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Government legitimacy has been problematic in Papua New Guinea due to successive governments failing to adhere to practices that sustain good governance. This article interprets the practices and decisions of successive governments from 1992 to the present that led to the emergence of non-legitimate power. Lack of experience and knowledge are a visible impediment to legitimacy, especially from the perspective of the rural areas. In order to ensure legitimacy, government decisions must comply consistently with democratic and constitutional requirements and thus avoid the appearance of arbitrary decisionmaking.

The act of governing demands certain requirements for a government to make its authority binding. The requirements refer to the source(s) of authority that governments must have in order for them to expect obedience from the citizens. Obedience for the most part is voluntary but there are also requirements for compulsory obedience. Despite its undemocratic nature, compulsory obedience is preferred because those who will be affected recognise the right for the government to impose such compulsory discretion. For democratic regimes, the first and foremost source of authority is the constitution. The constitution defines the powers and functions of the different arms of government and outlines the major civil and political rights of the citizens. The government is required to follow what is written in the constitution. In other words the act of following the rules set out in the constitution gives the government the legitimacy that it needs in order to stay in office and be respected by society.

Legitimacy can be described as an instrument for governing. That is, a government has to have legitimacy in order for it to govern. Being in office and making policies and decisions for the common good of society requires the government to have
legitimacy for carrying out those tasks. How well have the various governments in Papua New Guinea over the period 1992 to 2005 maintained the level of legitimacy while in office? This is the central question discussed in the paper.

The paper begins by looking at the definition and descriptions of legitimacy and government. The second part looks at how well governments in Papua New Guinea have been able to maintain legitimacy during their rule. The third part discusses specific issues affecting legitimacy in Papua New Guinea. The final part offers some suggestions on how to improve legitimacy in Papua New Guinea.

Definitions

Government

A government in a modern democratic society is comprised of three institutions. They are the legislature, the executive, and the judiciary. These three institutions, which are commonly referred to as the ‘arms of government’, have clearly stated constitutional roles. These roles are closely guided by the principle of the separation of powers, which ensures that there is a clear process of ‘checks and balances’. The paper concentrates on the executive arm of government, which includes the Cabinet (political executive) and the bureaucracy (administrative executive). These two institutions also have specific roles to play. The main functions of the political executive are

- ceremonial duties
- control of policymaking
- popular political leadership
- bureaucratic management

The bureaucracy implements the laws and policies that are proposed by the executive and passed by the legislature. Thus, policy implementation is the responsibility of the bureaucracy. According to Heywood (1997) the main functions of the bureaucracy are

- carrying out administration
- offering policy advice
- articulating and aggregating interests

It is through the carrying out of the specific roles of the political executive and the administrative executive that legitimacy can be identified. That is, the roles must be carried out according to conventional practices as required within a liberal democratic framework. An important element of legitimacy required within the specific roles is the need to adhere to the rules and regulations that provide the framework for the specific roles. If the rules are not observed then the government will face a legitimacy crisis.

Legitimacy

Legitimacy deals with how power is exercised and how power can justify itself to enable democratic governments to govern and exercise their authority. Most importantly it enables the people to accept and recognise that authority. Legitimacy is the foundation of government power. It is exercised both with a consciousness on the government’s part that it has the right to govern and some recognition by the governed of that right.

According to McLean (1996), legitimacy is the property that a regime’s procedures for making and enforcing laws are acceptable to its subjects. The procedures are based on the authority of the regime being recognised as legal or lawful. For democracies the origins of legitimate authority rest on the idea of constitutionalism. This is because it is the constitution that provides the means through which modern States can operate.
According to Heywood, the term legitimacy broadly means rightfulness. Legitimacy therefore confers on an order or commands an authoritative or binding character, thus transforming power into authority. It differs from legality in that the latter does not necessarily guarantee that a government is respected or that its citizens acknowledge a duty of obedience (1997:193).

The German sociologist Max Weber was a leading theorist in the study of legitimacy. Weber identified three sources of legitimacy: tradition, charisma, and rational legal authority. While all three sources of authority exist in many developing democracies such as Papua New Guinea, it is rational legal authority that defines the working of most modern democracies. According to Heywood (1997), the power of a president, prime minister, or government official is determined in the final analysis by formal, constitutional rules, which constrain or limit what an office holder is able to do. The advantage of this authority is that, as it is attached to an office rather than a person, it is far less likely to be abused or to give rise to injustice.

Legitimacy, as an important foundation for modern governments, is closely related to another important democratic principle, the rule of law. In democracies the rule of law provides government legitimacy. Abuse of the rule of law will result in the decline of legitimacy. This is because modern democracies operate mostly on rational legal authority in which rules or laws govern the operations of the government. The application of rules, which forms the major part of rational legal authority, is seen as the origin of the means of applying legitimate authority. Rational legal authority rests on belief in the legality of enacted rules and the right of those in positions of authority to issue commands.

Once the rules or laws are breached the legitimacy or the right of the government to govern and issue its authority declines. This decline could be indicated by the refusal of citizens to comply with directions from the government.

David Beetham (1991) provided a useful analysis of the concept of legitimacy. According to Beetham, the key to understanding the concept of legitimacy lies in the recognition that it is multi-dimensional in character. Power can said to be legitimate to the extent that

- it conforms to established rules
- the rules can be justified by reference to beliefs shared by both dominant and subordinate, and
- there is evidence of consent by the subordinate to the particular power relation (1991:16).

Beetham (1991) also refers to these three bases of legitimacy as levels of power. The first, he refers to as the level of legality. Power is legitimate insofar as it is acquired and exercised in accordance with established rules, whether these are conventional or legal in form. These rules can be unwritten, as informal conventions, or they may be formalised in legal codes or judgments.

The second level of legitimacy is that of normative justifiability. This level means that power is legitimate to the extent that it can be shown to derive from a valid source of authority, and to fulfill the rightful ends or purposes of government. This also means that power is legitimate to the extent that the rules of power can be justified in terms of beliefs shared by both dominant and subordinate. What kinds of justification and what kinds of belief are needed? (Beetham 1991:17).

The third level of legitimacy according to Beetham is that of legitimation. This means that power is legitimated when it is publicly acknowledged by relevant subordinates through actions, which confirms their
acceptance of it, and when it is expressly recognised by other legitimate authorities. This level of legitimacy involves the demonstrable expression of consent on the part of the subordinate to particular power relations in which they are involved (1991:18).

To sum up the discussion on legitimacy by Beetham, for power to be fully legitimate, three conditions are required: its conformity to established rules; the justifiability of the rules by reference to shared beliefs; and the express consent of the subordinate, or of the most significant among them, to particular relations of power. According to Beetham, [all] three components contribute to legitimacy, though the extent to which they are realised in a given context will be a matter of degree. Legitimacy is not an all-or-nothing affair...in any society there will be some people who do not accept the norms underpinning the rules of power, and some who refuse to express their consent, or who do so only under manifest duress (1991:20).

The three levels of legitimacy defined by Beetham are all important to the existence and rule of any modern government. For example, it is obvious how problematic the three levels of legitimacy were in the Saddam era in Iraq. In Papua New Guinea, the situation is different. There is evidence of the existence of the three levels of legitimacy but these have also been problematic in the sense that certain actions of successive governments have affected these levels of legitimacy.

The Papua New Guinea context, 1992 to 2005

The period covered in Papua New Guinea is important for a number of reasons. Firstly, the country faced a major crisis as a result of the rebellion on Bougainville and the financial crisis that led to the floating of the country’s currency in 1994. Thirdly, the level of corruption amongst public officials increased dramatically during this period. Fourthly, the application of the rule of law has been at its lowest as public officials continue to breach the laws and act without due regard to practices of good governance. Finally, elections have taken on an undemocratic character, as violence during elections has become a major problem.

During this period three national elections were conducted: in 1992, 1997, and 2002. In 1992 the incumbent prime minister, Pais Wingti, regained office, while in 1997 Bill Skate was elected to replace Sir Julius Chan, and in 2002 Sir Michael Somare replaced Sir Mekere Morauta as the prime minister. After the 1992 and 1997 elections, votes of no confidence were moved against the government and both were successful, which saw a change in the prime minister. Sir Julius Chan became prime minister in 1994 and Sir Mekere Morauta was elected prime minister in 1999.

The following sections outline the major issues relating to the legitimacy of the various governments during this period.


According to Sean Dorney, Pias Wingti ‘possesse[d] an intriguing, slightly messianic aura’ (1990:17). This comment best describes his style of leadership, which was quite detrimental to the Westminster system of government. He manipulated situations in order to destroy his opponents and accessed resources for his own benefit. He introduced a different leadership culture; one in which there is a sense of distrust, even among coalition partners. His return to office was achieved by means of some unconventional practices, such as physically stopping MPs from voting against him. From the beginning,
his leadership style showed serious signs of a regime that was irresponsible and unresponsive to the needs of the people. A major issue that had an adverse impact, and which led to his downfall after the 1992 election, was the infamous move that saw him resigning and being re-elected the next day. His motive was to avoid the motion of no confidence that was proposed by the Opposition after the 18 months grace period was over. The matter was brought before the Supreme Court for judicial review and it was the majority opinion of the Court that the action was unlawful and therefore his re-election was unconstitutional (Papua New Guinea Law Review 1994).

Cronyism also became a major problem. Many individuals appointed to head government departments and statutory bodies were close associates of the ministers and the parties in power. This practice became embedded deeply in the bureaucracy and resulted in the system becoming inefficient and lacking continuity in the implementation of government programs.

The level of legitimacy under Wingti’s rule was low. There were clearly cases of illegitimacy or breaches of the rules, according to Beetham’s framework. An obvious case was the attempt to stay in power despite the fact that the Constitution and parliamentary procedures were clear on how the prime minister should be elected. The appointment of cronies to senior positions in the public service also saw instances of illegitimacy as well as a legitimacy deficit in the government. Delegitimation was also present when the parties in government deserted Wingti and Sir Julius Chan was elected prime minister.


The major event that occurred during the time that Sir Julius Chan was prime minister was the infamous Sandline Crisis. This issue brought the country to a stand still, especially after the Defence Force expelled the mercenaries whom the government had hired. This issue undoubtedly raised a number of questions over the legitimacy of the government concerning its decision to engage the mercenaries as well as the actions of the military when they openly opposed the directives of a duly elected government. The subsequent open rebellion against the government by members of the military may be interpreted as unconstitutional because it breached specific provisions of the Constitution that deal with the supreme authority that the government has over the military. However there have been other interpretations that support the actions of the military (Donigi 1990).

During the crisis Sir Julius Chan maintained a statesman-like style. His composure and acceptance of responsibility for the contract, despite the fact that he was not directly involved in the negotiations of the contract, was admired by many people. To some people his actions brought a new twist to the Bougainville crisis (Dorney 1998).

Beside the Sandline issue, Chan’s regime was rocked by the purchase of the Cairns Conservatory by the Public Officers Superannuation Fund at an inflated price. The findings by the Auditor-General and the Ombudsman Commission were critical of the manner in which this business deal took place (Dorney 1998).

While Chan had previously maintained a high degree of legitimacy there was a sharp decline when his authority was questioned due to the Sandline affair. There were public protest by the students, military and the public at large and this led to a decline in the authority of the government. The involvement of some Ministers in the Sandline deal also caused a great deal of legitimacy problems for the government. The Sandline deal and the subsequent protests and questions raised over the purchase of the Cairns Conservatory are examples of legitimacy deficit and delegitimation.
Bill Skate: 1997–1999

The Sandline Crisis obviously had a major impact on the 1997 election. The incumbent prime minister and many of his senior ministers lost their seats, including John Giheno, the deputy prime minister, Sir Albert Kipalan, and Peter Yama. Due to serious questions regarding the transparency of the Sandline deal, the issues of transparency, bribery and corruption were highlighted during the election. The new government of Bill Skate publicly made it their concern to improve the level of transparency. However, to everyone’s astonishment, the Skate government proved to be a political nightmare for the country. Within a few months in office, Skate sacked his deputy Chris Haiveta (EM TV News Footage 1997). This was the beginning of a series of questionable moves by Skate, including a video recording of him boasting that he was the ‘God Father’ of a rascal gang in Port Moresby (ABC News 1997). He also tried to assist the students at the University of Papua New Guinea to sack the Vice-Chancellor, despite the fact that he had no powers to do so.

There were a number of issues that raised questions over the legitimacy of the Skate government. The first was that his party, the People’s National Congress (PNC), had won only two seats in the election. By the time he was elected Prime Minister he had about 25 members in his party and just prior to the 18 months grace period he had about 44 members in his party. In a show of desperation during the famous ‘numbers game’ he created three new political parties and appointed three MPs in his party to lead them. When the motion for the vote of no confidence was moved he had only 2 members left in his party. He himself voted for the new Prime Minister after he resigned 24 hours before the motion was voted on (EM TV News Footage, 13 July 1999).

His personal life greatly demeaned the office that he occupied. He often appeared drunk in public and blamed the ‘whiskey’ as being responsible for some highly dubious decisions that he made. He appeared on the ‘60 Minutes’ program on Channel 9 singing a pop song and was referred to as the ‘Rock and Roll’ Prime Minister.

Skate was obsessed with appointing and firing departmental heads and heads of statutory bodies. He even appointed a crony to head the Port Moresby Stock Exchange despite the fact that it is an entity over which the government has no control. Sir Anthony Siaguru raised this issue in one of his ‘In-House’ newspaper columns when he asked Skate to treat the people as adults by giving facts, reasons, and grounds for sacking people (2001:154). The massive fraud involving the National Provident Fund (NPF) and resulting in the loss of contributors’ savings took place during the Skate government. It was his government that appointed the Chairman of the Fund, Jimmy Maladina, who had a number of fraud allegations made against him with respect to the loss of the funds.

Skate suspended Parliament for three months to avoid a vote of no confidence. This matter was brought before the Supreme Court for judicial review because the government’s action resulted in the Parliament not meeting for the number of days stipulated by the Constitution. The majority view of the Court was that Skate’s action was unconstitutional and requested the government to urgently call for the sitting of Parliament (Ombudsman Commission Report 1999:57).

Finally, Skate used public funds to buy support from MPs, and at one point instructed the Treasury not to process funds for MPs in the Opposition. The Leader of the Opposition took the matter to court and the court ruled that Skate’s action was unlawful (Post Courier, 5 January 1998).

Skate’s regime acquired a very low level of legitimacy due to the many problems associated with his administration. His
leadership style clearly was not fitting for a national leader. Moreover, he had difficulty in differentiating his private life from his public life. This resulted in many questions relating to his integrity as leader. He also had little control over his ministers, resulting in them abusing their office.

Skate’s erratic leadership led to the famous Easter message by the Archbishop of Port Moresby, Bishop Brian Barnes, requesting Skate to vacate the office of the Prime Minister (The National, 10 April 1999). This statement surprised many with its intensity and frankness. Bishop Barnes’ statement laid the foundation for the removal of Skate.

All three aspects of non-legitimate power identified by Beetham were present during Skate’s administration.

Sir Mekere Morauta: 1999–2002

Sir Mekere Morauta, who was a minister in Skate’s government, promised a new beginning for Papua New Guinea. His major concern was to provide stability and a strong sense of leadership; something that was missing during the Skate regime. He developed a program called the ‘date with destiny’. The date with destiny was a program to provide stability in the political system and to improve the economic standing of the country.

During Morauta’s regime several major pieces of legislation were introduced. First, his government passed the Organic Law on the Integrity of Candidates and Political Parties. The major objective of the law was to instill discipline among MPs, with the aim of maintaining stability in the political system (Siaguru 2001). Second, his government passed major changes to the public service legislation, which became part of the public sector reforms. One of the areas of abuse of established procedures by previous governments was in the appointment of individuals to head government departments and statutory bodies. Third, the Morauta administration undertook a major economic program of privatisation of public enterprises. Many state-owned enterprises were put up for sale because of the financial burdens that they have imposed on the country since independence. Fourth, a new voting system, the limited preferential voting system, was introduced by Parliament to replace the first-past-the-post system. Finally some changes were made to the leadership code to tighten the prosecution of MPs and other leaders found guilty of misconduct in office.

Like Skate, Morauta adjourned Parliament for six months to avoid a vote of no confidence. Morauta’s regime can be described as elitist, in the sense that despite their positive intentions many of the changes were made by a small group of experts and had little input from the people. Morauta sacked the Chairman of the Constitutional Commission, the former MP for Bogia, Bernard Mollok, after he complained that Morauta was trying to bulldoze laws through without proper consultation.

The initiation of important political and economic reforms greatly improved Morauta’s position on maintaining a high degree of legitimacy. However, he made a serious blunder in establishing a political party during his administration, despite the fact that the Organic Law that he implemented outlawed such actions. Parties can only be formed during elections and not during the term of a Parliament. Further, despite his strong sense of leadership, many MPs from his own party were charged with misconduct in office. The deaths of three university students protesting against privatisation also adversely affected the legitimacy of the Morauta regime. In the history of student protest in the country, no students have ever lost their lives. The unceremonious sacking of Sir Michael Somare as Minister for Foreign Affairs also affected Morauta’s level of legitimacy.
Sir Michael Somare: 2002–present

Sir Michael Somare, the first Prime Minister of Papua New Guinea, assumed office after the 2002 election. His new party, the National Alliance, won more seats than any other party. Sir Michael's election to office gave some sense of relief to the people. The level of confidence in government was at a low point after Morauta became unpopular over the privatisation program as well as the handling of public funds. Sir Michael continued many of the programs that were initiated by the Morauta administration. However, the privatisation exercise was halted after questions were raised over the transparency of the sale of the Papua New Guinea Banking Corporation. Sir Michael was more concerned with the social obligations of the government in the provision of basic services through the various state-owned enterprises. On public sector reform, Sir Michael declared that the government would not play favourites as had been the case in the appointment to senior positions within the public service. All job vacancies would be advertised and only qualified individuals would be appointed. However, to the dismay of many, Sir Michael continued to appoint individuals without advertising the positions and this has caused some problems for his administration.

One major area that the Somare government is currently working on in order to maintain stability is to amend provisions in the Organic Law on the Integrity of Political Parties and Candidates relating to the vote of no confidence. Somare, who has been a politician since 1968 and a Prime Minister on three separate occasions, knows first hand what the vote of no confidence can do to a government and society. One of the proposals that the government has suggested is that if a vote of no confidence is successful, Parliament has to dissolve and a fresh election will be conducted. So far the public has offered both criticism and support for the idea. Votes of no confidence have been responsible for political instability but going to the polls each time a vote is successful is plainly impractical, taking into account the massive logistical problems and cost involved.

Sir Michael Somare has maintained a high level of legitimacy during his administration. This is evident especially in the efforts to rebuild the economy. One of the major initiatives of the Somare Government that has brought a high level of legitimacy is the District Treasury Roll-out program, an initiative sponsored and funded directly by the government. The program is designed to ensure that districts have control over basic government services, including the treasury function. Essential services such as police, district magistrates, banking, and postal services are part of the program. The Minister for Treasury has played a key part in the districts roll-out program, which shows the importance given to the program by the government. The program should have positive effects on decentralisation policy by strengthening the operations of the districts, which have been neglected for many years. In the districts where the program has been implemented, people are said to be enthusiastic and overjoyed about the services (The National, 9 March 2005).

A second major economic initiative of the Somare Government was the launching of the Medium Term Development Strategy (MTDS). The MTDS is an economic and social blue print that identifies the priority areas for the government. The Strategy has three inter-related objectives: good governance, export driven economic growth, and rural development and poverty reduction (Post Courier, 10 March 2005). The launching of the MTDS is an attempt to deal with development issues by having a plan in place and not by acting on an ad hoc basis as some governments have done in the past.
The success of the government in achieving economic stability is indicated by the positive outlook for the economy. The United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) praised the Somare Government for maintaining tight fiscal discipline last year (2004) that resulted in a surplus of 1.1 per cent of the gross domestic product (GDP) (Post Courier, 12 May 2005). In June 2005, the Treasury Secretary reported that the economy would grow by a projected rate of 3.4 per cent. The Somare government has brought to an end years of economic contraction with the economy growing by 2.8 per cent in 2003 and 2.6 per cent in 2004 (The National, 5 July 2005). Another positive view of the economy was given by the Managing Director of the Bank of the South Pacific, Garth McIlwain. He stated that the PNG economy is experiencing its best conditions for the 30 years since independence because of a sense of maturity in leadership (The National, 3 October 2005).

The various national governments since 1992 have had problems of legitimacy for two main reasons. The first is the leadership style and the second the emergence of a non-liberal democratic culture. The style of leadership of each of the Prime Ministers has been heavily influenced by their experience as politicians and their understanding of the problems affecting the people. Chan and Somare did exceptionally well because of their experience and knowledge, and to an extent the same can be said of Wingti. However, Skate and Morauta were ‘freshmen’ to the political scene and their style of leadership was clearly influenced by these two factors. The second reason relates to the emergence of a non-liberal democratic political culture. Gelu argued that this new political culture stands in opposition to the liberal democratic tradition that the country inherited in 1975 (2000:87). Gelu further argued that despite the existence of rules and regulations that, ironically, were passed by the leaders, their actions have not conformed to these rules. In other words, the rules and regulations have become just window dressing (2000:91).

**Issues affecting legitimacy**

Beetham’s bases of legitimacy are a useful tool for explaining the various areas that have caused legitimacy problems in Papua New Guinea. The areas that are discussed below are, first, breaches of the leadership code; second, breaches of the rule of law; third, corruption and problems associated with accountability; and finally, problems associated with law and order.

**Leadership Code**

The Leadership Code, passed by the Somare Government in 1980, was a major step forward in ensuring integrity in leadership and transparency in the dealings of leaders. However, the application of the Code has become problematic due to manipulation by leaders to avoid prosecution once they are found guilty of misconduct.

The rationality of the Code has thus been questioned: whether it serves its original purpose or whether it was adopted to establish a protective net for corrupt leaders. Many leaders, members of parliament and others, have avoided criminal prosecution simply by resigning their office, so that they are no longer leaders as specified under the Leadership Code.

Attempts by the Morauta administration to tighten the Code failed when MPs refused to support the changes. An important part of the changes proposed was to ensure that an MP found guilty of misconduct would be banned for life from holding public office. However, the ban was watered down to only three years. Another part of the suggested changes, which would definitely have had a
positive impact on the application of the Code, was that criminal charges could be laid despite the fact that a leader resigns from office. To give an illustration, the former Electoral Commissioner was referred to a leadership tribunal due to alleged instances of misconduct. But because his term of office had lapsed, technically he is no longer a leader and cannot face prosecution. The Public Prosecutor is pursuing the case to ensure that this person will face criminal charges, despite the fact that he is no longer a leader as defined by the Code.

Breaches of the rule of law

This is an area that has contributed to a decline in the legitimacy of governments since 1992. The action by Wingti in 1994; the rebellion by the military against the government during the Sandline crisis; the long adjournment of Parliament by Skate and Morauta; Morauta’s attempt to form a new party; misuse of public funds by public officials; widespread corruption; and Somare’s continuing the practice of appointing individuals without due regard to established procedures are examples of breaches of the law.

Breaches of the rule of law are part of the new culture that pervades the actions of MPs and other public office holders. Individuals are ignoring the law to satisfy their own interests. A.V Dicey has argued that the rule of law should embody four requirements: first, no-one should be punished unless they have broken the law; second, the rule of law requires equal subjection to the law, commonly known as equality before the law; third, when the law is broken, there must be certainty of punishment; and finally, the rights and liberties of individuals should be embodied in the ordinary law of the land. Application of Dicey’s requirements to Papua New Guinea would be highly problematic. In the breaches of the Leadership Code, as well as those examples provided for each of the Prime Ministers, the rule of law has been seriously breached, which has contributed to a decline in the legitimacy of the government.

The widespread lawlessness in the country can be attributed in part to the perception that politicians and other leaders are also rascals who commit crimes but get away with it. This perception also relates to the ineffectiveness of the Leadership Code in prosecuting leaders.

The PNG public has seen how corrupt and unaccountable their politicians are, how politicised the public service is, and how ineffectual law enforcement agencies are in prosecuting offenders. They see allegedly fraudulent politicians and public servants remaining in positions of trust and power while ‘small criminals and political scapegoats’ languish in jails (Pitts 2002:52).

Therefore, the important principle of the rule of law that the law should apply equally and should not discriminate on the basis of gender, race, social status and religious affiliation has been undermined. The principle of the rule of law regarding the certainty of punishment has also been undermined by the actions of politicians and other leaders. As a result, the people have devised various ways to avoid prosecution or continue to engage in unlawful acts because they believe that they too will not be punished.

Corruption

Corruption is the single most important problem affecting the good practice of government in Papua New Guinea and hence contributing to the decline in the legitimacy of governments. Many commentators see it as a cancer on the democratic system of government (Siaguru 2001; Crocombe 2001; Pitts 2002). From the words of a former Prime Minister, Sir Mekere Morauta ‘corruption is systemic because it has invaded the whole process of policymaking and decision-making, and
Public corruption has affected the entire political and administrative system and society as a whole. It is akin to a disease that is eating away at the good practices that are part of democratic rule. Public corruption is about breaking the rules and laws that govern public conduct. It is also about the misuse of authority. Accountability is also affected by it due to the failure of public officials to account for their actions. Why is corruption endemic in Papua New Guinea? There are so many answers to this question but the paper only discusses the major factors responsible for allowing corruption to be so widespread.

The first reason is that corruption is sustained by culture and tradition, in particular the wantok system. According to tradition it is accepted practice that individuals should assist each other. This has been a practice that has defined the relationships between families and communities in Papua New Guinea long before the coming of the Europeans (Okole 2005). This practice is still accepted today. However, it is not confined to communities but has also defined relationships in the modern system of government. Many public officials who indulge in corrupt practices believe that what they are doing is not corrupt because it is part of the culture. Assisting a relative or wantok (who can be a relative or someone from the same area) to get a job, issuing a warrant of fitness without proper checks of a vehicle, issuing a driver licence without a test, and accepting admission into school and collecting fees later are examples of how wantoks are assisted, despite the fact that those who do these illegal acts are in violation of the rules and are using their positions to do these things. If they fail to assist their wantoks, they would be scorned and their standing in their communities would be affected. Public officials see it as their duty, which has caused massive problems to the entire administrative system.

The second reason for widespread corruption is that it is sustained by the 'big-man' concept, which is closely related to the wantok system. The 'big-man' has his responsibilities and one is to provide what his supporters demand. In the process of fulfilling his responsibilities, the 'big-man' often engages in activities that are clearly corrupt. The 'big-man' basically often does not understand that what he is doing will have an adverse effect on the country. One area of corruption that has been encouraged by the 'big-man' concept is the use of public money for personal gain. Upon assuming public office, the 'big-man' realises how much money can be available to him. Because he has debts to pay, for example, rewarding those who have supported him during the elections, he gives money to his supporters without realising that the money is not to be used for personal benefit but to benefit everyone. At the same time, he personally benefits from the money by investing in business ventures. This use of public money is clearly corrupt but the Big-Man continues to do it because he is an important man and must be seen as having lots of money.

The other area of corruption that is sustained by the 'big-man' concept is the misuse of power and authority. The 'big-man' not only has access to money but also authority. He uses his authority to assist his supporters, even to the extent of breaking established rules and laws. The appointment of cronies is a good example of this. In Papua New Guinea, it is a norm that after a minister is appointed he will appoint wantoks to positions in the ministry. Despite the corrupt nature of this practice, the 'big-man' does not appear answerable. Many such practices go unnoticed and are not condemned and are therefore interpreted as accepted practices.

The third reason that corruption is so widespread in Papua New Guinea is because...
it is accepted behaviour among politicians. Politicians are seen as 'big-men' and they contribute to this practice by living by the title of a 'big-man'. The mentality of the politicians is that they can involve themselves in corrupt practices and get away with it (Ketan 2000). Waigani (the administrative headquarters) has its own distinctive culture in which indulging in corrupt practices is not condemned. It is accepted behaviour despite the show of righteousness by politicians. Even clergymen who have become politicians are not immune from practising corruption. For example, a pastor was convicted and sentenced to prison in December 2002 for using public money for personal benefit. Corrupt practices involving politicians range from misusing one’s office for personal gain, assisting wantoks to get jobs and government contracts, breaking laws, encouraging immoral practices such as polygamy and adultery, and accepting bribes.

The Port Moresby City Council became a hotbed of corruption by politicians in pursuit of their personal interests. As a result the City Council has collapsed to a point where it cannot carry out its responsibilities such as collecting rubbish, cleaning the streets, cutting the grass, and providing markets (The National, 13 May 2005). Between 1995 and 2002, the City Council became a political football between political factions, one led by Sir Bill Skate and the other by Sir Mekere Morauta. Both individuals were Prime Ministers at one time and both represented electorates in Port Moresby. Numerous legal battles took place in the National Court as well as the Supreme Court to determine who controlled the City Council. The political factions were supported by groups of people, especially from the squatter settlements, who awaited the decisions of the Courts in order to see who would occupy the offices. There were periods in between the legal battles that saw employees of the Council not receiving their salaries. Two Commission of Inquiries revealed massive fraud in the financial accounts of the City Council but to date no-one has been prosecuted. The reports contained numerous cases of politicians paying money to non-existent contractors and the misuse of properties belonging to the City Council.

Politicians in Papua New Guinea have been described by Simon Pentanu (former Chief Ombudsman) as putting their personal interests before the national interests. They should be asking themselves, what is in there for the national interest rather than what is in there for me (The National, 17 January 2000). As a result, many politicians have benefited from inducements offered to them, despite the fact that it is part of their job. The Christian Apologetic Evangelist, Dr Ravi Zacharias, defined corruption as the ‘eradication of the conscience’ (Radio RIMA, 2000). This definition perfectly defines politicians in Papua New Guinea. They do not show any signs of having a conscience that allows them to differentiate between what is corrupt behaviour and what is not. Their consciences have been contaminated by the ‘get rich’ culture, resulting in neglect of their primary role of acting on behalf of their electorates.

The fourth reason is that corruption is not only widespread amongst politicians but also in the public service. The practices that are used by politicians to enrich themselves are also evident in the public service. Public servants have engaged in receiving bribes, misusing public money for personal gain, and using their offices to benefit themselves and their wantoks. Three reasons for widespread corruption in the public service are first, that it is part of the culture and tradition, second, it is widespread among politicians and has trickled down to the public service, and third, public servants have been neglected by successive governments and not been properly remunerated. (Public servants have
not been awarded pay increases since 1997.)
Involvement in corrupt practices is a way of
making ends meet for many public servants.
The period between 1997 and 2003 has
been marked by orders given by successive
governments to freeze wages and promotions
because the country was in financial straits.
However during the same period, politicians,
constitutional office holders, judges, and
departmental heads have been awarded
huge salary increases. In trying times like
these, how can a simple public servant accept
the huge pay increases given to the already
well paid individuals. Nowadays, it is an
accepted that if you want a claim or problem
settled quickly, you have to pay in money or
in goods. This has also led to the widespread
use of favours, especially in the form of
reciprocity. These are practices that are
clearly corrupt but they have become part of
the work ethic.

The fifth reason is that successive govern-
ments have not given serious attention to
fighting corruption. This lack of attention is
indicated by the lack of recognition of
individuals and organisations committed to
fighting corruption. One obvious aspect of
civil society in Papua New Guinea is the
increasing involvement by different groups
rallying to fight corruption. The areas that
have become prime targets are the
identification of individuals who commit
corruption and the swift prosecution of the
perpetrators of corruption. However, the fight
to eradicate corruption by civil society has
been hampered by the lack of commitment
from government. Successive governments
have shown few signs of inclination towards
fighting corruption, presumably because
they are the main culprits in committing and
sustaining corrupt behaviour.

The Somare Government withdrew three
New Year Queen’s awards to three
Australians (Rod Mitchell, CEO of National
Superannuation Fund (NASFUND), John
Jeffries, Chairman of NASFUND and John
Reeves, legal counsel for the National
Provident Fund (NPF) Inquiry), who had
made significant contributions to eradicating
corruption in the NPF fraud saga. The main
reason given by the government was that they
were Australians and only Papua New
Guineans are eligible for the awards.
However, the truth of the matter was that Rod
Mitchell, the head of NASFUND (previously
known as NPF) was quoted in an Australian
paper to the effect that ‘democracy and
freedom was fast eroding in PNG and
corruption was widespread. Corruption has
even reached Parliament, the public service
and the police force. PNG is not the place it
used to be 10-15 years ago’ (The National, 4
January 2003).

It has to take an Australian to tell the
politicians and the government that
corruption is widespread and that it is unsafe
to live in Port Moresby. Instead of accepting
the comments, the government became
vindictive and stripped Mitchell and two
others of their awards. Mitchell was also
severely reprimanded by the Chief Secretary,
Joshua Kalinoe, who told him to ‘pack up
and leave the country’. This kind of
behaviour has been typical of successive
governments. They have not taken any
responsibility for the corrupt practices that
are prevalent and they do not censure their
cronies who engage in corrupt practices.

At the same time the call from major
organisations representing civil society to
establish the Independent Commission
Against Corruption (ICAC) has not been well
received by successive governments. The idea
surfaced in 1997 when Skate was the Prime
Minister; Morauta made no progress on the
ICAC when he became the Prime Minister in
1999; and now Somare is not interested.
Transparency International (PNG), the
Catholic Bishops’ Conference, the
Community Coalition Against Corruption,
the Media Council, the National Council of
Women and the Papua New Guinea Trade
Union Congress have continuously called on the national government to establish clear guidelines for fighting corruption, establish the ICAC, and prosecute those individuals who have been identified by the various Commission of Inquiries as benefiting from corrupt practices.

The final reason for widespread corruption in Papua New Guinea is that the laws have not been effective in prosecuting leaders who indulge in corrupt practices. The Leadership Code in the Constitution, the Organic Law on the Duties and Responsibilities of Leadership and the Criminal Code have all failed to hold responsible those who have engaged in corrupt practices. This has contributed to the ever-increasing corruption because individuals know that they will not face any form of punishment. However, the commitment to enforcing the various laws against corruption is gaining momentum as indicated by the jailing of a number of politicians and other public officials. But the fight is far from over because corruption is still widespread due to the perception that individuals will not be prosecuted. The Ombudsman Commission and the Public Prosecutor's Office have been vigilant in their fight against corruption and have been causing sleepless nights for leaders. The Ombudsman Commission has been frank with the leaders, giving them labels such as 'greedy politicians', 'selfish leaders', 'daylight robbers', and 'dishonest leaders'. However, these labels have not deterred individuals from engaging in the rampantly corrupt culture. The ineffectiveness of the laws in prosecuting the leaders has also contributed to breakdown in one important aspect of the rule of law, that is, the equal application of the law.

The perception in Papua New Guinea is that there is one set of laws for the leaders and another for the ordinary people. Leaders will either not face prosecution or it will take a long time to prosecute them. Many of the leaders facing charges for misappropriation are still free while an ordinary person who has committed similar offences is swiftly dealt with. The ineffectiveness of law enforcement has caused a great deal of damage to the legitimacy of the democratic institutions and practices. The political and administrative system is overwhelmed by these practices, which does not give a good impression to those who want to make their career in the public service or to serve as political leaders.

Suggestions to improve the level of legitimacy

What would improve the level of legitimacy in Papua New Guinea?

First, governments must act more responsibly in the discharge of their duties. Governments have been the main law-breakers and this has created a perception among the people that governments are above the law. Governments must show the people that they are not above the law and that they must deal immediately with those who break the law. The fact that it took almost a year for the conviction of the Madang Governor for rape is an example of the tardiness in the application of the law. Governments must always demonstrate that what they are doing is for the benefit of the people and not for themselves. Sometimes it appears as if there is no government at all. The deteriorating state of the infrastructure all over the country indicates the absence of the government in dealing with these problems.

Second, governments have to improve on their level of accountability. This is an area that has contributed immensely to the decline of government legitimacy. The engagement of outside assistance could be a help in improving accountability. The Enhanced
Cooperation Program (ECP) should help in this way, especially given that fraud within the Treasury Department has been high (Post Courier and The National 17 February 2005).

People are suffering, infrastructure is deteriorating, and the general well being of the people is in decline. The people have been completely left in the dark to what the government is doing. In the meantime, Ministers, MPs, Heads of Departments and statutory bodies, judges and constitutional office holders continue to be awarded massive salary increases. The increasing law and order problems can be directly attributed to these types of behaviour by successive governments.

Third, leaders, especially the MPs, must re-activate a sense of trust in government. They can do this by leading by example, a quality of leadership that is absent in Papua New Guinea. If the leaders obey the law and act swiftly on the problems faced by the people then the people would have some sense of trust and confidence in the government.

Fourth, corruption must be significantly reduced. It has been the major factor contributing to the decline in the legitimacy of governments in Papua New Guinea. Governments and MPs in general must take the lead in fighting corruption. Over the years attempts have been made by successive governments to fight corruption but not more so than in the past five years. Governments are beginning to listen to the civil society groups that are leading the crusade against corruption. However, governments have not been responsible in the fight against corruption. There is still a lack of commitment, which is understandable as they are the main perpetrators of corruption.

Finally, an important political process noted by political scientists such as Jeffrey Haynes (2002), Larry Diamond (1999), Samuel Huntington (1991) and Rose and Shin (2001) is the process of democratic consolidation. This process is important for developing democracies like Papua New Guinea because it involves the re-thinking and re-evaluation of the various democratic values and processes. According to Diamond (1999) consolidation is construed as the process of achieving broad and deep legitimation, such that all significant actors, at both the elite and mass levels, believe that the democratic system is the most appropriate for their society, better than any other alternative they can imagine. The argument by Diamond is closely related to the discussion on legitimacy wherein the belief that the people have towards the political system renders compliance to authority. The same is true of the belief in democracy, which is the central idea behind the process of consolidation. Democratic consolidation is therefore about political institutionalisation in which democracy is accepted and most unlikely to break down. Diamond further argued that

Political competitors must come to regard democracy (and the laws, procedures, and institution it specifies) as the ‘only game in town’, the only viable framework for governing the society and advancing their own interests. At the mass level, there must be a broad normative and behavioural consensus—one that cuts across class, ethnic, nationality and other cleavages—on the legitimacy of the constitutional system, however poor or unsatisfying its performance may be at any point in time (1999:65).

This process, as Diamond argued, needs a deep sense of legitimation. Looking at all the solutions suggested above, the need for a greater level of legitimacy features in all of them. Legitimacy as part of the consolidation process has not been institutionalised. This makes the process of consolidation very important for Papua New Guinea.
Government legitimacy has not taken firm root in society and this has serious consequences for successive governments in maintaining order.

Conclusion

Government legitimacy has been problematic in Papua New Guinea. This is due to successive governments failing to adhere to practices that sustain good governance. The period from 1992 to the present is important in the sense that during this time Papua New Guinea’s political system became tainted with practices that are clearly undemocratic. The governments that have been in power during this period were unresponsive to the needs of the people, especially the Skate administration that came into office in 1997.

The use of Beetham’s three bases of legitimacy are useful in interpreting the practices and decisions that successive governments made that led to the emergence of the three forms of non-legitimate power. Lack of the two factors the paper identified, experience and knowledge, were obviously visible during the Skate and Morauta regimes. These two administrations would have performed better with respect to their level of legitimacy if they had had more experience in office and better knowledge of what the people need, especially in the rural areas.

The Leadership Code, breaches of the law, and corruption have all contributed to the decline of legitimacy in Papua New Guinea. It is therefore anticipated that the solutions suggested above will provide the government with the means to ensure that the decisions they make comply with the democratic and constitutional requirements that are set out for the government. Acting arbitrarily will not improve the level of legitimacy.

Notes

1 He lost his Namatanai seat in the 1997 election.
2 Votes of no confidence cannot be moved during the first 18 months of the government’s administration.
3 Many questions have been raised regarding the legality of the contract. The government and its advisors were adamant that the contract was legal.
4 Haiveta was a central figure in the Sandline Deal. At the time, he was the Deputy Prime Minister and Minister for Finance and was responsible for pushing the contract through. The Commission of Inquiry said that he had received some form of bribe from the company engaged in the contract. Despite Skate’s public denunciation of the deal, he appointed Haiveta as the Deputy Prime Minister.

References


