

## Parliamentary Elections and Government Formation in PNG and Timor-Leste – a Study in Contrasts

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Papua New Guinea and Timor-Leste both have new coalition governments following mid-year parliamentary elections, but the processes that produced them and the outcomes could not be more dissimilar. While PNG's election was in the news for weeks for all the wrong reasons, the government that swiftly took office following the election is currently looking solid. Timor-Leste, in contrast, conducted a copybook election but government formation was slow and fraught and the minority government that was ultimately appointed is looking very shaky.

Voting in PNG was scheduled to run on a rolling basis from 24 June to 8 July. From the outset, the process went into meltdown. Tens of thousands of eligible voters were missing from the official electoral roll, voting materials were delayed, ballot papers fell well short of voter numbers, polling locations and dates were changed with little if any notice, and polling had to be extended in some districts. At some polling stations, voters whose names were not on the roll were turned away in large numbers; elsewhere, all those who presented were issued with ballot papers including the improbably young. Unsurprisingly, rumours of manipulation and malfeasance abounded. Part way through the polling period, the [Electoral Advisory Committee resigned](#) declaring that the PNG Electoral Commission had starved it of the information needed to monitor the election effectively and the [Observer Group from the Commonwealth](#) took the unusual step of calling for an immediate and thorough review of all aspects of the electoral process.

Vote counting was protracted and controversial. Although the original 24 July date for return of writs was extended to 28 July, over 20 per cent of seats were still undeclared at that point and counting in the final seat dragged into late September as officials struggled to find a safe location for it (Dorney 18/8/2017). In several parts of the highlands the count triggered rioting and violence, and by October the number of election-related killings had climbed to over 30, with some estimates suggesting a higher figure still (Blades 3/10/2017). The death toll included four police.

The voters of Timor-Leste went to the polls on a single day – 22 July – and voting was orderly and peaceful. Voting

materials arrived before polling was due to start, the polls opened on time and voters turned out in force armed with their voting cards and were quickly identified and marked off the roll. At close of voting, votes were counted in the polling centres under the scrutiny of party officials and observers, the tally was formally recorded in each centre and the unofficial national results were circulating the next day. The provisional results were formally released by the National Electoral Commission a few days later. The EU observer group commended the election as 'well-administered, credible and inclusive', and conducted in a 'peaceful environment' (EU EOM 25/7/2017).

Post-election government formation in the two countries involves very different constitutional mechanisms. PNG has a Westminster-style constitution and the prime minister is elected by the parliament and formally appointed by the Head of State.<sup>1</sup> The process begins with the return of writs following the election, when the Head of State invites the political party with a plurality of votes to form government.<sup>2</sup> At the first meeting of the new parliament, the party approached by the Head of State puts forward its prime ministerial nominee. Under Timor-Leste's semi-presidential constitution, the prime minister is nominated by the political party with the largest vote share or by the alliance of political parties with the majority of seats. The President proceeds to appoint that nominee after consulting with the political parties represented in the parliament. This process engages the party machines: the members of parliament themselves do not vote on the leader.<sup>3</sup>

On the date fixed for the return of writs in PNG, only 88 of 111 seats had been declared, of which the Electoral Commissioner conveyed only 80 to the Governor-General, the lowest proportion in the country's history (Tlozek 29/7/2017). There were suggestions that the delays in declarations advantaged the party of the incumbent prime minister, Peter O'Neill, which was duly invited to form government (May 9/8/2017). The ombudsman intervened to seek an extension of the deadline for writs to maximise the number of elected MPs able to vote for the prime minister (Tlozek 29/7/2017). When the parlia-

mentary vote was taken on 2 August, O'Neill was elected with 60 votes to 46. Six weeks later, another 12 MPs moved from the opposition benches to join the government, buttressing O'Neill's hold on power (*ibid.*). Several more have since joined the governing coalition.<sup>4</sup>

In Timor-Leste five parties won seats in the election, but none achieved a majority in its own right. Two parties – FRETILIN and CNRT – achieved the largest vote share in the 65-member parliament with 23 and 22 seats respectively. These two parties, alone or in coalition with others but never formally with each other, had led all governments since independence. Three minor parties – PDP, PD and KHUNTO – won eight, seven and five seats respectively. Prior to the election CNRT and FRETILIN had cooperated closely in government, although not formally in coalition, in what was characterised as 'consensus democracy', and FRETILIN foreshadowed an inclusive form of government continuing after the election. With the results in, FRETILIN as the party with the most votes sought to open negotiations with the other four parties on a governing coalition.

It was met with a stampede to the opposition benches. CNRT's iconic leader, Xanana Gusmao, who days before the election anticipated winning an outright majority of seats, went to ground for two weeks before re-emerging at his party's congress to recommend that the party go into opposition. PDP, a newly formed party, had signalled its intent to serve in opposition before the election. Its rationale was to hold government to account, something it argued was missing from the consensus democracy of the previous five years. PD, never an ally of FRETILIN, was an unlikely coalition partner leaving only KHUNTO receptive to FRETILIN's initial overtures to join the government benches.

As FRETILIN-led negotiations dragged on, the prescribed timelines for convening the new parliament and appointing the government fell by the wayside (Fundasaun Mahein 25/8/2017). A mooted alliance of FRETILIN, PDP and KUNTO failed to materialise. A shaky alliance of FRETILIN, PD and KHUNTO did form and held together long enough for parliament to convene on 5 September and elect a FRETILIN MP as its president. Presaging trouble to come, not all MPs in the tripartite alliance voted for the FRETILIN candidate and eight days later KHUNTO pulled out of the alliance. Pressing ahead regardless, Timor-Leste's President anointed a minority government headed by FRETILIN's Mari Alkatiri, swearing in a core group of 12 ministers on 15 September; further members of the government were sworn in on 3 October and 13 October. Amongst them were some from CNRT and PDP, although without the formal sanction of their parties.

The minority government is already in serious trouble. On 19 October the three opposition parties, which just days before

had formalised a coalition, rejected the government's proposed five-year program.<sup>5</sup> If the program is rejected for a second time, the constitution requires that the government be dismissed. The constitution is less explicit on what happens next. The government has argued that a fresh election be held; the opposition majority alliance has argued that the President invite it to form government. Whatever the outcome, it will be controversial.

This brief comparison of PNG and Timor-Leste suggests that a well-conducted election does not guarantee political stability while a contested election can settle into stable government. The character of political institutions, political culture and the stance of key actors also significantly shape the prospects for stability or instability.

### Author Note

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### Endnotes

1. Constitution of the Independent State of Papua New Guinea, s.142.
2. Constitution s.130A(e) and Organic Law on the Integrity of Political Parties and Candidates 2003, s.63.
3. Constitution of the Democratic Republic of Timor-Leste, art.106.
4. Ron May, personal communication.
5. The Opposition subsequently stonewalled discussion of the government's additional budget proposal in parliament.

### References

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