



**REPRESENTATIVE DEMOCRACY FOR THE
NATIONAL CAPITAL DISTRICT:**

AN ANALYSIS OF PUBLIC ISSUES

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REPRESENTATIVE DEMOCRACY FOR THE NCD?

1 QUALITY OF NCD RESIDENTS' LIFE

It is difficult to measure quality of NCD residents' life. The Economist Intelligence Unit (EIU), an authoritative international economic research organisation (linked with the Economist Magazine) undertakes periodic surveys of livability for expatriate businessmen/women – not local residents - in capital cities. The survey's indices include:

- Crime and conflict;
- Private and public healthcare;
- Culture and freedoms, food, goods, recreational activities;
- Private and public education;
- Infrastructure: public transport, international connections, housing, services, telecommunications, housing, recreation, health, and
- Natural factors, such as the weather

Port Moresby is near the bottom. In 2002, 2004 and 2005, it ranked 130 out of 130 capital cities. In 2010 and 2011, it rose to 137 out of 140.

In Port Moresby, international businessmen (the *EIU's* target readers) inhabit apartments on hilltops open to sea breezes, hidden behind high fences bristling with razor wire and gates watched by security guards. For many ordinary citizens, life may not seem tough for these expats, who speed in high set four-wheel drives between their apartments and the Yacht Club and down the freeway to the international airport.

The gap between elite lives and others' lives is illustrated by a view from Hanuabada to Town. In between is Konedobu, a largely commercial and office suburb, but home of the elite Yacht club, and new elite apartment blocks. It looks up to Touaguba Hill, home of more elite.

At 5 o'clock in the afternoon, NCD Commissioners, if they stopped their cars to enquire, would find a confusion of workers in Town trying to get home to Boroko, Hanuabada and Gerehu.

Workers trying to walk to where they reside, find inadequate footpaths - – but the prevalent threat from menacing 'raskols' including bag snatchers, after women's bilums. The old premises of the Yacht Club institutionalize supremacy of car over pedestrian and elite over worker by extending its car park across the footpath.

Workers find it difficult to travel by bus. A crowd – and pickpockets – rush many buses. It takes an hour or more of waiting – and rushing – before workers find a bus to take them home.

Bus services are limited and deteriorating. An example is links between Town and Gerehu. The old direct route between Gerehu and Town has closed, largely because of poor road maintenance. Buses are not permitted to use the freeway, but must take the long circuit, via Koki, Boroko and North Waigani

The NCD Governor recognizes the problem. On election in 2007, he said: "we can see poverty creeping into the city and marginalization of the people in the economy. You can see big businesses, very rich people and very poor people". He promised to "lessen that gap between the rich and the poor".

2 PURPOSE

A UN agency recently completed a *Port Moresby Urban Profile*. It argues that a core problem is governance:

“The governance system in Port Moresby comprises an appointed body (the NCDC) as the city authority. ... The Governor, who is the elected Regional Member, is also the Chairman of the NCDC. For the most part the Commissioners are not accountable to the city’s population. Its leadership does not generally promote civil participation or create accountability frameworks for overall management. The NCDC must ... provide a way for community decision-making in urban decision making. Such efforts would involve the city’s residents in a meaningful way and convey a vision that is clear enough to win the people’s confidence and ensure their participation in the development of an attractive city for all”.

NCD MPs, Powes Parkop, Mekere Morauta, Andrew Mald and Carol Kidu are four of the most capable national leaders. They are also among the most committed to working with the community for community development. The problem is not their personal role in the NCD. The problem is the system of governance.

The Governor himself has stated that, ‘Too many people have effectively been disenfranchised, socially and economically.’ This paper argues that the people of the NCD also need to be enfranchised politically at NCD and community levels.

This paper:

- argues that the people of the National Capital District have almost no effective and meaningful participation and representation in the decisions and affairs of the Commission; and
- proposes ways of increasing that participation and representation.

The paper excludes consideration of the Motu Koita areas. These already have their own Council.

3 AN APPOINTEE-DOMINATED NCDC

The *NCDC Act* prescribes 11 Members of the NCDC. These are, besides the Governor:

- 4 elected Members: NCD MPs and the Chair of Motu Koita Assembly;
- 1 public servant: the Central Province Provincial Administrator; and
- 5 Members appointed by the Governor without statutory provision for merit-based appointment: to represent women, youths, trade unions, and settlements and the Motu Koita Assembly.

The Governor through appointed members can dominate decisions of the NCDC. The issue here is not the quality of the persons appointed by the Governor. The issue is that the persons are appointed without accountable process. There is, for example, no NCD wide organization representing youth or settlements. The issue is that the people are not represented by their elected representatives.

Members of NCDC not appointed by the Governor claim domination by appointed members rendering their participation meaningless. Although the *NCDC Act* prescribes monthly meetings

of the NCD Commission, no meetings have been held in the last eighteen months. There has been no quorum when meetings have been convened.

Key decisions, including the NCD Budget, have been made without participation of the Commission.

An increasing percentage of the NCDC budget goes to a senior associate of the Governor's new party. Many of these contracts have been made under Certificates of Expediency and without public tender. There is risk of conflict of interest.

The Governor and the Open Members can resolve this conflict of interest by supporting creation of an effective and representative Commission.

4 BEST KEPT SECRET: NCD LOCAL-LEVEL GOVERNMENT

NCD has Local-level Governments (LLGs).

These LLGs are a well kept secret. LLGs are required to meet at least once a month (*NCDC Act* s49). Who should meet is uncertain. Members of LLGs appointed in 1995 remain in office until elections are held (*NCDC Act* s69). No elections have been held.

The Governor has appointed LLG members. The number appointed (14) breaches the *NCDC Act* s48 (1) (a). The appointments breach requirements for election (*NCDC Act* s48 and s69). There have been no public invitations to nominate councillors, and no statement of the appointment process.

The Governor and the Open Members could work together to create effective local government in the NCD.

5 TOP-DOWN GOVERNMENT OF THE NCDC

NCDC government is top-down. A recent *City Sivarai* illustrates the dominance of the Governor. Articles almost entirely feature the Governor: unveiling statues, opening water slides, expressing concern about foreign ownership of businesses, donating a bus and computers to schools, urging Hela and Goilala to live in peace, landowners to register their land with NCDC urging citizens to clean the city and settlers to make responsible use of mains water supply.

City Sivarai does not handle issues of immediate concern to residents. Designated recreation areas have been allocated to a developer. People most affected are not consulted. Container homes grow in residential areas – and stay for years without sanitation because the businessmen claim they are temporary.

The Governor states the need for people to work with the government to 'advance our social and economic conditions so that, together with the government, we can all develop and progress our nation together'. The Governor may be asked whether NCD residents will 'develop and progress our nation together' with government which excludes their representation at NCD and local levels.

6 SELF-GOVERNMENT CREATES LIVEABLE URBAN COMMUNITIES

Global experience shows liveable urban communities are founded on:

1. Communal democracy and respect by authorities for the residents, even if recently arrived settlers; and
2. Partnership between levels of Government.

Principle 1 Communal Democracy

Democracy is people.

The principle of communal democracy states that local urban democracy is at the people's level – i.e. residents making decisions which impact their community. Papua New Guineans have cultural and social traditions of community self-government which could be activated in the NCD (and to some extent are, on an informal basis, in many settlements).

Local government and wards would involve common areas where residents conduct daily activities. These include shopping, trade stores, informal sector and markets, noise and alcohol control, elementary schools, community peace and order; provision for churches and recreation; business; clinics, and safe and healthy accommodation.

Communal wards would build dialogue between LLGs and ward residents based on community-oriented functions. Dialogue would encourage efficient delivery of services as residents identify with their LLGs through strong communal wards.

40% of the NCD population lives in settlements, including many of the city's workers, and many technical and professional staff. Relations between settlers and ratepayers are often hostile. Ratepayers feel targeted by criminals who use some settlements as safe havens, but crime affects everyone, including, or even especially residents of settlements. Shared membership of a LLG by ratepayers and settlers might lead to dialogue which would break stereotypes and solutions which meet problems which lead to criminal activities.

LLGs will enable informed discussion of problems and solutions in terms of NCD services. They will provide a wider forum with wise use of community resources subject to local pressure and even community-driven 'social auditing'. LLGs can support, monitor, guide or control ward community activities.

The *NCDC Act* s47(2) states that 'subject to a declaration made for the purposes of the Motu-Koitabu areas, boundaries of the Local-level Government areas shall be the same as the boundaries of the open electorates.' However, Open Electorates are defined by size of population, whereas LLGs are, appropriately, seen in terms of residents' identification with community needs.

The present definition of LLG wards has no relation to communities (*NCDC Act* s48 (1)). It requires two wards for each open electorate / LLG area, with no less than 8 but not more than 12 elected members.

The NCDC Act would need amendment to define appropriate LLGs and wards.

Principle 2 Partnerships between levels of Government

The *NCDC Act* makes Open MPs members of the NCDC. This consolidates partnership of NCD and national democracy.

A close working relationship is also required between NCDC and LLGs.

Heads of LLGs should be members of the NCDC.

Representation of LLG Presidents on the NCDC would make community concerns part of NCDC decision-making. Parallel with representation of the Motu-Koita Assembly, each LLG could be represented on the NCDC by two members: the Chair and another elected by the LLG.

7 CONSTITUTIONAL AND STATUTORY IMPLICATIONS

The National Goals and Directive Principles state that citizens should have equal opportunity to participate in, and benefit from political life, and in creation of political structures that enable effective, meaningful participation in political, social and economic life, and for every citizen to be able to participate, directly or through a representative, in considering any matter affecting his or her interests or the interests of his or her community and to ensure that, as far as possible, political bodies broadly represent citizens. This principle is explicitly endorsed by Section 1 of the *NCDC Act*.

In the Nation's Capital one person appoints a majority of members of the NCDC and, insofar as LLGs exist, that person appoints all members.

If the National Government has confidence in its citizens' ability to contribute to better lives through self-governance, the Government should amend the *NCDC Act* to ensure:

- Residents elect local councils which allow them a voice on local decisions affecting their lives.
- Residents' elected representatives have a significant voice in the NCDC, and help hold the authority accountable and delivering the priority services, which the community needs, and
- That appointment of representatives of sectional interests are made through accountable procedures.

8 GOVERNORS' COMMITMENT

In recent weeks, governance of the NCDC has become a matter of public debate. The Governor has admitted deficiencies of governance, identified in this Paper. He has stated that he had earlier prepared a Bill which would address these concerns. He says he has not submitted these proposals to Parliament because he believes he would not receive support.

The Governor may be assisted – as will others – by an opportunity to discuss proposals for an improved legislative basis for representative government in the NCD.