

Power of rule of law or rule of money



DR JOHN KUWIMB

LAWYERS must decide between two competing powers, the power of rule of law or the power of rule of money.

That's the challenge put to lawyers by Dr John Kuwimb, a lawyer by profession who is now focused more on policy.

Dr Kuwimb told lawyers during the lawyer's march for the 'Rule of Law' initiated for the first time by the PNG Law Society last Friday, which saw all lawyers in Port Moresby march from Ela Beach to APEC Haus where they held a forum.

Dr Kuwimb challenged lawyers to do what's right in upholding their integrity and the profession.

"There are two powers competing.

The power of the rule of law and the power of the rule of money. That's the problem we have.

"We want to abide by the power of the rule of law, but the power of the rule of money also comes in. And if we cannot withstand the rule of money, that power will force us to break the rule of law," Dr Kuwimb said.

He said this is a problem not only in PNG but all over the world.

"The choice is between following the rule of law, or following the rule of money. Which power will you obey? We prefer to give contracts to those that will give us money and not the ones who will follow the law and do what is right and deliver the

services.

"It's a problem everywhere. I have experienced it when I was practicing. I billed a client, a government agency. My bill was lower but the boss said to put it high. I asked why and the client replied saying, 'I'll have to give him the extra. I refused so he withdrew his instructions from me,'" Dr Kuwimb shared.

He urged lawyers to work within their means and not to fall for the rule of money and compromise the rule of law.

"We all are lawyers here. We survive because of the contracts' government gives. If you follow the power of the rule of money, and

you compromise the rule of law, then we are only wasting our time advocating about the rule of law.

"We got to choose. If you want a good society, then follow the rule of law. But when we want to follow the rule of law, our job is threatened. You are seen as not good by those who employ you. So, in fear of losing our clients or our job, we compromise, although we don't like it.

"So, it requires a little sacrifice to do the right thing. That's the reality in this country," Dr Kuwimb said.

He therefore, encouraged lawyers to do the right thing if they want to save this nation by choosing to uphold the rule of law.

Lawyers call for biometric voting system

BY PRUDENCE AUWITA

MANY have called on the government to introduce the biometric voting system for the purpose of transparency and fairness in the outcome of election results during national elections in the country.

This call is now being reiterated by practitioners of law, who expressed their serious concerns over the long-delayed electoral reforms, stressing the critical need for the implementation of a biometric voting system to uphold the integrity of a democratic system.

President of the Papua New Guinea Law Society, Hubert Namani, stressed on this as part of his speech at a lawyers' forum held recently during the first ever 'Rule of Law March' for lawyers held in Port Moresby.

Mr Namani stressed that without these essential reforms, the electoral system in the country remains vulnerable to manipulation and fraud, undermining the very foundation of democracy.

"The call for biometric voting sys-

tem is supported by few members of the Parliament and the founder of MSME Counsel James Gore who highlighted the importance of having a reliable voting system that will eradicate malpractice and ensuring transparent elections," Mr Namani said.

He further said that the adoption of biometric technology is seen as imperative in verifying voter identity accurately and efficiently, reducing the risk of electoral malpractices and ensuring transparent elections.

"By modernising our voting system with biometric voting technology, we can enhance the credibility of election results, instill public trust in the democratic process and uphold the fundamental principles of fairness and accountability.

"The law council emphasised that these overdue reforms are essential in safeguarding the democratic rights of citizens and strengthening the legitimacy of our electoral outcomes for a more robust and trustworthy democratic system," added Mr Namani.

Special programs for law fraternity

BY MELVINE BAROI

AT the recent rule of law march in the National Capital District, several special announcements were made on plans for the law fraternity.

These included upcoming events or meetings from judges' conferences to lawyers' symposium all for the purpose of strengthening the rule of law.

One such announcement was made by special counsel attached with the Lealy, Lewin Lowing Sullivan Lawyers, David Dennison. He said discussions are held in PNG this year to extend the World Justice Project's (WJP) rule of law index to PNG and other south pacific countries most probably Fiji and Samoa.

The WJP is an independent American organisation whose aim is to create knowledge and awareness of the rule of law.

"The WJP attended the recent commonwealth conferences and discussions were held to participate in the judiciary's environmental rule of law mediation conference here (PNG) in August," he said.

"There will be a side event on judicial independence and the measures that PNG requires in order for WJP to measure the rule of law in PNG," he added.

President of the PNG Law society Hubert Namani also announced that

a memorandum of understanding (MOU) is under construction for practicing lawyers to join the reserve police and for police prosecutors to work in firms among lawyers. He said it is a collaboration to provide vital support to police initiative across the nation spreading from investigations to prosecution of cases.

"Our aim is to enrich collaboration by leveraging expertise across our membership to empower the (police) force in upholding the law in combating transnational and financial crimes. We have agreed to enter into an arrangement on final terms to be agreed upon under the MOU for practicing lawyers to the force reserve constabulary and addition to this we will be orchestrating secondment of police prosecutors to participate in Law offices and firms offering them to invaluable exposure to legal practice, culture and ethics."

Another announcement he made was the planning for an annual symposium for lawyers to be finalised through partnership between the law society and the Department of Justice and Attorney-General.

He said this would be a forum for lawyers to address, grievances, ideas and discussions, on politics, the justice system, law and order and the economy as it relates to their line of duty.

Justice Jeffery Shepherd's Life and contribution to PNG



HIS Honour was first introduced to PNG at the tender age of five, when his father came to PNG for several years in the late 1950's with MAF Aviation, the well-known PNG missionary airline which was then based in Mt Hagen. His Honour became acquainted with PNG through artifacts and picture slides brought back to NZ by his father. His Honour recalls his father's

many slides of PNG's mountainous terrain and of the then beautiful garden towns of Mt Hagen, Goroka, Lae and Wewak. "I grew up on slide evenings of PNG. It was this vicarious exposure to PNG that prompted me, when I completed my secondary education after we shifted to Auckland in the mid 1960's, to enroll at the age of 17 for double degrees in law and anthropology at Auckland University," Justice Shepherd said.

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Namani: Address illegal arms and drug trafficking

BY PRUDENCE AUWITA

DRUG trafficking and illegal arms trading across the border is alarming in the country.

In order for the rule of law to be upheld, some escalating law and order issues like the trading of illegal high-powered weapons and trafficking of controlled substances must be addressed by the government.

It is an immense problem in the country that needs to be addressed by the country, specifically the government.

President of the PNG Law Society Hubert Namani raised these pressing concerns during the first ever 'Rule of Law March' by lawyers in Port Moresby last Friday.

Mr Namani expounded on the issue, saying that the rise in drug cases nationwide possess a profound and ongoing threat "with our country increasingly becoming a significant transit point for dangerous substances that jeopardise the well-being of our children and future generations".

"The syndicate and cartels responsible for propagating this illicit trade must be uncovered and brought to justice to safeguard our society.

"Those engaging in criminal enterprises under the facade of legitimate business must be met with the full weight of the law. By adopting holistic approaches to address these interlinked challenges, we can establish a more secure and equitable society that upholds the safety and well-being of citizens," Mr Namani said.

He further said that it was imperative that lawyers unite in efforts to root out these threats and "preserve the integrity and tranquility of our beautiful nation."

Mr Namani strongly called on the government to seriously address all governance, service delivery, and security concerns to prevent the country from sliding into the risks of failing as a State.

"Good governance and accountability in the public sector are non-negotiable.

"The Law society also calls for the respect of the independence and separation of all constitutional offices and mandates.

"The government must uphold the integrity of these offices and refrain from undue influences," Mr Namani added.



RULE OF LAW MARCH: The first 'Rule of Law March' which saw all lawyers in Port Moresby participate to advocate for the nation to maintain and uphold the rule of law. The march was initiated by the PNG Law Society.