary offence

Indictable offence

NOW CHECK YOUR ANSWERS AT THE END OF TOPIC 4

Lesson 16: Law Enforcement and Policing



Welcome. In this lesson you will learn about law enforcement and policing in Papua New Guinea. You will also identify the roles and functions of the various law enforcement agencies in our country.



Your Aims:

- define law enforcement and policing
 - discuss the ways in which policing occurs
 - identify the law enforcement agencies and their roles and functions
-

Law Enforcement and Policing

The word enforcement means to force or make people obey something.

The idea of law enforcement is not new. Since the beginning of recorded time, there have been people appointed to maintain the standards and rules of a tribe or society. For example, ancient Chinese culture used a system involving officials who were tasked by the government to protect the general public, hear the facts regarding criminal activity and charge fines or punish lawbreakers.

Law enforcement is not only about people obeying the laws of the country. It is also about the court processes in which a person is charged with committing a crime through to the corrective process, where he or she is punished and sent to jail or placed under a special program to correct their bad behaviour.

In general, law enforcement agencies aim to reach two goals. First, is to prevent the occurrence of a crime that is damaging to other people or society as a whole. Second, is to ensure that suspected criminals are taken to court and dealt with according to the laws.

Law Enforcement

Law enforcement in many societies throughout the world is carried out by certain government agencies. In Papua New Guinea the main law enforcement agencies include the **Police Force, Correctional Services, Village Councilors, Peace Officers** and the **Courts**. These agencies play a very important role in our country as they enforce the law to maintain peace and order.

See the following pictures of the different law enforcement agents of our country.



Illustration 9.4.16a: Members of the Royal Papua New Guinea Constabulary



Illustration 9.4.16b: Court Judges at the opening of the legal year



Illustration 9.4.16c: Martin Balthazar (left) – CS Commissioner & David Kunabom (right) – a senior officer

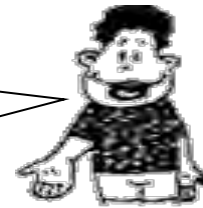


Illustration 9.4.16d: Village Councillors in a meeting



So how is the law enforced?

Police enforce the law in several ways. Let us read on and find out how law is policed.



Policing

We know that the law exists to promote and keep peace and order in our communities. However the law cannot achieve this aim if there is no law enforcing agencies. The community must work together with law enforcing agencies to keep order in society and to make the work of law enforcing agencies easier.

The traditional policing methods (ways) are the same in many countries. Now, read the traditional policing methods.

1. Routine (Standard) Patrol

This is a common policing task in which police officers patrol certain locations in an urban area either in a vehicle or on foot. Regular patrols by police increase their presence in the community and add confidence to people whilst minimising the chances of crimes been committed.

2. Rapid Response to Calls for Service

Another common policing method is the use of a 24 hour direct (hot line 000) telephone service in which the public uses to call the police to report criminal activities. This service enables the police to respond to crime immediately and increases the chance of arrests. Furthermore, the public also participate in maintaining order in the community by assisting the police in reporting crime, for example, community policing.

3. Arrests

This is the most important function of any police organisation in the world. The arresting of criminals is always seen as the main means in which people can be discouraged from committing crime. When lawbreakers are arrested, others can learn from this experience and avoid committing crimes.

4. Investigation

Crime investigation is another major policing tool used by police organisations throughout the world. By investigating criminals and crime groups, information can be obtained to help police in developing ways to reduce crime. Not only that but investigations help police to identify lawbreakers and charge them for crimes they commit.

5. Partnerships between Law Enforcement agencies

Communication of information between law enforcement agencies builds partnerships and provides useful information that can be used to deal with criminal matters. The sharing of information can provide patterns in crime which is important in developing ways in addressing and solving crime.

6. Community Policing

This is an alternative approach to policing. Police organisations around the world have adopted this measure as a preventative tool to addressing law and order problems. In community policing, more thought is put into planning and organisation of actions that will focus more on preventing crimes and disorder. One means in which community policing is carried out is through awareness and education programs in the community.



What are the roles and functions of the law enforcing agencies in Papua New Guinea?

Roles and functions of the law enforcing agencies in Papua New Guinea.

- Investigate crime and write reports
- Control traffic and teach road safety
- Control demonstrations or protests
- Arrest and charge lawbreakers
- Provide security to the people
- Escort very important people
- Enforce court orders
- Ensure peace and good order in the community
- Look for missing people
- Patrol streets
- Give evidence in court
- Break-up fights
- Orders lawbreakers in the village to appear before the Village Court and have them punished if they are wrong
- Solves disputes between people and keep peace, and order in the community
- Acts as peacemaker to solve disputes
- Enforces order of the Village Court
- If a village peace officer thinks that a person breaks the law or disturbs peace and good order in the community, he or she can order that person to attend the Village Court sitting and the Village Court can deal with him or her.
- Listens and tries to solve disputes brought before the court by individuals or groups
- Decides whether a lawbreaker is guilty or not
- When the lawbreaker is found guilty, the courts decide what punishment he or she should get.



Illustration 9.4.16e: Suspects being searched by Police



Illustration 9.4.16f: A village peace officer



Illustration 9.4.16g: Village Councillors



Illustration 9.4.16h: Supreme Court at Waigani, Port Moresby

- Keep lawbreakers who are sentenced to prison or custody (protective care)
- Keep people who are waiting for their cases to be decided by the courts or trial at the National Court.



Illustration 9.4.16h: Female prisoners at Bomana Prison, Port Moresby

Now read the summary.



Summary

You have come to the end of Lesson 16. In this lesson, you have learnt that:

- law enforcement is about making people obey the laws.
- policing of law is the use of a recognised force such as the Police to enforce law.
- law is policed through routine patrols, service calls, arrests, crime investigation and community policing.
- the five main law enforcing agencies in Papua New Guinea include the Police Force, Correctional Services, Courts, Village Councilors and Peace Officers.
- each of the five law enforcing agencies play different roles and functions.

NOW DO PRACTICE EXERCISE 16 ON THE NEXT PAGE



Practice Exercise 16

1. Define

(a) Law Enforcement

(b) Law Policing:

2. Describe two ways in which the law is policed.

(a)

(b)

3. Name the five main law enforcing agencies and state one function that each perform.

(a)

(b)

(c)

(d)

(e)

4. Which government bodies enforce the law?

5. Describe the colours of the dress gown worn by judges.

6. Why do we need laws? Explain.

CHECK YOUR ANSWERS AT THE END OF TOPIC 4

Lesson 17: Land, Marriage and the Law



Welcome to Lesson 17. In the last lesson, you learnt about law enforcement and policing in Papua New Guinea. In this lesson you will learn about customary land, marriage and law.



Your Aims:

- define customary law, land ownership and marriage
 - discuss the advantages and disadvantages of customary land ownership
 - discuss how land disputes are settled
 - identify the four levels of land dispute settlement
 - identify forms of marriage
 - discuss the advantage and disadvantage of polygamy
 - discuss divorce in a marriage and its effects
-

In Papua New Guinea society, land is part of the lives of every family, clan or tribe. The relationship that people have with the land is so strong that during the colonial days native people often opposed the occupation of their land by the Europeans. Similarly, many tribal fights in the past were over land and this clearly demonstrates the closeness and value our people place on land.

In recent times the development of major resource projects on customary land around the country has also led to land disputes between groups of people. Some of these issues have resulted in lengthy court battles which are on-going. On a positive note, landowners have benefitted financially and materially from these projects. However, some landowners still complain that the benefits they receive from the projects are not enough compared to the damages done to their traditional land. The Bougainville Crisis is a very good example of landowner dissatisfaction that resulted in a 10 year armed conflict.

The study of land, land ownership, resources and what the law states and the dispute process will greatly help us to understand landowner issues and the developer's position.

Land

Land is the solid surface of the earth. It refers to the soil or the ground in which plants grow, rivers flow, houses are built and where minerals are found. (Liria, 2009, p.77)

Before we progress further, let us define a few terms that we will cover in this lesson.

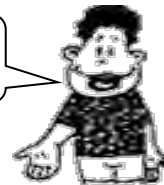
About 85 percent of the total landmass in our country is customary land. This means that over a quarter of the total land in Papua New Guinea belongs to the people. The

government only owns a small portion of land. In many of our societies, land is owned by the family, clan or tribe and not by an individual. As such, decisions regarding the land are usually made by the family, clan or tribe. Individuals occupying the land only have rights to use as temporary owners but do not have the power to transfer ownership to anyone outside the family, clan or tribe.



Does the law recognise customary land ownership in Papua New Guinea?

Most certainly! Let us look at the laws that recognise customary landownership in Papua New Guinea.



There are certain laws in Papua New Guinea that recognise customary landownership. These laws include, the Constitution (mama lo), Land Act 1996, Forestry Act 1998, Mining Act 1992, Oil and Gas Act of 1998. These laws protect our rights and use of customary land. Therefore, anyone who deals with customary land must always talk to the landowners and get their permission because the landowners have rights under the law to refuse any development that takes place on their land.

Advantages and disadvantages of customary landownership

So far we have learnt that much of the land in our country belongs to the people and that our rights to the land are protected by law. However, is customary landownership a good thing?

The following table gives a summary of the advantages and disadvantages of customary landownership.

Advantages	Disadvantages
1. Land is owned by the people.	1. The task of getting resources out of customary land is always difficult.
2. Government and Developers can only take out resources if the landowners give their approval.	2. Unnecessary compensation demands can prevent development.
3. Resources such as forest on customary land are owned by the landowners.	3. Land disputes can discourage foreigners from investing in our country.
4. Rights of the landowners is recognised and protected by law.	4. Government and developers can only take out resources from the land only through the permission of the landowners.
5. Landowners receive compensation for any development that occurs on the land.	5. Development is halted or prevented because land is traditionally owned.

One of the major issues to do with customary landownership is land disputes. This is often related to ownership claims by clans or tribes that share traditional land boundaries. So what is a customary land dispute?

Customary land dispute is a disagreement between different groups of people over ownership of a particular customary land.

Customary land disputes are common in Papua New Guinea. Some disputes are small and are easily resolved while others are complicated (difficult) and have led to conflict or long court battles. There are two main ways in which customary land disputes are settled, this is through **land mediation** and **land court**.



Illustration 9.4.17a: Mediation Graduands, Port Moresby

1. Land Mediation

This is one of two ways in which land dispute is resolved in our country, Mediation is a conflict resolution meeting organised by an official (mediator) who acts as a peacemaker between conflicting parties to help them discuss and find solutions to their problem. The mediator does not take sides nor decides the ownership of the land. He or she only organises the meeting and allows the disputing parties to discuss and reach peaceful solutions to their problems.

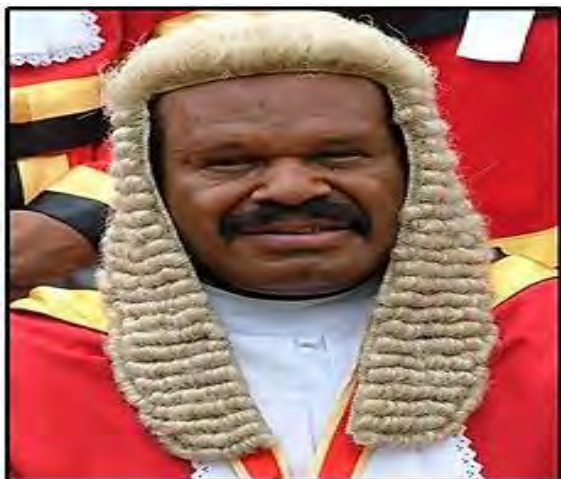


Illustration 9.4.17b: Chief Justice, Sir Salamo Iniia

2. Land Court

When land mediation is unable to resolve a dispute, the matter may be referred to a land court to decide. This is where the court hears arguments and evidences from witnesses of the parties. For instance, if the dispute is over ownership, the land court decides the rightful owners. Likewise, if the dispute is over a land boundary, then it may make a decision on where the boundary should be. If the disputing parties are not satisfied with the land court decision, it can appeal to the District Court.

Stages of Land Dispute Settlement

There are four stages in the settlement of a land dispute. These stages are **Mediation**, **Local Land Court**, **District Land Court** and **Provincial Land Court**. We will have a look at how the dispute settlement works. The diagram on the next page explains the four stage of settlement process in solving a land dispute.

Stage 1 Mediation

The first stage in solving a land dispute is through Mediation. At this stage, a neutral person, called a mediator organises meetings for the disputing parties to discuss, identify problems involved and look at ways in which to solve the dispute. A mediator will not make decisions for the parties but provides guidance to the parties in reaching a settlement.



Stage 2 Local Land Court

If mediation is unable to solve the dispute, the mediator will refer the matter to the Local Land Court. The court will hear arguments and evidence from the parties to decide or make a ruling on the matter before it. This includes deciding the rightful owners to a piece of land or where a boundary should run on the land between two disputing parties.



Stage 4 Provincial Land Court

If a party is not happy with the decision of the District Land Court, it can appeal to the Provincial Land Court. This is the highest land court and its decisions are final, meaning that there is no appeal process after this court.



Stage 3 District Land Court

When a conflicting party is not satisfied with the decision of a Local Land Court, it can appeal to the District Court. The District Land Court will hear evidences and arguments from both parties and make a decision on the dispute.

However, if a party is dissatisfied with the Provincial land Court decision it can ask for a judicial review at the National Court. A judicial review is when the National Court re-looks at the decision of the lower court but does not make a new decision. Instead it only confirms if the decisions of the lower court were properly made or not. If the decisions were not made properly, then it asks the court to look at the matter again.

So far we have discussed customary law and landownership. In the next part of this lesson, we will look at customary marriage, types of marriages and the effects of divorce in a marriage.

Forms of Marriage

The term marriage means the union or joining together of a man and woman as husband and wife. In Papua New Guinea, there are two types of marriages. These are Customary Marriage and Statutory Marriage.

In many societies of our country customary marriage is usually recognised through the payment of bride price. However, today in some societies if a man and woman have been living under one roof for a period of time their marriage is recognised as customary. Customary marriage is seen differently in many societies because what one society sees as customary marriage is not the same as in another. In general, customary marriage is recognised by law and so a married couple can do everything that a married person is allowed to do.

In a statutory marriage papers are filled by the couple either at the marriage registry (office) or church and a certificate is issued. Sometimes a priest or pastor who conducts the marriage ceremony issues the certificate.

Polygamous Marriage

Apart from the types of marriages mentioned, some societies in Papua New Guinea practice polygamy. There are two types of polygamy: polygyny and polyandry. Polygyny is a practice in which a man marries more than one wife and polyandry is a practice where a woman marries more than one husband. There are several reasons why some societies practice polygyny whilst others forbid its practice. Here are the advantages and disadvantages of a polygynous marriage. Though at the present, we can say that polygyny is not an advantage but traditionally it had its benefits.

Advantages

1. Traditionally having more wives added to the respect and status of a man in the society.
2. Having many wives meant that a man had many children to do work.
3. Having many children added to the clan or tribes population and provided manpower needs during tribal conflicts with other tribes.
4. A man who had more children needed it as security during old age.

Disadvantages

1. Makes women look less important in society.
2. Contributes to higher population and other social problems, i.e. HIV/AIDS
3. Makes a man feel too proud.
4. Against Christian principles.
5. Can result in children being neglected and not given proper care.
6. Can create jealousy among the wives and result in conflict.

A new legislation was passed in 2014 to outlaw polygamy in Papua New Guinea. This means that if it is practiced it becomes a crime and is punishable. The Civil Registration (Amendment) Bill 2014 makes it compulsory to register all marriages, including customary ones, except those involving more than one spouse. In the past, a man could marry more than one wife.

Polygamy is still practiced today in all four regions of Papua New Guinea. The percentage of women in polygamous marriages ranges from 10 percent in the Southern region to 28.6 percent in the Highlands region. The percentages in the Islands and the Momase region are 11 and 12 percent, respectively.

In most Papua New Guinea societies, polygyny functions as a way to enlarge a man's access to reproductive resources, that is, more gardens, pigs, and children. A man does this to also satisfy his sexual needs during the time his wife is pregnant and after she has given birth. After the birth of a baby a mother's body is still very weak and healing from childbirth and is not fully fit for sexual intercourse.

There is evidence that men take on other wives and girlfriends without supporting them all. Due to the practice of polygyny, a common form of family violence in many communities is between the wives or between a woman and her husband's girlfriend occurs. The 2014

change in Legislation concerning polygamy is welcomed as a step to reduce cases of domestic violence and increase the registration of births.

Underage Marriage

The minimum legal age of marriage is 21 both for girls and boys. The minimum marriage age under the 'Marriage Act' is 16 years for girls and 18 years for boys.

Ending a Marriage

Marriage is a lifetime commitment that a man and woman enter into when they first decide to live together. However, not all marriages last because some end due to certain reasons. A marriage ends when a husband or wife dies or when there is a divorce.

When a married couple decides to end their relationship through divorce, they also end any responsibilities that they have towards each other. A divorce may take place between married couples when a husband or wife engages in an extra marital relationship with another woman or man. The innocent partner in the marriage can ask for a divorce. Sometimes, a woman can ask for a divorce because of continued abuse (beatings) by the husband. For whatever reason, a marriage ends when there are two issues that will need to be considered by the husband and wife. This includes custody and maintenance of the children.

Usually when a divorce occurs, the courts may decide whom the children should live with (**custody**) and who would be responsible for maintaining them (**maintenance**). The court may even ask the child or children to decide which parent they would want to live with. The court's decision to award custody of a child or children to a parent depends on its assessment of either parent's ability to care and provide for the wellbeing of the children.

Effects of divorce

Sometimes divorce is the best way forward for a couple if in the opinion of the court that the marriage may cause a lot of problems in a family. However, in other cases divorce may not be the best choice. This is because a divorce will affect our lives, job, and relationship between the families of the couple. The worst affected party in a divorce is the children. Their education, health, growth and general wellbeing will be greatly affected when parents' divorce. Therefore, it is wise to assess our situations before deciding on a divorce.

Now read the summary.



Summary

You have come to the end of Lesson 17. In this lesson, you have learnt that:

- customary law is made up of certain common customs of Papua New Guinea.
- land that is owned by traditional landowners is known as customary land.
- land disputes are solved through mediation or the courts.

- the four stages of land dispute settlement are Mediation, Local Land Court, District Court and Provincial Land Court.
 - the two main types of marriage is Customary and Statutory.
 - polygamy is a practice in which a man marries more than one wife.
 - new legislation was passed in 2014 to outlaw polygamy in Papua New Guinea.
 - the Civil Registration (Amendment) Bill 2014 makes it compulsory to register all marriages, including customary ones, except those involving more than one spouse.
 - the minimum legal age of marriage is 21 both for girls and boys.
 - the minimum marriage age under the 'Marriage Act' is 16 years for girls and 18 years for boys.
 - divorce is one way in which a marriage relationship ends.
-

NOW DO PRACTICE EXERCISE 17 ON THE NEXT PAGE



Practice Exercise 17

1. What is Customary Law?

2. Explain customary landownership.

3. Which laws in Papua New Guinea recognise customary landownership?

4. In your own words explain what a mediator's role is in a land dispute settlement.

5. List the four stages of land dispute settlement.

6. What is the difference between customary marriage and statutory marriage?

7. What is a polygamous marriage?

8. What does the new legislation passed in 2014 say about polygamy?

9. What do you think underage marriage is? Explain.

CHECK YOUR ANSWERS AT THE END OF TOPIC 4

ANSWERS TO PRACTICE EXERCISES 12-17

Practice Exercise 12

1. Law is a system of rules an authority sets to maintain order and protect people and property from harm.
2.
 - Protect peoples' rights and freedoms.
 - To ensure peace and order in our societies.
 - Ensures that individuals, groups and nations have good, peaceful relationship with one another.
 - Allows people to move freely.
 - Protects people and property from harm.(Any 3 of these answers are correct)
3. Civil law deals with disputes between individuals and Criminal law deals with disputes between an individual and state (or government).
4. Summary offence refers to minor criminal offence, while Indictable offence refers to serious criminal offence.
5. Some common criminal offences are:
murder, possessing unlicensed guns, rape, armed robbery, forgery, breaking and entering, possession of illegal drugs, marijuana, assault (includes wife beating), destroying other peoples' properties, and incest.

(Any 5 of these answers are correct)

Practice Exercise 13

1. A constitution is a set of rules, which states how a particular body or organisation should be run or managed.
2. The constitution defines citizenship rights, obligations and powers, and the limits of the government and people. It shows the way a nation is to be governed and the sort of society the nation is trying to develop. The constitution contains written rules that the government and the people must follow.
3. In Papua New Guinea, the constitution is a document that outlines the basic laws of our country.
4. Organic laws are laws that form the basis of our constitution. This means that they provide a foundation on which our other laws are built. In other words they are the fundamental laws.
5. The purpose of the Constitution is to give everyone in the country a good government and to protect them from bad government. It determines the structure of the government, the court system and other bodies.
6. The Constitution:
 - recognises Papua New Guinea as an independent state.
 - directs and guides how our country should be governed and developed
 - gives us rights and freedoms.

- imposes duties upon us. For example, duty to obey the law and respect other people's right and freedoms.
 - provides guidelines on how new laws should be made and how the existing should be changed by the National Parliament.
7. The constitution was created by the members of the House of Assembly. The House of Assembly was made up of Papua New Guinean leaders and representatives of the Australian Colonial administration. Some of our leaders who participated in the formulation of the Constitution included Michael Somare, John Momis, Matiabe Yuwi and Peter Lus.
8. Our constitution is referred to as a home grown constitution because of the way it was created by our very own leaders here in Papua New Guinea.
9. The legislative arm of the government.
10. Provincial Government has restricted powers and it can only make laws on the designated areas. These areas include
- Primary, secondary technical and vocational, but not curriculum
 - Sale and distribution of alcohol
 - Public entertainment
 - Culture and cultural centres
 - Museum and library.
 - Sports and recreation
 - Tourism
 - Village and urban community courts.

Practice Exercise 14

1. The Ombudsman Commission is the watchdog for the country. It makes sure leaders follow their Code of Ethics, and their behaviour while in Office is acceptable.
2. We have the Ombudsman Commission to place check and balance on decisions taken by our leaders. This will enable our leaders to act within their powers and uphold the Leadership Code and the Constitution.
3. The main functions of the Commission are to:
- Investigate complaints about the administrative actions of governmental bodies and agencies.
 - Administer the Leadership Code (outlined in the constitution) by conducting investigations into the actions of Leaders.
 - Investigate Discriminatory Practices Act and the HIV/AIDS Management and Prevention Act.
- 4.
- (i) **Administrative Complaints**
Administrative complaints are complaints about the decisions and procedures of governmental bodies and agencies.
 - (ii) **Discriminatory Practice complaint**
Discriminatory practice complaints are complaints about discrimination on the grounds of colour, sex, race or ethnic, tribal or national origin" or where a person has

HIV or AIDS. The Commission only investigates complaints about discriminations by governmental bodies or agencies.

(iii) Leadership Complaints

A leadership complaint is a complaint about the conduct of a Leader which breaches the duties and responsibilities of Leaders established under the Leadership Code.

Leaders are required to maintain a standard conduct under the Leadership Code that ensures the public remain confident and that the leaders of PNG are free from corruption and continue to work for the benefit of the people of Papua New Guinea.

5. The Leadership Code is a set of laws that punishes the leaders who hold public offices. The Ombudsman Commission is a statutory body that 'watches' what goes on in the country.

Practice Exercise 15

1. Crime is an act of breaking the law.
2. Village court
3. The National Court is the third highest court in the country because it hears any type of case including appeals from the other two lower courts as well as serious offences. It is controlled by a Judge with the assistance of lawyers representing the disputing parties.
4. (a) Village Court deals with small disputes at the community level.
(b) District Court mainly handles summary or minor offences.
(c) National Court deals with appeals from the two lower courts and serious offences.
(d) Supreme Court deals with appeals from the other three lower levels of court and matters relating to the interpretation of the Constitution.
5.
(a) Rape, is punishable by 15 years imprisonment
(b) Wilful murder, is punishable by death or life imprisonment
(c) Treason, is punishable by death
6. By having unlimited power to hear cases. The decisions of the Supreme Court are final and no appeals can be made as there is no other court above it.
7. Summary offences are minor criminal offences. Indictable offences are serious criminal offences.

Practice Exercise 16

1.
 - (i) Law enforcement is the acts of forcing or making people obey the law.
 - (ii) Law policing is the use of a lawful agent such as a police or military force in enforcing law.
2.
 - (i) Police conduct routine patrols either in a vehicle or on foot as way of preventing crime from occurring.

- (ii) The use of a direct telephone line service in which the public can report crimes to the police.
- (iii) Arresting of lawbreakers is a traditional method in which the law is enforced on the people.
- (iv) Careful planning and organisation of actions in preventing crime and disorder through awareness or educational programs.

3.

- (i) Police Force
 - Arrest and charge lawbreakers
 - Ensure peace and order in the community
 - Investigate crime
 - Escort very important people
 - Enforce court order
- (ii) Courts
 - Decide whether a lawbreaker is guilty or not
 - Decide the punishment for lawbreakers
- (iii) Correctional Service
 - Keep lawbreakers in prison
 - Keep people who are awaiting court decisions
- (iv) Village Councillors
 - Order lawbreakers to face Village Court
 - Solve disputes
 - Keep peace and order in the community
 - Enforce orders of the Village Court
- (v) Peace Officers
 - Bring lawbreakers to face the Village Court

4. Law enforcement in many societies throughout the world is carried out by certain government agencies. In Papua New Guinea the main law enforcement agencies include the Police Force, Correctional Services, Village Councilors, Peace Officers and the Courts.

5. Red, yellow, black, and white sash.

6. We need laws to promote law and order and keep peace in our communities. That is why the work of the police and other law enforcing agencies are very important to us. The community must work together with law enforcing agencies to keep order in society and to make the work of law enforcing agencies easier.

Practice Exercise 17

1. Customary law refers to common customs of Papua New Guinea that have been adopted as part of our country's law.
2. Customary land ownership refers to land that is owned by the traditional landowners.
3. The laws that recognise customary landownership are:
 - Land Act, 1996
 - Forestry Act, 1991
 - Mining Act, 1992
 - Oil and Gas Act, 1998
4. A mediator organises meetings between disputing parties to guide them to solving a land dispute in a peaceful manner.
5. The 4 stages of the land dispute settlement include:
 - Mediation
 - Local Land Court
 - District Court
 - Provincial Land Court
6. Customary marriage is a marriage recognised by the customs of both a husband and wife. Statutory marriage is a marriage that is recognised by the law.
7. A polygamous marriage is a marriage in which a man marries more than one wife or a woman marries more than one husband.
8. The new legislation or law passed stated to outlaw polygamy. This means that if it is practiced it becomes a crime and is punishable.
9. Underage marriage is marriage between a boy and girl who are both under the age of 21 years of age. Or under the Marriage Act the girl must be 16 and the boy 18 years of age.

(The answer may vary)

END OF ANSWERS TO TOPIC 4

TOPIC 5: ETHICS

In This Topic, You Will Learn About:

- **What is Ethics?**
- **Unethical Practices**
- **The Leadership Code**
- **Human Rights**

TOPIC 5: INTRODUCTION

In Topic 5, you will discuss ethics, and unethical practices in government and statutory organisations. The Leadership Code of ethics will also be defined and elaborated on. It is about the rules governing the leaders in Parliament. Human right is another topic that will be discussed in one of the lessons in this topic.

Much has already been discussed on the Leadership Code of ethics in earlier topics of this unit however in this topic it will be discussed in more detail.

Learning Indicators: Students will be achieving this outcome when they, for example,

- define concept such as ethics, civic rights, bribery, corruption, nepotism, and mismanagement
- demonstrate the concept of human rights and human rights abuse

Lesson 18: What is Ethics?



In the last lesson you learnt about the Land, Marriage and Law. In this lesson you will define the terms, and identify the moral principles governing the conduct of a person or group and discuss the consequences of violating the principles of morality.



Your Aims:

- define and differentiate between ethics, codes and moral
 - identify the moral principles governing the appropriate conduct of a person or a group
 - discuss the consequences of violating the principles of morality
-

Like the saying goes „No man is an island“. True to this saying is the fact that man has always lived in groups whether big or small. Living in groups means that, how we conduct ourselves or behave towards others has to be in a way it is acceptable and such behaviour is called ethics. That now brings us to our next discussion.

Moral principles are principles of right and wrong. Principles are values. The philosophy of morality is ethics. Philosophy means idea. A moral code is a system, for example, a religion, or culture, and moral is any one practice or teaching. An example of a moral code is the Golden Rule which states that “one should treat others as one would like others to treat oneself”.

But before we start the lesson you need to know the meaning of the terms below. You will come across them occasionally in the lesson.

Code means rules that one must follow accordingly

Ethic means moral, beliefs, principles that govern our conduct and the decisions we make

Moral means good, right, honest, fair and decent

Rules are guidelines one must follow

Conduct is how someone acts or presents himself/herself in the presence of others

Legal is when something is accepted by Law

Illegal is when something is not accepted by Law

So what is ethics all about?



These rules and expected behaviour in the societies are what makes the societies safer for human survival.



What is Ethics?

Ethics are the rules and standards that control our conduct and the decisions we make when dealing with fellow human beings and the environment. These may reflect religious beliefs but they generally reflect our sense of what is right and what is wrong.

Sometimes decisions that people make are not **illegal**, but the action may still harm another person. Their decision may be **legal** but unethical. An example of this is how we might use one of the most important rights as citizens- the freedom of speech. This right does not mean that we go around saying what we like about people. This may even be illegal. Such gossip may even contain some truth, but going around telling everyone can be very harmful to another person and it is not always ethical.

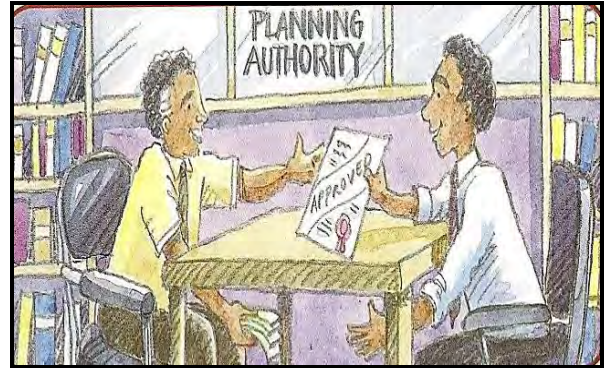


Illustration 9.4.18a: An agreement made between both parties properly.

For business to develop in any society, it is important to have trust in the people around you.

This applies to both the business people and their customers. If the customers do not do the right thing by paying back their debts, or by making false claims against a business, this destroys a trust. If there is not a feeling of trust in a society, the development of business will be held back. If there is strong commitment to acting ethically in the society as a whole, then business has a chance to grow strongly.

It is important that our politicians and public servants (people who work for the government) also act honorably. They have the responsibility of spending government money, not for the benefit of their wantoks, but for all citizens.

Responsible personal decision making

Responsible personal decision making is a little different from ethical personal decision making. A person decides to drive their car too fast on a public road. This decision is irresponsible because it may endanger or harm the lives of others, or the driver. It can further be extended to the responsible harming of the environment.



Illustration 9.4.18b: Lady Carole Kidu discussing an issue

Responsible decision making can also relate to sexual behaviour. Some people may be HIV positive and still engage in unsafe sexual behaviour. This is an example of irresponsible behaviour or irresponsible personal decision making. An example of

responsible personal decision making would be to decide not to engage in any sexual behaviour at all before you are married. However, if you decide to engage in sexual behaviour, than you must engage in safe sex, which involves the use of condom.

The Principal of Morality (acceptable behaviour)

- Honesty
- Responsibility
- Commitment
- Determination
- Patience
- Trustworthy
- Faithfulness
- Courage
- Respect
- Creativity
- Cleanliness
- Punctuality
- Neatness
- Friendliness
- Generosity
- Humble

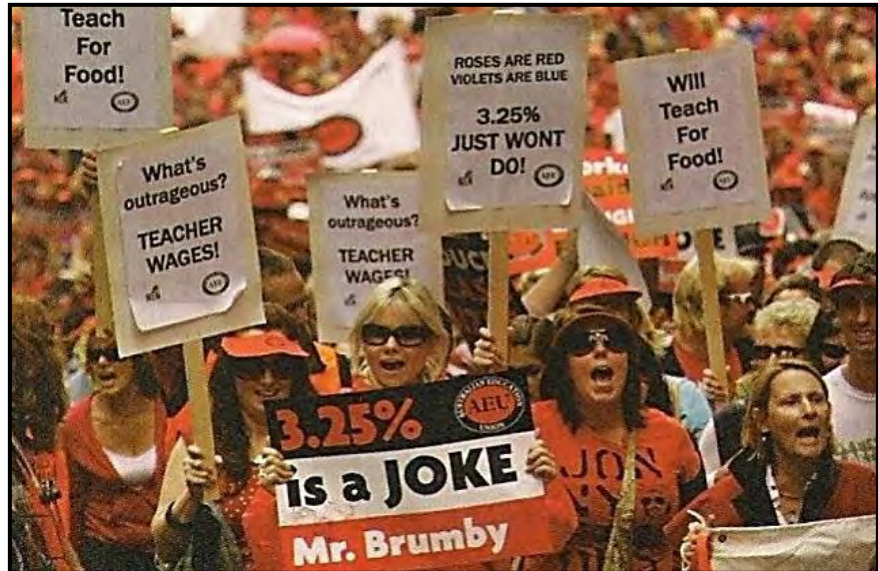


Illustration 9.4.18c: Staging a legal petition is acceptable behaviour.

Consequences

Every action has its consequences. A consequence is a result of an action. Violation means to disrespect or break a rule of law. When a person violates rules, moral values and principles, he or she is penalised or asked to do community work as a form of punishment.

Let us look at a few examples of the consequences of breaking the idea of right and wrong.

Example 1

Some youths in the community drink „home brew“ and beat up the Catholic priest and Catechist who happen to be passing by. These youths may be arrested by the police and charged with bodily assault and within the community itself punished through community service such as grass cutting and cleaning the Parish grounds for certain duration of time.

Example 2

Youth graffiti on other people’s property and are caught in the act. Their punishment most likely will be to clean out the graffiti as soon as possible. They will most likely be also told by the community leaders not to be engaged in such acts again.

Ethics are the rules and standards that govern our conduct and the decisions we make

Now read the summary.



Summary

You have come to the end of Lesson 18. In this lesson, you have learnt that:

- ethics are the rules and standards that govern our conduct and the decisions we make when dealing with fellow human beings and the environment.
- these morale principles may reflect religious beliefs generally reflect our sense of what is right and wrong.
- philosophy means values.
- responsible personal decision making is a little different from ethical personal decision making.
- irresponsible decision may harm you or put others in danger such as drink driving.
- sometimes decisions that people make are not illegal, but the action may harm another person.
- conduct is how a person acts or presents himself in front of others.
- legal is when something is accepted by Law.
- illegal is when something is not allowed or accepted by Law.

NOW DO PRACTICE EXERCISE 18 ON THE NEXT PAGE



Practice Exercise 18

1. List down at least 5 principles of morality.

- (i) _____
- (ii) _____
- (iii) _____
- (iv) _____
- (v) _____

2. Define moral principles and ethics.

3. Can you think of an example or behavior that is not illegal but unethical? Describe it.

4. Explain why drink driving is irresponsible behaviour.

- 5. Can you think of one or two reasons of your own about why people are punished when they break the law?

- 6. Differentiate between legal and illegal, and give an example of both.

NOW CHECK YOUR ANSWERS AT THE END OF TOPIC 4

Lesson 19: Unethical Practices

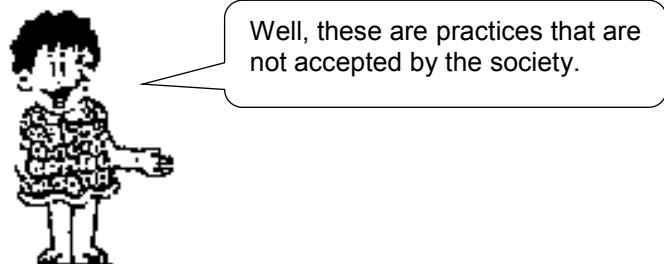


Welcome to Lesson 19. In this lesson you will learn about unethical practices and its various forms.



Your Aims:

- define unethical practices
- discuss various forms of unethical practices



Unethical practices are behaviours that are not accepted by the society.

Types of Unethical Practices

1. Corruption

Corruption refers to a situation in which a person holding a public office misuses public money or uses it for his or her personal gain.

2. Bribery

Bribery is when money or some other benefit or „gift“ is given to a person in authority to influence them to make a decision which will benefit the person who is providing the benefit or gift. Sometimes the decision is not in the best interest of the general public.

3. Nepotism

The word nepotism comes from the Latin word for „nephew“. The meaning though relates to when someone in authority gives a job or awards a contract to a relative. This often means that the best person does not get the job. This is not fair and the impact of nepotism can be more widespread if the relative who is given the job is incompetent (not capable or skillful) and the work they do is not of a high standard. This can mean that ordinary people do not get the best service or result, for example poor building structures.

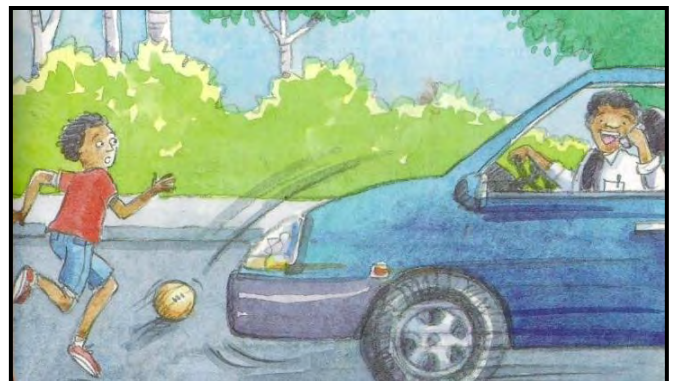


Illustration 9.4.19a: Driving too fast and talking on the phone are examples of irresponsible behaviour.

4. *Mismanagement and Business Practices*

Mismanagement happens when someone who is in charge of something is not capable of doing the job properly and makes bad decisions. If a person in a position of responsibility mismanages, the results are bad for ordinary Papua New Guineans. For example, fewer schools are built, roads are not improved, or medicines that people need are not delivered.

Impact of misuse of positions of responsibility

It is possible to measure how much public money has been wasted when people in the positions of responsibilities do the wrong things which can have negative impacts.

This makes people less likely to take what their leaders say seriously. This means that people cannot be bothered to do the right things themselves or to do the hard work as they believe they will not get the benefit from doing so. They see their leaders benefiting while they struggle to make a living.

Impact of Misuse of Public Funds

The misuse of public funds is like stealing money from the people of Papua New Guinea. When money and resources are stolen by corrupt individuals or organizations, ordinary citizens do not receive the services they deserve or are entitled to.

Unethical Business Practices

There are a lot of examples of unethical practices especially in the world that we are living in today. The main aim of foreign companies is to make profit. They are more concern with the welfare and need of the company.

Business ethics are moral values and principles that businesses should have and display. It refers to commercial business houses, either with other business houses or with a single customer. They can be applied to all aspects of business from generation of an idea to its sale. The aim of any business is to make profits; therefore it should contribute to the interest of the society by ensuring fair practices.

Now read the summary.



Summary

You have come to the end of Lesson 19. In this lesson, you have learnt that:

- unethical Practices is practices that are not accepted by law and society.
- mismanagement, nepotism, bribery and corruption are some examples of Unethical practices.
- corruption is when a person occupying a public office misuses public money.
- bribery is when money or some other benefit or „gift“ is given to a person in authority to influence them to make a decision which will benefit the person who is providing.

- nepotism is when work is given to unskilled relatives because of their relationship.
 - mismanagement happens when someone who is in charge of something is not capable of doing the job properly and makes bad decisions.
-

NOW DO PRACTICE EXERCISE 19 ON THE NEXT PAGE



Practice Exercise 19

1. What are unethical practices?

2. (a) What are the four most common unethical practices in Papua New Guinea?

(b) Explain each one of these unethical practices in Papua New Guinea.

Corruption_____

Bribery_____

Nepotism_____

Mismanagement_____

CHECK YOUR ANSWERS AT THE END OF TOPIC 5

Lesson 20: The Leadership Code



In the last lesson you learnt about unethical practice, and studied some of its examples. In this lesson, you will learn about the Leadership Code.



Your Aims:

- define Leadership Code
 - identify the duties and responsibilities of a leader set out in the Constitution and the Organic Law on Leadership
 - identify leaders whom the Leadership Code applies to under Constitutional Law
 - explain the main functions of the Ombudsman Commission
 - discuss the steps involved in making a complaint to the Ombudsman Commission
 - explain the purpose of the Leadership Tribunal
-

You learnt about the Ombudsman Commission in Lesson 14. One of the main functions of the Ombudsman Commission is to control the Leadership Code by carrying out investigations into the actions of leaders. Investigation means to carry out a careful study into something.

The Leadership Code is based on the Constitution. As the standard of conduct for our leaders, it is important that all leaders in Papua New Guinea must know and understand what the Leadership Code asks of them. This is to ensure that their conduct (or behavior) is not questioned and the integrity of the Offices they occupy is protected at all times.



Should ordinary people know the Leadership Code too?



Certainly! So that we do not put demands that may force our leaders to take actions that break the Leadership Code.

Next we will look at the duties and responsibilities of leaders. The Constitution sets out the general duties and responsibilities of a leader. The standards of behaviour for a leader also apply to their husbands, wives and associates.

The Constitution states that:



Illustration 9.4.20a: Theo Zurenuoc, Minister of Education (2011)



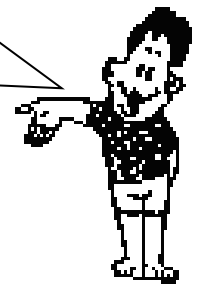
Illustration 9.4.20b: Don Polye - Minister of Finance & Treasury (2011)

- leaders must never place themselves in a position where they might raise questions upon their position when carrying out their duties.
- leaders must never lower their office or position.
- leaders must never allow their honesty to be called into question.
- the respect of the government in Papua New Guinea must be protected at all times. No act of a leader should put in danger or reduce the respect for and the belief in the government.
- leaders must never use their office for personal gain. They must not enter into any business dealings or activity that might cause the public to doubt that they are carrying out their duties as leaders.
- a leader's husband or wife, children and friends' behaviour must not cause the leader to break the duties above.



1. Are there any other duties apart from the above that leaders should also follow?

2. Yes there are. The Organic Law on the Duties and Responsibilities of Leadership also sets out a number of detailed duties that leaders should follow.



3. Now, turn over the page and find out the specific or exact duties and responsibilities our leaders are expected to uphold under the Organic Law on Leadership.



Below is a list of duties and responsibilities of a leader.

- Leaders must give in yearly statements (reports) to the Ombudsman Commission giving details of their possessions, income, debts, business interests,

directorships in companies, gifts they have received and accounts of all public money under their care.

- Leaders must not use their official positions to benefit themselves personally or their families, friends or associates.
- Leaders must not use or give orders to use public money for any purpose other than that for which it was meant. Misuse of public money is a sign of misconduct in office.
- Before dealing with, debating or voting on a matter in which he or she has an interest, a leader must make known that interest to the appropriate body. For example, a leader must make it known if he or she has friends and wantoks involved in a company that is being considered for a government contract.



Illustration 9.4.20c:
Deputy Prime Minister-
Belden Namah (2011)



So which leaders does the Leadership Code apply to?



That is a very good question. Let us read on and find out the answer to that question.

The Leadership Code applies to those individuals who are classified as leaders under the law. The Constitution identifies leaders as those who occupy public offices. A leader is sometimes referred to as the *custodian* of public office.

Custodian is a person who takes care of someone or something.

Below is a list of people whom the Constitution identifies as leaders in Papua New Guinea.

- All members of Parliament (including the Prime Minister, Opposition Leader and all Ministers).
- All members of Provincial Assemblies and Local - level Governments.
- All Constitutional office holders (Judges, the Public Prosecutor, the Public Solicitor, the Chief Magistrate, the members of the Electoral Commission, the Clerk of Parliament, the Auditor General, the members of the Public Service Commission and the members of the Ombudsman Commission).
- All heads (Secretaries) of Departments of the National Public Service and Provincial Administrators.
- All heads of statutory authorities.

- The Commissioner of Police.
- The Commander of the Defence Force.
- All Ambassadors and High Commissioners and senior diplomatic officers.
- The Public Curator.
- All personal staff of the Governor General, the Ministers and the Deputy Leader of the Opposition.
- All executive officers of registered political parties.



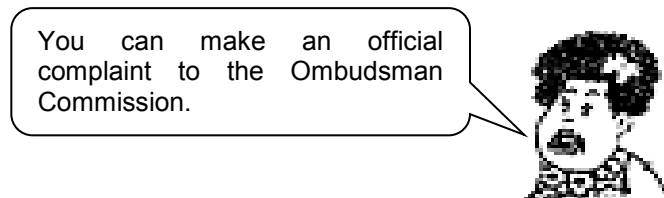
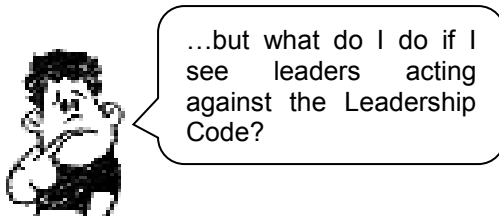
Illustration 9.4.20d: Prime Minister Peter O'Neil (August 2011). *Right:* Police Commissioner Tony Wagambie (July 2011)

You have learnt what the Leadership Code means and to whom it applies in Papua New Guinea. Next we will look at the Ombudsman Commission and how it relates to the Leadership Code. The Constitution gives the Ombudsman Commission the power to supervise and control the Leadership Code. That is why the Ombudsman Commission investigates complaints against leaders for misconduct. In other words, the Ombudsman Commission was set up to keep watch on the actions of our leaders and the government. The Constitution gives the Ombudsmen Commission the power to:

- control the Leadership Code to ensure good leadership and control.
- to investigate actions or practices that unfairly judge others by their skin colour, religion political membership or gender (male or female).
- investigate complaints of wrong conduct by government departments, statutory authorities and other governmental bodies.

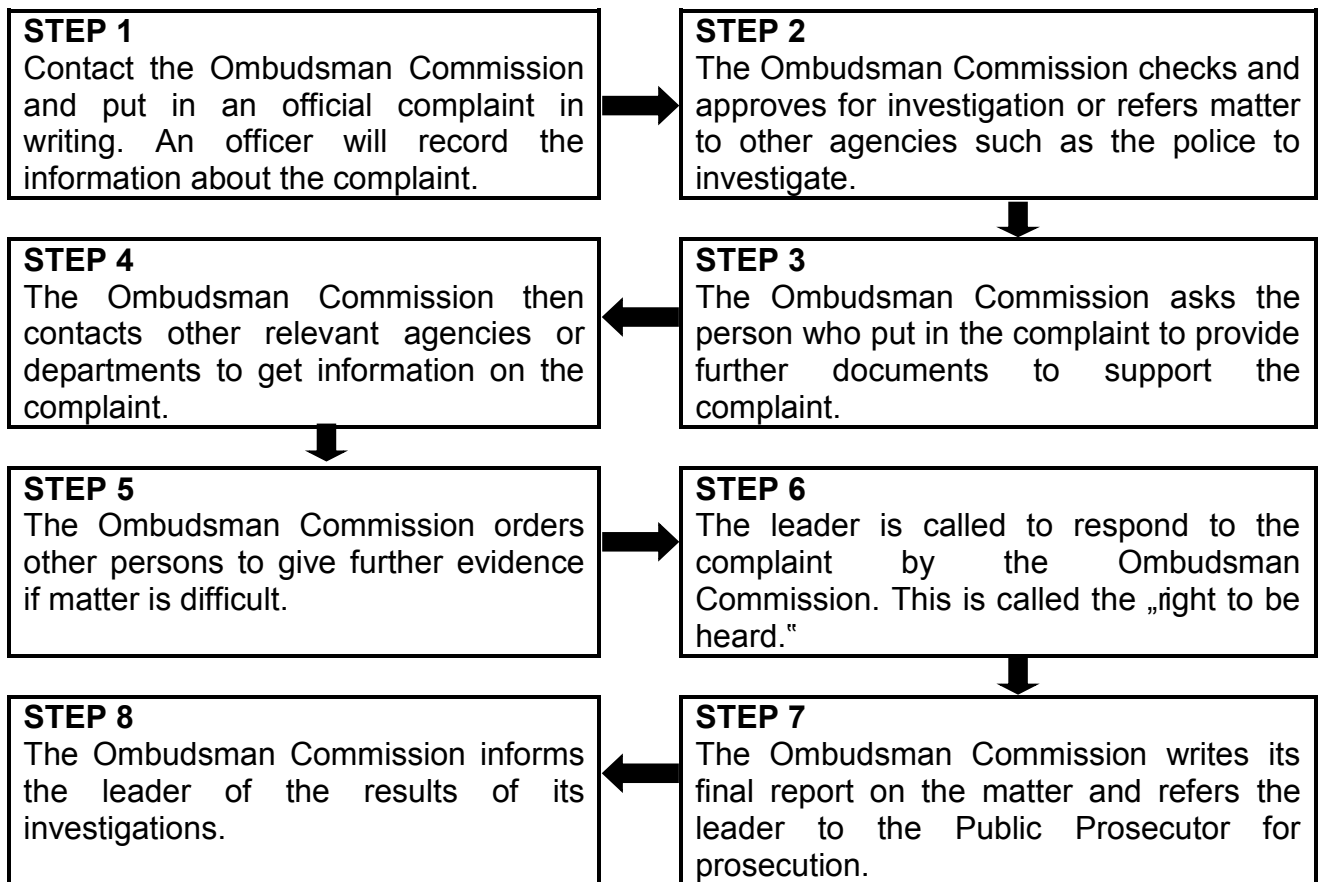


Illustration 9.4.20e:
Ombudsman Commission logo



The Ombudsman Commission's leadership investigations are independent. This means that they are not controlled by any other persons including the Prime Minister, Members of Parliament or the government. The Ombudsman Commission will only inform the person making the complaint of receiving his or her complaint. They do not give information about an investigation. Whenever, the Ombudsman Commission finds enough evidence of a leader breaking the Leadership Code, it refers the matter to a Leadership Tribunal.

Steps on How to Make a Complaint to the Ombudsmen Commission



So how long does it take for the Ombudsman Commission to attend to a complaint?



That depends on how many other complaints that are there for investigation; the difficulty of a complaint; and the cooperation from other government departments.

A Leadership Tribunal usually consists of one National Court Judge and two Senior Magistrates from the District Court. The tribunal is usually appointed by the Chief Justice. The purpose of the tribunal is to hear arguments from both the leader and State to decide if the leader is guilty of misconduct in office or not. The Constitution sets very clear punishments for leaders. If a leader is not guilty, he or she may be put back to his or her position. However, if a leader is guilty, he or she may be asked to pay a fine or be dismissed from office. If a leader is dismissed from office it means that for three years the leader cannot be:

- Elected to any elective public office including election to the national Parliament or Provincial Assembly or Local-level Government.
- Appointed to the Provincial Executive.
- Appointed as Head of State, the Governor General.

- Elected as Governor of a province.

To date the Commission has referred 86 leaders to the Public Prosecutor for breaking the Leadership Code since 1975. Most of these leaders have faced leadership tribunals and many have been dismissed from office. Others have resigned from public office before the tribunal could hand down its decision, thereby escaping punishment.

Now do Activity.



Activity

1. What does the term Leadership mean?

2. List down 2 duties and responsibilities of leaders under the Constitution.

3. Who enforces the Leadership Code?

4. Who is a leader according to the law in Papua New Guinea?

5. What type of duties does the Organic Law on Duties and Responsibilities of Leadership set for leaders?

Check your answers after the summary.

Now read the summary.



Summary

You have come to the end of Lesson 20. In this lesson, you have learnt that:

- the Leadership Code is a set of rules that state what leaders can do and cannot do.
- The Constitution states general duties and responsibilities of leaders. It also identifies the leaders in which the Leadership Code applies to.
- the Organic Law on Duties and Responsibilities of Leadership provides specific duties and responsibilities of leaders.
- one main role of the Ombudsman Commission is to control the Leadership Code.
- there are several steps to take when making a complaint against a leader.
- a Leadership Tribunal hears disputes concerning a leader's conduct and decides if the leader is guilty or not.

Answers to Activity

1. The ability of a person to lead others.
2. A leader must not:
 - involve in activities that will lower the office he or she occupies
 - allow his honesty (integrity) to be called into question
 - put himself or herself in a position where his or her interest clashes against his or her responsibility
 - enter into business deals or activities that will profit himself or herself
3. The Ombudsman Commission has the responsibility of enforcing the Leadership Code.
4. The Constitution identifies leaders as those who occupy public offices.
5. The Organic Law on Duties and Responsibilities of Leaders sets out a number of specific duties for all leaders to follow.

NOW DO PRACTICE EXERCISE 20 ON THE NEXT PAGE



Practice Exercise 20

Read the newspaper article below and answer questions.



Somare, Pruaitch out

By Peter Korugl

Arthur Somare Patrick Pruaitch

Two senior ministers facing leadership tribunals were suspended from office last Friday by operation of a Supreme Court ruling that leaders referred to a tribunal must step down from office with immediate effect.

Public Enterprises Minister Arthur Somare and Finance and Treasury Minister Patrick Pruaitch, both facing separate leadership tribunals over misconduct charges were automatically suspended from office by a three-member Supreme Court bench.

The leadership tribunal investigating Mr. Somare's alleged misconduct in office charges starts today while Mr. Pruaitch's case is pending before a National Court.

The Supreme Court also ruled that any move to take out court injunctions against leadership tribunal proceedings are viewed as abuse of process and should be declined without exception.

If the Minister for Bougainville Affairs, Fidelis Semoso, is also referred to a Leadership Tribunal by the Public Prosecutor, he will also be suspended from office.

The Supreme Court decision last Friday clarified that the Constitution was specific that all public office holders except for the Prime Minister and few others, are automatically suspended from office when they are referred to a leadership tribunal.

The Ombudsman Commission and the Public Prosecutor's Office are expected to write to the two MPs to inform them of the judgment today and its effect.

Deputy Chief Justice Gibbs Salika, Justice Nicholas Kirriwom and Justice Ambeng Kandakasi clarified the operations of the law on the suspension of leaders facing misconduct charges when dismissing the constitutional reference filed by Prime Minister Sir Michael Somare on the powers of the Ombudsman Commission to investigate and refer leaders in April this year.

In its deliberations, the Supreme Court reviewed two earlier decisions it made in the Patrick Pruaitch case, in which in the earlier decision, the same court suspended Pruaitch but this was overturned in the second judgment when the same matter returned to the same court.

Source: Post Courier, 4 July 2011

1. Who are the two senior government ministers that were suspended by the Supreme Court?

2. Why were the ministers suspended?

3. What does the Constitution say about leaders that are referred to a Leadership Tribunal?

4. List the duties and responsibilities of a leader in occupying public office.

(i) _____

(ii) _____

(iii) _____

(iv) _____

5. List at least 3 groups of people whom the Constitution identifies as leaders in Papua New Guinea.

(i) _____

(ii) _____

(iii) _____

6. What powers does the Constitution give the Ombudsman Commission? List them.

(i) _____

(ii) _____

(iii) _____

NOW CHECK YOUR ANSWERS AT THE END OF TOPIC 5

Lesson 21 : Human Rights



Welcome to Lesson 21. This is the final lesson Unit 4. In the last lesson you learnt about the Leadership Code. You will conclude by learning about Human Rights in this lesson.



Your Aims:

- define Rights, Freedom and Human Rights
 - identify the basic human rights
 - explain the history and creation of human rights
 - identify international organisations that advocate human rights and discuss their roles
 - discuss Universal Declaration Of Human Rights
 - identify example of Human Rights violations
-

Before we proceed into the actual lesson, you must first know the meanings of the words, *rights* and *freedom*.

Rights are your entitlements or what you must have as a person. For example, you have the right to education.

No one should deprive you of your right. You have the freedom to do what you want to do but do not interfere with other people's rights. Now that you have learnt the meanings of rights and freedom, we will go on to defining Human Rights.

Freedom is being able to do what you want to do.

Human rights are what all human beings are entitled to as a person.

Human rights are seen as universal (they are applied anywhere in the world) and are the same for everybody.

Who started the idea of Human Rights and when did it start.



Why was Human Right laws created?



The idea of human rights may have existed in early European empires as early as 1264. Throughout history a number of rights were enacted. However, the modern Human Rights developed after the two World Wars. The huge losses of life and the abuses that were associated with them was the driving force behind the development of the Modern Human Rights.

The United Nations since its creation in 1945 has played an important role in International Human Rights law. Following the World Wars, the United Nations and its members developed much of the law that now makes up International Humanitarian Law and International Human Right Law. The United Nations General Assembly adopted the Universal Declaration of Human Rights in 1948 in Paris.

Basic Human Rights

The following are some basic Human Rights.

- **The Right to Life**
Every human being has the right to life. This right is protected by the law. No one should be deprived of rightful living.
- **Freedom from Torture**
Torture is prohibited (not allowed) under the International_ and the domestic laws of most countries in the 21st century.
- **Freedom from Slavery**
No one should be held in slavery. Slavery is prohibited (not allowed) under the International Law.
- **Right to a Fair Trial**
Everyone has the right to a fair trial by an independent and impartial tribunal, in determining his rights and obligations and of any criminal charge against him.
- **Freedom of Speech**
Everyone has the freedom to speak freely without being intimidated or suppressed.
- **Freedom of thought, conscience and religion**
Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

International Human Rights law

The International Human Rights Law refers to the body of international law designed to promote and protect human rights at the international, regional and domestic levels. International Human rights law is closely related to, but distinct from International Humanitarian Law. Both of these laws, for example, provide a protection from torture.

That is interesting. What about the Universal Declaration of Human Rights?



Universal Declaration of Human rights

The Universal Declaration of Human Rights is an international document that states the basic rights and fundamental freedoms to which all human beings are entitled.

When was the Universal Declaration created?

The Universal Declaration was adopted by the General Assembly of the United Nations on 10 December 1948. Motivated by the experiences of the world wars, the Universal Declaration was the first time that countries agreed on a list of basic human rights.

Universal Declaration

The Universal Declaration begins by recognising that „the essential dignity of all members of the human family is the foundation of freedom, justice and peace in the world. It declares that human rights are universal. This is to be enjoyed by all people, no matter who they are or where they live“.

The Universal Declaration includes civil and political rights, for example, the right to life, liberty, free speech and privacy. It also includes economic, social and cultural rights, such as the right to social security, health and education.

Is the Universal Declaration legally compulsory?

The Universal Declaration is not a treaty, so it does not directly create legal obligations for countries. However, it is an expression of the most basic values which are shared by all members of the international community. It has had a great influence on the development of International Human Rights Law.

Human Rights Violations

Human Rights Violation simply refers to the breaking of the Human Rights laws. Examples of violation of human rights include:

- Segregation of people based on colour in USA, Australia and South Africa
- Chemical warfare in Vietnam
- Attempted genocide by Idi Amin in Uganda
- The use of child labour in certain parts of the world
- Tribal fighting in Papua New Guinea

There are many other examples of human rights violations. Human rights violations can occur between people, within a family, an organisation or a place of work.

Now read the summary.



Summary

You have come to the end of Lesson 21. In this lesson, you have learnt that:

- *Rights* are your entitlements or what you must have as a person. For example, you have the right to education.
- Freedom is being able to do what you want to do.
- Human rights are what all human beings are entitled to as a person.
- you have the freedom to do what you want to do but do not interfere with other people's rights.
- Human Rights are seen as universal (they are applied anywhere in the world) and are the same for everybody.
- some basic human rights include:
 - The Right to Life
 - Freedom from Torture
 - Freedom from Slavery
 - Right to a Fair Trial
 - Freedom of Speech
 - Freedom of thought, conscience and religion
- International Human Rights law refers to the body of International Law designed to promote and protect Human Rights at the international, regional and domestic levels.
- the Universal Declaration of Human Rights is an international document that states the basic rights and fundamental freedoms to which all human beings are entitled to.
- Human Rights are to be enjoyed by all people, no matter who they are or where they live.

NOW DO PRACTICE EXERCISE 21 ON THE NEXT PAGE



Practice Exercise 21

1. Define the following terms.

a) Right _____

b) Freedom _____

c) Human Rights _____

2. List down the basic human rights we have studied so far.

3. What does International Human Right Law refer to?

4. Briefly explain Universal Declaration of Human Right?

5. When was it adopted by the General Assembly of the United Nation? _____

6. Give some examples of violations of human rights.

CHECK YOUR ANSWERS AT THE END OF TOPIC 5

ANSWERS TO PRACTICE EXERCISES 18-21

Practice Exercise 18

1.

- | | | |
|-------------------|--------------------|-----------------|
| (a) Honesty | (b) Responsibility | (c) Commitment |
| (d) Determination | (e) Patience | (f) Trustworthy |
| (g) Faithfulness | (h) Courage | (i) Respect |
| (j) Creativity | (k) Cleanliness | (l) Punctuality |
| (m) Neatness | (n) Friendliness | (o) Generosity |
| (p) Humble | | |

(Any 5 of these answers are correct)

2. Moral principles are values of right and wrong.

Ethics are the rules and standards that govern our conduct and the decisions we make when dealing with fellow human beings and the environment.

3. –spreading false rumour and gossiping unnecessarily about others because you are jealous or envious
-mistreating others

(Any other suitable answers are correct)

4. Drink driving is irresponsible behavior because drinking impairs your body functions and vision which may lead to making poor judgment when driving causing accidents on the road. It can also put the driver, passengers or pedestrians at great risk on the road.

5. People are punished because their actions were not according to the rule of law; or they knew it was wrong but they did what they did.

(Any other suitable answers are correct)

6. Legal is when something is accepted by Law, for example, living together and not properly married. Illegal is when something is not allowed or accepted by Law. For example, getting married in a church or civil registry is legal.

Practice Exercise 19

1. Unethical practices are behaviours that are not allowed or accepted by the society.

2.

- (a) Corruption, bribery, nepotism and mismanagement
- (b) Corruption refers to a situation in which a person in a position of public responsibility makes a decision that is influenced by personal benefit at the expense of the public.
- (c) Bribery is when money or some other benefit or „gift“ is given to a person in authority to influence them to make a decision which will benefit the person who is providing the benefit or gift.
- (d) Nepotism may refer to someone in authority giving a job or contract to a relative who may not be suitably qualified.

- (d) Mismanagement happens when someone who is in charge of something is not capable of doing the job properly and makes bad decisions.

Practice Exercise 20

1. Arthur Somare and Patrick Pruaitch
2. Both ministers were suspended because they failed to step down from their positions as stated by the law when they were both referred to a Leadership Tribunal.
3. The Constitution clearly states that apart from the Prime Minister and a few others, all leaders are automatically suspended from office when they are referred to a Leadership Tribunal.
4. Duties and responsibilities of a leader
 - (i) Give yearly statements (reports) to Ombudsman Commission
 - (ii) Must not misuse their official positions to benefit themselves or their families
 - (iii) Must not misuse public money
 - (iv) Must make interest known to appropriate body if want to vote or be involved in company contracts given by public money (government).
5. Some groups of people identified by the Constitution as leaders in PNG
 - (i) All Members of Parliament
 - (ii) All Members of Provincial and Local Level Governments
 - (iii) All constitutional office holders, for example, judge
(Any other groups of people)
6. Three powers the Constitution give the Ombudsman Commission
 - (i) Control the leadership code
 - (ii) Carry out investigations on unfair judgments
 - (iii) Investigate complaints of wrong conduct by government departments and statutory authorities

Practice Exercise 21

1.
 - a) A Right is an entitlement or what you must have as a person.
 - b) Freedom is being able to do what you want to do.
 - c) Human rights are what all human beings are entitled to as a person.
2. The basic human rights
 - The Right to Life
 - Freedom from Torture
 - Freedom from Slavery
 - Right to a Fair Trial

-Freedom of Speech

3. International human rights law refers to the body of International Law designed to promote and protect Human Rights at the international, regional and domestic levels.
 4. The Universal Declaration of Human Rights is an international document that states the basic rights and freedoms to which all human beings are entitled.
 5. 10th December, 1948
 6. Examples of human rights violations
 - Segregation of people based on skin colour in USA, Australia and South Africa
 - Chemical warfare in Vietnam
 - Attempted genocide by Idi Amin in Uganda
 - The use of child labour in certain parts of the world
-

END OF ANSWERS TO TOPIC 5

Glossary

Act	a law made by a law making body such as parliament.
Appointed (leader)	An individual who gains position of leadership through their education and experience.
Associate	a person who has joined with others in work, business or crime.
Chief Justice	the head of all Court Judges in a country.
Child maintenance	the provision of food, clothing and other basic needs for the daily living of a child.
Citizen	a member of a country.
Civil law	branch of law dealing with disputes between individuals or organisations in which compensation may be awarded to the victim.
Coalition	the uniting of political parties for a special purpose.
Colony	a territory ruled by a powerful country.
Constitution	the main body of law of a country.
Coup	sudden takeover of a government illegally or by force.
Courts	refers to the judges and magistrates who have the constitutional power to listen to disputes and make decisions accordingly.
Crime	an act that breaks the law.
Criminal offence	an act that is a crime punishable under the law.
Criminal Law	the body of rules that defines behaviour that is not allowed by the government because it is threatening, harmful and dangerous.
Custody	the daily care and organisation of a child's life.
Customary law	refers to common traditional Papua New Guinean customs which are recognised as law by the Constitution.
Customary marriage	a marriage between a man and woman that is recognised by both parties' customs.
Decentralisation	giving of power to lower levels of government.

Democracy	a system of government which encourages and allows rights of citizens.
Divorce	the lawful ending of a marriage relationship between a man and a woman.
Exclusive Economic Zone (EEZ)	an area of coastal water and seabed within a certain distance of a country's coastline, to which the country claims exclusive rights for fishing, drilling, and other economic activities.
Elected Leader	An individual chosen by the people through secret voting in an election.
Elective Public Office	refers to positions within the government system in which the person who occupies such a position is chosen through an election.
Hereditary	passed on through family line.
Hereditary leader	become a leader through hereditary.
House of Assembly	is a name given to the legislature or lower <i>house</i> of a bicameral parliament.
Integrity	condition of being honest and upright in character.
Law	is an authority or a system of rules that helps to maintain order and protect people and property from harm.
Leadership	a person's ability to lead other members of the society.
Leadership Code	a set of rules that sets out what our leaders can do and cannot do.
Leadership Tribunal	a special court that deals with disputes concerning the behaviour of a leader.
Misconduct	improper or unsuitable behaviour.
Neo colonialism	is the ability to influence a weak nation's economic and cultural developments, rather than politics.
Obligation	is a duty one must perform.
Organic Law	a system of laws which form the base of a government, business or an organisation's body of laws.
Policing	to control or keep in order through the use of a police or military force.

Political independence	Political Independence is a state of a nation and its people exercising self-government free from foreign control.
Post-independence	refers to the period of political rule after September 16, 1975.
Pre independence	before independence. Independence is the freedom from the control or influence of another person or country.
Prosecute	to begin a court case against someone.
Public Office	a position of leadership established (or set up) under the Constitution to serve the interests of the people of Papua New Guinea.
Public Prosecutor	the law official who starts criminal court cases on behalf of the State or the public against wrong doers.
Punishment	Punishment is the act of doing time in prison.
Responsibility	a duty someone ought to do.
Right	a freedom that is protected.
Secede	to break away from a country.
Secession	movement of supporters to secede or break away.
Self-government	a colony ruling itself however its foreign affairs, defence and court system are controlled by its former colonial rulers.
Sovereign	is being free politically, and be able to rule by yourself.
Statutory marriage	a marriage between a man and woman that is recognised by law.
Unicameral	having only one chamber or parliament (house).
Upstream	exploration and production stage of raw materials (such as oil).
Vote of No Confidence	a vote in which members of a group are asked to indicate that they do not support the person or group in power, usually the government.
Westminster	is a parliamentary system of government modelled after that which developed in the United Kingdom of Great Britain and Northern Ireland.

References

Liria, S., (2009). *A Law Awareness for PNG: Our Guide to the Rule of Law*. Oxford University Press

McRory, M., (1987). *National Government Grade 6 Community Life Pupil Book Papua New Guinea* National Department of Education. Oxford University Press, Melbourne

Mickleburg, A. 1987, *Story of Our Past Grade 7 Social Science Pupil Book Papua New Guinea* National Department of Education. Oxford University Press, Melbourne

Department of Education Papua New Guinea., (1992). *Population, Resources and Migration* Jackaranda Press. Auckland, New Zealand

Waiko, D. J., (1993). *A Short History of Papua New Guinea*, Oxford University Press, Melbourne.

Waiko, D. J., (2003). *Papua New Guinea: A History of Our Times*. Oxford University Press, Melbourne

Internet sources

Retrieved December 20, 2015 from
[En.m.wikipedia.org/wiki/Upstream_%28petroleum_industry%29](http://en.m.wikipedia.org/wiki/Upstream_%28petroleum_industry%29)

Retrieved April 18, 2016 from
<http://genderindex.org/country/papua-new-guinea>

Retrieved April 19, 2016 from
https://www.google.com.pg/?gws_rd=cr,ssl&ei=p68VV__JB1bDmAXT6IXwBQ#q=achievements+of+martin+luther+king