Now 30 years into independence, Papua New Guinea often faces crises in governance. Although it has maintained a record of unbroken democratic government, the country’s political system has evolved in quite dysfunctional ways to the extent that problems of governance, economic hardship and social despair are threatening the regime’s continued legitimacy. This article analyses the attempt by Papua New Guinea to ‘engineer’ the development of a stable system of parties and executive government through the introduction of the Organic Law on the Integrity of Political Parties and Candidates.

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Under the leadership of Sir Mekere Morauta (Prime Minister of Papua New Guinea from 1999 to 2002), the Papua New Guinea (PNG) government’s first priority was to ‘restore integrity to our great institutions of State’ (*Post-Courier*, 15 July 1999). The Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC), or the Integrity Law, was a major constitutional reform introduced in 2000 and certified in 2001 (Standish 2001). The primary goal of the OLIPPAC is to help create a stable system of parties and executive government. Although the law was reorganised with minor amendments in 2003, the essential purpose remains unchanged. This paper uses the 2003 amended version throughout. The frailty of Papua New Guinea’s party system, culminating in public concern about the abuse of the system by the previous Skate government, had brought instability in politics to the point where there was widespread agreement that ‘something had to be done’. Morauta himself declared ‘it is no secret that Papua New Guinea has problems with the way the political system operates…they have been building up for years, they need solving now’ (*Post-Courier*, 26 August 1999). Through consultation with the Constitutional Development Commission, Morauta instigated a ‘home grown’ package of political reforms, the OLIPPAC, as well as complementary legislation to reform the electoral system.
Inherent in the design of the OLIPPAC is the belief that changing the institutional rules of the game in Papua New Guinea will substantially change political behaviour. Whether this is so remains to be seen. At this early stage of reform, members of parliament have generally not followed the Integrity Laws. This behaviour is similar to that in Fiji where laws to strengthen political parties and restrict party hopping have failed to reduce the number of independent candidates or, as in Papua New Guinea, to discourage new parties being formed or splitting in parliament (Fraenkel 2004). Indeed, there may be a tendency in Papua New Guinea to place too much emphasis on changes to political institutions when what lies at the heart of the problem are behavioural issues (May 2005b). The ‘engineering’ of weak parties into stronger alliances and the shifting of coalitions of independents into parties will take time. As Reilly (2002) points out, it may not eventuate at all.

There are some signs that political parties in Papua New Guinea have become stronger as a result of OLIPPAC, with some improvement in political stability, but there are also signs that entrenched patterns of divisive behaviour remain. Arguably, to achieve the intended political changes the historical and cultural roots of governance problems in Papua New Guinea need to be addressed. These include the entrenched political culture of localised and personalised campaigning, as well as fluid party allegiances. Time is a crucial element in any attempt at institutional reform. However, political engineers often want the most advantageous changes in the short run, rather than what may be the most desirable reforms for the long run. In the case of Papua New Guinea, there is the danger that the OLIPPAC may be a simplistic, and therefore ineffective, solution for the entrenched problems of governance.

This paper first sets out the concerns that led to the Integrity Law, then identifies the intentions of the legislation. Next it sets out the legal mechanisms created by OLIPPAC to achieve these goals, not published elsewhere. An investigation follows of recent political manoeuvrings to see whether the law is being followed, and whether it is having the intended effects of improving the integrity of political parties and candidates. Finally, the paper argues that the reform focuses primarily on the ‘integrity’ of political parties in the sense of their wholeness (unity, and hence strength), and their inter-relationships in creating and supporting the prime minister and the cabinet, rather than on the ‘integrity’ of parties and candidates in the other, ethical sense of probity and avoiding outside influences, spelt out in the 1975 Constitution. Experience to date points to the need for further changes to make the reforms effective, even within the OLIPPAC’s narrow view of integrity.

Parliamentary instability

Central to the problems of governance in Papua New Guinea is the way the country’s legislative and executive branches of government have evolved since independence. The PNG Constitutional Planning Committee (CPC) of 1972–74 followed the standard Westminster model in expecting that the legislature would supervise and control the executive, but this has not been realised.

In a recent report to the United Nations Development Programme (UNDP), two academics and a former Speaker of the House, Bernard Narokobi, identified three structural problems as the primary cause of parliament’s failure (Okole et al. 2003)

- the development of a highly fluid and inherently unstable political system, with weak political parties, personalised and parochially based politics, and intense political competition
The overwhelming dominance of parliament by the executive—a characteristic which is evident in the executive’s practice of adjourning parliament for months on end, and in the lack of effective scrutiny of government by the opposition.

The widespread belief that PNG politics and government is corrupt, which they argue is largely due to the unstable political system and weakened legislature.

These problems have emerged in a situation where, over successive elections, parties have been weakened rather than strengthened; the number of candidates has increased from an average of 6 per seat in 1972 to 26 per seat in 2002; and the number of independent candidates has grown. Successful candidates in 2002 won with a median of 16 per cent of the vote, with winning totals as low as 7 per cent in some constituencies—an indication that the majority of MPs are not representative of their electorates. The re-election of sitting members of parliament is also highly uncertain, given that the turnover rate of MPs has been extremely high, reaching 75 per cent in the 2002 national elections. These factors exacerbate the practice of what is called ‘money politics’, and political instability by encouraging MPs to use their office to seek immediate gains—politics, in other words, is widely seen as a form of business (May 2001).

The PNG party system

A primary cause of political instability in Papua New Guinea is the very weak party system. The first parties competing for power in independent Papua New Guinea were started in the 1960s, but, despite this early start, the country has not developed a strong party system. Strong parties commonly display unity among members, consistency in party stances on policies, and hence predictability, and connections to strong bases in society. By contrast, political parties in Papua New Guinea are poorly anchored in society and typically do not have a wide membership base among the populace (Okole et al. 2003). Politicians show little allegiance or obligation to the party they nominally represent and often appeal and respond to clan particularities rather than taking a national perspective or encouraging civic responsibility. The weakness of parties has meant that, for political survival, MPs engage in activities in the form of regular favours to their followers. This behaviour is central to the claims of nepotism or ethnic favouritism in Papua New Guinea, known as wantokism—an entrenched social structure with political ramifications (Standish 1994).

Despite inheriting a Westminster parliamentary democracy, Papua New Guinea has not developed a strong two-party system. There have been between 12 and 22 parties with members in parliament over the last decade. Most parties function almost solely as parliamentary factions, tending to mobilise around personalities more than policies. Indeed, strategy and tactics are seen as more important than issues or policy for achieving parliamentary office, a characteristic of PNG coalitions that, as May (2005a) argues, has dominated political behaviour since the early 1980s.

The weak party system contributes to instability on the floor of parliament where, following an election, many members can be readily persuaded to change partners, coalitions and parties. This often means abandoning the political platform they nominally stood for during the campaign period. PNG constitutional expert, Professor John Nonggorr, explains that MPs in Papua New Guinea are not tied to a party by ‘anything at all’, which he says encourages and perpetuates corruption.1 Reportedly, blackmail, bribery and extortion have become very effective tools to make and unmake
governments in Papua New Guinea. These practices are utilised most often during ‘horse-trading’—the process of coalescing between rival parties, which occurs either post-election or before a vote on a no-confidence motion. All members, not just those from small parties or independents, are targeted. All governments since the first election in 1972 have been coalitions, usually of about five parties, but due to the weak party system these coalitions have shown little stability.

The frequency of attempted parliamentary motions of no-confidence and members ‘crossing the floor’ provides the clearest indication of weak political parties. Section 145 of the 1975 Independence Constitution prohibited votes of no-confidence for six months after a government was formed. From 1991, this period of immunity was extended to 18 months. Since independence, there have been three successful votes of no-confidence, in 1980, 1985 and 1988. There have, however, been many more attempts, and such motions are levers used by MPs to gain benefits in exchange for their allegiance to the prime minister. Even though it restricts when votes of no-confidence can be held, Section 145 has been seen as the cause of much parliamentary instability as prime ministers devise ways of avoiding or stalling such challenges.

For example, in May 1988, Prime Minister Wingti adjourned parliament to avoid a vote of no-confidence but was defeated when parliament reconvened in July of that year. Then, in September 1993, Prime Minister Wingti resigned and immediately sought re-election in a parliamentary session dominated by his supporters, rather than face a motion of no-confidence, possible after February 1994. Winning a re-election was preferable for Wingti because he would earn 18 months more grace, and might have lost the vote of no-confidence. The Opposition had no time to mobilise in response to his resignation because Wingti’s likely challenger, Deputy Prime Minister Sir Julius Chan, was out of the country. In December 1998, Prime Minister Skate won a seven-month adjournment to prevent parliament sitting, as did Prime Minister Morauta in December 2000. Similarly, Prime Minister Somare obtained a five-month adjournment in January 2004 after failing to muster the required numbers to pass a controversial constitutional law change (although parliament did meet briefly to elect a new Governor-General). All were seeking to avoid a vote of no-confidence during the period of vulnerability that followed their ‘grace’ period of legislated protection. In response to this cycle of instability, the media has expressed widespread and mounting cynicism about the behaviour of politicians and the way the political system has evolved, with many citizens calling for its urgent reform.

Successive governments in Papua New Guinea have been unable to operate effectively at the policy level because of the weakness of parties and the executive. The late Sir Anthony Siaguru said that Papua New Guinea’s politicians were concerned with establishing their place in a system that has an entrenched culture of short-term remedial measures, preventing more medium and long-term, ‘farsighted’ policies (Siaguru 2001a). As a consequence, the PNG experience of parliamentary democracy has seen politics become largely procedural, with more emphasis on access to and removal from power, and less on the public purpose in the exercise of power (Ghai 1997). The OLIPPAC was a response to this instability in parliament and the party system. It was hoped the reforms would lead to greater parliamentary and cabinet stability, thus preventing further ‘institutional decay’ (Okole 2002). In turn, the reformers argued, the Organic Law would lead to better policymaking and implementation and thus better governance, more ‘integrity’, and less corruption in politics (Okole et al. 2003).
**The OLIPPAC**

The OLIPPAC was passed 84–0 on the second vote of the National Parliament on 7 December 2000 and came into force on 22 February 2001—just in time for the 2002 national elections. Prime Minister Morauta declared the passage of the Organic Law as ‘the most significant reform since the Constitution was adopted at independence’ (Morauta 2002:np). ‘Organic Laws’ in Papua New Guinea are designed to implement over 550 recommendations that were made by the Constitutional Planning Committee at independence but not incorporated in the Constitution. At present, there are 21 Organic Laws in place. Because they derive their existence from the Constitution, Organic Laws combine with the Constitution to form the supreme laws of the country, and are strongly entrenched.

The Constitution obliges the parliament to enact an Organic Law to implement Sub-Division V1.2.H of the Constitution—to make provisions regulating the behaviour and conduct of political parties and candidates. Sub-Division V1.2.H of the Constitution (in particular, Sections 129 and 130) seeks to protect elections and to prevent candidates from being improperly or unduly influenced by outside (especially foreign) or hidden influences. The new preamble to the OLIPPAC, supplementing the amendments in 2003, declares the law is ‘responding to the nationwide call to strengthen and bring about political stability’. It clarifies the underlying purpose of the law, which is to ‘develop and nurture a political culture in which intrinsic values of constitutional democracy are respected and maintained’, and ‘to ensure participation of people to enhance the principle of government of the people, for the people, but more importantly, by the people’. No Organic Law on this topic was passed for 25 years, despite several proposals by groups of MPs. Until 2000 governments had not made an Integrity Law their priority, since it was assumed that the political party system would develop on its own, given sufficient time.²

The OLIPPAC reforms have two key objectives

- to stabilise and encourage the development of political parties through new rules that regulate the formation, composition and funding of parties
- to stabilise the executive through provisions that limit how MPs can vote on a motion of no-confidence against the executive, as well as establishing rules for the formation of government, defections from political parties and offences for breaking the law, and imposing restrictions on independent MPs.

**Developing political parties**

**Formation and composition of parties**

The primary intention of Parts III and IV of the OLIPPAC is to encourage the development of stronger political parties in Papua New Guinea. The first step is to ensure that all political parties are registered (Section 27). To qualify for registration (Section 28), parties must

- become incorporated as an association
- have a president, secretary, treasurer, public officer, and a parliamentary leader (if the party has a presence in parliament)
- have at least 500 financial members (and a register of all financial members)
- have a formal Constitution that dictates minimum requirements for internal party democracy (that is, party members must be free to choose their executive at periodic elections in which all such members have a right to vote, and all members must have the opportunity to stand for election for the party executive positions)
• disclose information about their office and their finances
• not have discriminatory or divisive policies that seek to challenge national unity.

In addition, no person can be a member of more than one political party at the same time (Section 24). These provisions are intended to promote strong, broad-based political parties with stable membership, in addition to moving parties away from being ‘owned’ by a few dominant personalities. This, it is hoped, will encourage the institutionalisation of the party system and, therefore, provide greater continuity in politics in Papua New Guinea.

**Funding of political parties**

Part VI of the OLIPPAC provides that registered parties will be eligible to receive election funding for endorsed candidates from a Central Fund administered by the Integrity of Political Parties and Candidates Commission (IPPCC) (Sections 75 and 76). Public funding is provided to parties on the basis of each elected and party endorsed MP (Sections 78 and 85).

For parties to obtain public funding, candidates and parties are required to
• maintain records of all expenditure during the election campaign
• file financial returns to the IPPCC each year (Section 86).

Part VII of the OLIPPAC requires that financial returns are to be submitted by parties (Section 88) and successful candidates (Section 89) to the Registrar of Political Parties within three months after the return of the writs following a general election, and parties must submit returns every 12 months thereafter. A political party that fails to file a financial return may be subjected to a fine of up to K5,000 and each Executive Officer of that political party is guilty of misconduct in office under the Leadership Code (Section 88). Similarly, a successful candidate who fails to file a financial return may receive a fine of up to K2,000 and is guilty of misconduct in office under the Leadership Code (Section 89). Misconduct under the Leadership Code is a severe offence, which can lead to MPs being dismissed from their seats in parliament and prohibited from holding a designated ‘leadership’ position for three years.

One of the main objectives of the funding provisions is to strengthen political parties in the parliament. It is hoped that through public funding, the previously large number of independent candidates will be encouraged to seek party endorsement. Similarly, it is hoped this will mean that party membership ceases being predominantly about personal advancement. A further intention is that public funding would help discourage money politics (such as MPs being ‘bought’ by parties which refund their campaign expenses) by providing an alternate avenue for campaign funds as well as ensuring transparency.

There are fixed formulas for public funding,
• A party will receive from the state K10,000 per year for each MP who was party endorsed (Section 78).
• MPs who are elected as independents or members of an unregistered party, along with unsuccessful candidates, are not eligible for any public funding (Section 75).
• OLIPPAC provides public funding for female candidates in order to encourage women to stand in elections, and persuade more parties to support women in their campaigns. Reilly (2002) interprets the intention of the law as promoting the development of parties as more open organisations in which any
citizen, including women, can participate (Reilly 2002).

A registered party will be reimbursed up to 75 per cent of K10,000 for any female candidate they endorse, if she obtains at least 10 per cent of the votes cast in the electorate; or an amount fixed by the IPPCC, whichever is the lesser (Section 83). However, a successful female candidate is not entitled to any payment from the Central Fund under this Section (Section 83); instead her party may claim funding of K10,000 under Section 78.

Under the new regulations, all other funding to political parties from citizens, non-citizens and international organisations must be registered with the IPPCC’s Central Fund.

- Citizens (Section 79) and non-citizens (Section 81) can contribute up to K500,000 (about A$200,000) per party, per year, per contributor.
- Citizens and non-citizens can contribute up to K500,000 per candidate, per election, per contributor (either directly to the party, the candidate or via the Central Fund) (Sections 79 and 81).
- Contributions made directly to a party or a candidate who is a member of a party must be declared with the Central Fund within 30 days of the contribution being made (Sections 79 and 81).

There is no cap on the amount international organisations can contribute, but they can only donate to a party through the Central Fund (Section 80).

Although there are now financial incentives for parties to recruit and endorse independent candidates and expand their bases, the question remains whether the fixed amount per successful endorsed candidate of K10,000 is sufficient to achieve this objective. This is pertinent since public funding is intended to play a major role in strengthening the party system as well as eradicating the practice of money politics. In practice, however, public funding may have a limited impact in light of the large amounts which citizens and non-citizens alike can donate to candidates, and which candidates spend, regardless of whether they are independents or members of a registered political party.

Stabilising the Executive

Formation of government

Part V, Division 4 of the OLIPPC has changed the way government is formed following an election in Papua New Guinea. The new rules stipulate that

- preceding an election of the prime minister, the largest party in parliament is invited to nominate a person to seek the majority endorsement in the house and hence to form government (even though he or she may not at this stage have the largest coalition of parties) (Section 63)
- if there are two or more parties with an equal number of MPs, the Electoral Commission advises the Governor-General as to which political party has the highest number of formal votes and the Governor-General will invite the leader of that political party to test their support in the house to form government (Section 63)
- independent MPs have to make a decision in the period between the return of the writs and the election of the Speaker at the first sitting of parliament—the first vote of the new house—either to join a political party or remain independent. If MPs choose to stay independent, they will remain so for the rest of the term of parliament (Section 69).

The intention here is to avoid the post-election system of ‘horse-trading’ where
parties offer inducements to gain the support of MPs, particularly independents, for rival prime ministerial contenders.

**Party defections**

One of the OLIPPAC’s most ambitious provisions seeks to combat the practice of ‘party-hopping’ and thereby stabilise the executive. Part V, Division 5 of the OLIPPAC covers defections from political parties and voting restrictions.

Restrictions are now placed on MPs, forbidding them from leaving their party to join or form another party or become an independent (Section 65), or leaving the party with which they were a member when first elected (Section 65).

Penalties are imposed on any MP who breaks these restrictions (Sections 67 and 68). Furthermore,

- MPs who leave their party will be investigated by the Ombudsman Commission, which may refer the matter to a Leadership Tribunal, comprising National Court judges, that will decide whether their grounds for defection were valid.

- the two grounds for a valid defection are if the party has breached its own Constitution, or if the party has been declared insolvent (Section 57(2)).

- a ‘serious breach of the party Constitution’ by the registered political party is defined as a breach that ‘would be likely to bring the integrity and reputation of the Member into disrepute’ (Section 57(5)).

- the Member has the onus to establish that a valid ground existed for their resignation (Section 58(2)), otherwise they will be found guilty of misconduct in office and face sanctions under the Leadership Code (Section 58(3) and Part V).

- following investigation by the Ombudsman Commission, if the Member is found not guilty of misconduct in office (Section 57(3)), he or she will be free to join another registered political party or remain independent from a political party (Section 60(2)). If, after investigation, the Ombudsman Commission is satisfied that the Member is guilty of misconduct in office under Section 59(3), the matter shall proceed in accordance with Part V of the Organic Law on the Duties and Responsibilities of Leadership.

The OLIPPAC’s imprecision in relation to who resolves such issues and how they are to be resolved has caused major problems to date, as discussed below.

The sanctions for party defection are powerful, if applied. The range of penalties may include (Section 68) loss of a ministerial or committee position, repayment of party funding and/or dismissal from parliament.

MPs elected with party endorsement are also restricted in their voting on particular matters in parliament. They must vote in accordance with the party resolution (position) on motions of no-confidence against the prime minister or ministry (Section 70); the appointment of a prime minister (Section 71); the national budget (Section 72); and amendments to the Constitution (Section 73).

Where MPs vote against their party’s resolution on the above four matters they are deemed to have resigned from that political party (Section 67), and hence may suffer the full sanctions under Section 68 (above).

The clear aim is to promote party solidarity. Significantly, although this was not well known in Papua New Guinea until 2003, a party can decide to change its vote by resolution, and move against the sitting prime minister, whom they initially supported, as long as they do so collectively (Sections 70, 71, 72 and 73). Furthermore, party members can abstain from votes on any of
these four categories of motion, but if they vote against their party resolution on such matters their votes will not be counted (Section 66).

Similarly, independents who voted for the appointment of a particular prime minister must continue to vote in support of that prime minister on all four matters or abstain (Sections 70, 71, 72 and 73). Independents who have not voted in support of the prime minister’s appointment can vote in any way they like on any subject.

The intention behind this central element of the reforms is to encourage party membership and enforce party solidarity, and thereby reduce the influence and bargaining power of independents and party members. Provided that penalties for defections are enforced, these reforms have the potential to entrench patterns of loyalty to parties’ voting behaviour in parliament, and hence to bring more stability and strengthen the executive.

Offences

Part V, Division 4 (Section 74) of the OLIPPAC has made it a criminal offence for a party or party official to use unlawful means to force, threaten, intimidate, lock up or otherwise interfere with the free movement of MPs in relation to performance of their parliamentary duties.

In the past, MPs were subject to intense ‘lockup’ sessions, known as ‘camping’, before votes of no-confidence against a prime minister or ministry or votes for a prime minister after a national election. Parties that are found guilty of committing these acts will have their registration cancelled by the Registrar of Political Parties and pay a fine of up to K5,000. Moreover, individual party members will be subject to the Criminal Code in relation to these matters. The OLIPPAC fails to provide any further detail on how this section should be administered or who should be responsible for the ‘policing’ of it.

Recent amendments to the OLIPPAC

In March 2003, the Somare–Marat Government announced plans to repeal and replace the OLIPPAC as well as make changes to Section 145 of the Constitution to extend the vote of no-confidence grace period. Describing the OLIPPAC (2001) as ‘riddled with flaws and defects’, the prime minister said his intention for the new amendments was to leave behind ‘a legacy of political stability and good government’ (Somare 2003: np). The changes deal with three factors that impact on political stability: the activities of political parties and their members, independent members, and motions of no-confidence.

To improve the administration and understanding of the law, the amendments also included a complete re-arrangement of the entire layout of the OLIPPAC. Prime Minister Somare has said these changes would further strengthen and entrench the role of political parties as key players in Papua New Guinea’s system of government and guarantee political stability and continuity, which has been lacking (PacNews 2003). The amendments did not cause much political controversy. The first vote on the new version of the OLIPPAC was passed on 17 July 2003, when 74 members voted in support of the law and six voted against it. The second and final vote was taken on 19 September 2003, with 81 MPs voting in support and seven voting against. The new version of the OLIPPAC was certified on 15 October 2003 and is now in force. The main features of the amendments related to the activities of parties and their members, the situation of independent candidates, and motions of no-confidence.
Activities of political parties and their members

Public funding for party executives

To further strengthen the role of political parties, the national executives (president, secretary and treasurer) of political parties that have members of parliament, will now be remunerated through public funds (Section 25).

Office of the Opposition and election of the Opposition leader

This provision aims to strengthen the legislature by formally establishing an Office of the Opposition (Section 64). Members of the Opposition must democratically elect one of their members to be the Leader of the Opposition. The elected leader then appoints one of his or her members to be the Deputy Leader. The national budget for each year will make funds available for the operation of the Office of the Opposition.

Independent members

Endorsement of candidates

Part V, Division 1 of the OLIPPAC provides new restrictions on candidates contesting elections to the National Parliament and political parties’ endorsement of independent candidates.

- An independent candidate is prohibited from receiving or soliciting support from a political party (Section 53).
- Political parties are prohibited from endorsing and/or supporting more than one candidate for an electorate (Section 54).
- The penalty imposed for a winning candidate who is found guilty of receiving or soliciting support from a political party is nullification of the election win (Section 54).

The primary intention here is to reduce the number of independent candidates contesting national elections. The provision provides a disincentive for candidates to run as independents by preventing them from soliciting financial and other support from political parties. The reform is also an attempt to eradicate the practice of political parties strategically endorsing multiple candidates in an electorate to improve the winning chances of a favoured candidate.

The motion of no-confidence

Sir Michael Somare in 2003 also used the discussion of stability in government to attempt to change the no-confidence provisions. The National Parliament debated, voted on, and subsequently dropped the prime minister’s proposed amendment to Section 145, Subsection (4), of the Constitution, which deals with motions of no-confidence. This was a government initiative to enhance stability in the executive by providing the prime minister and the cabinet three years’ immunity from votes of no-confidence. The amendment specified that the grace period of any government formed after a general election is to be extended from 18 months to 36 months and, for a vote of no-confidence to be successful, an absolute majority vote of 55 votes or more is required.

Section 145 has served as a ‘safeguard’ provision, and enabled the continuation of democracy in Papua New Guinea by preventing a single party or individual leaders from dominating when they have lost control of the house. Yet frequently threatened changes of government are seen as causing the subversion of development and the national goals of Papua New Guinea, and so there was a desire to delay the time when a vote of no-confidence would be allowed.
A number of MPS expressed dissatisfaction with the proposed amendment, concerned that an entrenched government might not necessarily be a good government. Western Highlands Governor and former prime minister, Paias Wingti, asked: ‘what happens for the 36 months if it’s the wrong government…where are the checks and balances?’ (Post-Courier, 19–21 September 2003). The implications of his question are profound. The Westminster system of parliamentary and cabinet government requires the executive to maintain the confidence of the legislature, but the amendment would have further delayed any formal test of the government’s support.

Despite these criticisms, Prime Minister Somare pushed on with his amendments and vowed to hold accountable all party leaders and MPs who did not vote for the proposed changes (Chin 2003). The Prime Minister denied claims that he had a personal interest in extending the grace period prohibiting votes of no-confidence, and argued that his primary intention was to maintain his term and that of the current coalition government for the full five years (Taimbari 2003b).

For whatever reasons, insufficient MPs voted for this amendment to the Constitution, and the divisions between party members on this issue appear to indicate defiance of the OLIPPAC requirement for party unity in voting on constitutional amendments. What was lacking were definitive party resolutions and stances, reflecting divisions within parties. Whether this was deliberate defiance of OLIPPAC or not, this constitutional law was clearly not being followed. If the matter were taken to the courts for a ruling, there would be months of delays by which time the political moment would have passed.

The OLIPPAC in practice

The OLIPPAC to date has shown some limited success but also serious weaknesses. Despite some early signs that the OLIPPAC was helping create a degree of stability and accordingly, predictability, in politics, recent political developments have demonstrated how the OLIPPAC can be ignored, manipulated and interpreted for political gain.

Successes

Strengthening parties

The reforms have had some success in strengthening the party system through its requirement that parties be registered. Nonggorr notes that parties now know who their members are, whereas ‘before the legislation, nobody knew which party an individual MP belonged to…party membership was literally fluid’. The OLIPPAC’s requirement for compulsory registration has brought formality and coherence to what were previously chaotic, loose arrangements.

It is debatable whether the OLIPPAC rules aimed at strengthening parties have been successful in reducing the number of parties in parliament. For example, a total of 43 parties had registered by the February 2002 deadline, compared with the 20 parties that contested the 1997 national elections. Of these, some 22 parties had members successful in the 2002 elections. By June 2004, there were only 15 registered political parties in the PNG parliament (Integrity of Political Parties and Candidates Commission 2004).

A reduction in party numbers was a goal of the OLIPPAC, which may appear to have succeeded in encouraging smaller parties to amalgamate or merge with larger parties in parliament. The number of small parties with MPs normally declines during the terms of PNG parliaments, however, as MPs seek to ‘get with the strength’ and increase their
chances of gaining power and sharing in the rewards of office. So this change may not result from the OLIPPAC, although now when parties merge they must do so by party resolution.

Parties have been strengthened by the new rules, in that the influence of independents was reduced in the 2002 Parliament (Table 1). Fewer independent candidates were elected in 2002—17, as against 36 in 1997. A feature of the 2002 election was that 15 of the 17 independents moved into the strongest camps prior to the election of the prime minister and could thereby avoid being stuck in a weak party. Somare’s National Alliance was clearly the strongest party in the 2002 national elections, even before the end of polling across the country, whereas Morauta’s People’s Democratic Movement lost 30 of its 42 seats. The National Alliance, with 11 MPs before the polls, grew to 19 endorsed candidates elected, and they were joined by another five MPs by the time the parliament met in August 2002. The OLIPPAC has encouraged all except two independents, David Anggo and Paias Wingti, to join parties once elected to parliament. Previously, independents had much bargaining power on the floor of parliament, but the OLIPPAC appears to have reduced this somewhat. Note, however, that the number of independents usually falls throughout the terms of all governments, until just before a motion of no-confidence, when their leverage is greatest.

**Weaknesses**

**The formation of government**

In August 2002, the formation of the new government in accordance with the OLIPPAC meant that the horse-trading antics, a feature of past post-election periods, were not as prominent as previously. However, the practice has not been eliminated. Rather, a new form of politicking was evident in 2002 where parties, instead of individual MPs, now held sway. For example, the National Alliance led by Sir Michael Somare worked for two weeks before the first sitting of the new parliament to gather the numbers to form government. It was necessary for Somare to make deals with other, smaller parties in order

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<thead>
<tr>
<th>Table 1</th>
<th>Independent candidates: votes and seats, 1987–2002</th>
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<tr>
<td>Candidates</td>
<td>1,513</td>
</tr>
<tr>
<td>Independents as a percentage of candidates</td>
<td>63.4(^b)</td>
</tr>
<tr>
<td>Percentage of votes for independent candidates</td>
<td>40.9</td>
</tr>
<tr>
<td>Percentage of seats won by independents</td>
<td>20.8</td>
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</tbody>
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\(^a\) The data on party endorsement and independent candidacy is at best approximate, based on information given at the time of nomination, and subject to change before polling.

\(^b\) From Oliver (1989).

\(^c\) The Report of the 2002 election has not been finalised, and this data is not readily calculated.

\(^d\) In 2002, only 103 of 109 results were declared; this represents 17 of 103 seats (the elections in 6 seats in the Southern Highlands were deemed ‘failed’, and conducted in April–May 2003 as supplementary elections).

**Source:** Table prepared by Bill Standish, The Australian National University, using the PNG Electoral Commission Report on the 1997 National Election.
to build the support of 52 members (of the 103 MPs then declared elected), which he required to be endorsed as prime minister. Somare signed an ‘irrevocable’ memorandum of understanding with five other smaller parties during this period, setting out agreed policy priorities. With a bandwagon effect, his nomination as prime minister ultimately received 88 votes. Similarly, the leader of the People’s Democratic Movement, Sir Mekere Morauta, tried to gain the allegiance of several of the smaller parties in his attempt to claim the prime ministership.

Under the OLIPPAC, smaller parties have taken the place of independents in influencing the larger parties during the formation of government. The smaller parties tried to increase their numbers and also formed alliances to increase their bargaining power in the allocation of ministries. A potential danger is that the stakes will now be higher since the major parties will be forming deals mostly with other political parties, rather than individuals. Money and promises can still be offered and thus remain the prime bargaining tools.

Independent candidates

Results from by-elections held in 2003–04 under the new Limited Preferential Voting (LPV) scheme indicate that party identification remains weak in Papua New Guinea and that the OLIPPAC has not succeeded in reducing the number of candidates contesting elections. Standish argues that, despite strong National Alliance campaigns in Abau and Yangoru, and the involvement of Enga Governor Peter Ipatas in Wabag, ‘there is little sign that OLIPPAC has changed people’s behaviour so as to strengthen political parties’ (Standish 2005:7). Party endorsement was ‘largely an afterthought in most of the Highlands seats, and meant little on the ground’. This behaviour was seen in other electorates as well; for example, in the Moresby North-East by-election only four candidates out of 22 had party endorsement. A further issue is that many independent candidates running in the by-elections may have had ‘strong links’ to political parties (Standish 2005:9). The continuation of this practice in 2004 is a concern given that the OLIPPAC was specifically amended in 2003 to prevent it. Under Section 53 of the Integrity Law, independent candidates are prohibited from receiving or soliciting support from a political party. A significant obstacle for the successful implementation of this provision is that the OLIPPAC remains silent on who should police the elections and how Section 53 should be enforced in response to breaches. Effectively, this provision is rendered powerless in the absence of any detailed guidelines.

Public funding and financial disclosure

A major problem since the enactment of the OLIPPAC is the delay for over 12 months in providing funds for the Registrar to set up a Secretariat to manage the affairs of the Integrity of Political Parties and Candidates Commission (IPPCC, previously the Central Funds Board of Management). Hence, although payments to some parties were announced in late 2004, the OLIPPAC’s public funding and financial disclosure provisions have not been implemented in full.9 A further problem is that not all candidates and political parties have filed their financial returns accurately and in full following the 2002 National Elections. Indeed, the accounting requirements are strict and would be difficult to obey in the turmoil of an election campaign. Nonggorr suggests that political parties have also probably not complied with the ongoing requirement to submit financial returns every 12 months as the OLIPPAC requires (Nonggorr 2004).

The IPPCC cannot enforce the OLIPPAC’s penalties for parties that do not submit a financial return, or that submit incomplete
or false returns, if there is lack of funding to enable the commission to effectively discharge its duties. As a result, a significant section of the OLIPPAC aimed at strengthening the integrity of parties and encouraging greater transparency within them, has not worked effectively. Nonggorr says this provision was designed to make the running of political parties more transparent, so that the public could have access to what the political party stood for, as well as where they were getting their funding from, how they were spending their money, and any improper influences there might be. Despite the stringent financial disclosure provisions, the reforms in practice have been undermined by lack of funding and poor implementation. This has significant implications for the ability of the OLIPPAC to address some of the root causes of party instability in Papua New Guinea.

**Party splits**

One of the primary goals of the OLIPPAC is to prevent political parties dissolving and creating new parliamentary factions. But, although MPs belonging to a single party are now required to vote with their party line on the four above-mentioned matters, in practice, they have already started forming opposing factions behind rival prominent members and developing multiple resolutions on these matters. In fact, the Pangu Pati has been divided since before the Somare–Marat government was formed in August 2002, with one faction supporting Foreign Minister Sir Rabbie Namaliu and the other Chris Haiveta, who by mid 2004 was clearly with the Opposition camp.

Even though each party has its own rules of conduct, most party constitutions do not have provisions for resolving internal disputes (Sepoe 2004). Consequently, much confusion has ensued in relation to party resolutions, with parties forming factions when their internal differences cannot be resolved. Two recent examples of this are the votes for Prime Minister Somare’s constitutional amendment to Section 145 (to extend the grace period before a vote of no-confidence), and the threat throughout much of 2004 of a vote of no-confidence against the Somare government. Both were important tests of the discipline that OLIPPAC seeks to impose.

For the constitutional amendment to Section 145 to be passed, the legislation required the support of two-thirds of parliament on two separate votes held at least two months apart. The amendment was passed on its first vote in September 2003, despite the fact that four of the votes came from People’s Labour Party (PLP) members, who voted for the amendment without the party fulfilling the OLIPPAC requirement of adopting an official party resolution. The first vote for the amendment on 26 November was rescinded after it failed to obtain the required two-thirds majority. Some 11 votes were declared invalid because the acting Speaker had received more than one party resolution from the PLP, the United Resources Party (URP) and the People’s Progress Party (PPP). Five of the 11 MPs were referred to the Ombudsman Commission to face misconduct charges, which were later dismissed.

The second vote for the amendment on 26 November was rescinded after it failed to obtain the required two-thirds majority. Some 11 votes were declared invalid because the acting Speaker had received more than one party resolution from the PLP, the United Resources Party (URP) and the People’s Progress Party (PPP). Five of the 11 MPs were referred to the Ombudsman Commission to face misconduct charges, which were later dismissed.

The second vote was held in parliament for the second time on 2 December 2003. The PPP and URP divided on the vote again. The amendment had angered MPs, some of whom voiced their apprehension that they were being forced to vote with their parties for the changes even though many did not agree with them. As Bogia MP John Hickey notes, ‘we know this decision is a bad one but we are forced to make a bad decision...if I make a good decision, I'll be tossed up before the Ombudsman Commission’ (Taimbari 2003a:np). Acting Speaker Jeffery Nape accepted one PPP and one URP party resolution, which had their party leader’s endorsement over contrary resolutions. This
appears to be an arbitrary decision and not in accordance with the OLIPPAC or Parliamentary Standing Orders. In the event, the vote failed to reach a two-thirds majority, because of abstentions, and so was rescinded for the second time. In January 2004, after failing to muster the required numbers to pass the constitutional change, Prime Minister Somare’s government adjourned parliament until 29 June 2004 to avoid facing a possible vote of no-confidence. The tight party discipline required under OLIPPAC was not manifest, and the episode was politically costly. The Prime Minister had sacked several ministers who had opposed the constitutional change. Somare subsequently dropped the Section 145 amendments, amid speculation that the governing coalition might be on the brink of collapse.

There have been three interpretations of the OLIPPAC on the three separate votes taken for Prime Minister Somare’s constitutional reform. The conduct of the three votes has demonstrated anything but stability. Arguably, this could be a result of the law failing to define exactly what a ‘party resolution’ is, and as a consequence, the definition has been left open to a wide variety of interpretations. In resolving some of the issues now arising in Parliament, the Speaker has found little guidance from the OLIPPAC or the Parliamentary Standing Orders. Indeed it was expected that the Standing Orders would be revised to complement the OLIPPAC, but to date this has not occurred. Updating the Standing Orders would ensure that in the event of a party splitting, there are adequate provisions to guide the Speaker in deciding who to recognise on the floor of Parliament (Nonggorr 2004). Loose interpretations of the OLIPPAC by the Acting Speaker of Parliament have not served to strengthen the role of political parties and they have not made the coalition government any less vulnerable to a vote of no-confidence.

The vote for the constitutional amendment suggests very little has changed as far as the instability and fluidity of politics in Papua New Guinea is concerned. Indeed, in early 2004 most of the disaffected former ministers and their factions joined the Opposition and ‘camped’ in hotels while seeking to gather the numbers for a vote of no-confidence. PNG politics was again at the point where party factions originally in government were pressing for a vote of no-confidence. A vote of no-confidence against the Somare government was legally possible because Sir Michael’s 18-month period of grace expired in February 2004. Its passage was highly likely, given that four of the ten parties in his coalition were split between government and opposition factions. In late May, however, Sir Michael Somare welcomed the decision of Opposition leader at the time, Sir Mekere Morauta, and his entire party (now renamed the Papua New Guinea Party) to switch to the government, thereby helping to stabilise his support. The Opposition camp was divided as to who would be their prime ministerial candidate (who must be named in a motion of no-confidence), and never tested their numbers, and mostly boycotting the remaining sittings in 2004.

Disputes within parties arising from conflicting decisions over both party leadership and how party members should vote on Section 145 have been going on for 18 months and remain unresolved, both in the political arena and the courts. The splits are similar in the PPP, Pangu Pati and the URP (Nonggorr 2004). In the case of the PPP, since 2003, the party has been split into factions, each claiming to be legitimate under the party’s constitution (The National, 26 January 2004). After initially being referred to the Registrar of Political Parties, the issue went the National Court and, over a year later, remains unresolved. Although the rules for dealing with party defections are set out in
the OLIPPAC, the Integrity Law needs to give more specific guidance to the Speaker in such cases. In particular, it requires a provision that if the Speaker’s ruling is challenged, where the matter should be referred to, and resolved. The fact that these issues have gone to court indicates just how serious the divisions within parties remain, and how thoroughly the intention of OLIPPAC has been violated in 2004. It is important that future disputes be resolved politically and not in the courts. This is essential in order to preserve the independence of the courts and to avoid lengthy delays and constitutional confusion on urgent political matters.

As at April 2005, Prime Minister Somare has used various means of stalling or warding off a vote of no-confidence, and in the process removed several ministers, including three Deputy Prime Ministers. Two, Dr Allan Marat (PPP) and Moses Maladina (Peoples Action Party), have not joined the Opposition, but the third, Andrew Baing, has. The position of Deputy Prime Minister has been vacant for 12 months. Prime Minister Somare’s moves and the ambitions of his opponents have created antagonism with a number of his previous ministers and supporters and they and many MPs have shown little respect for the ‘spirit’ of the Integrity Laws in the process. Ironically, the Prime Minister has been saved by divisiveness within the Opposition, as demonstrated by the move in February 2005 by Bill Skate, a former Speaker and Prime Minister, to have himself ‘expelled’ from his party within the Opposition. Clearly, the Somare government could still face a vote of no-confidence at any time until June 2006. The OLIPPAC in its first years of operation has not been able to stabilise PNG politics because the very purpose of the Integrity Law has been twisted and manipulated. Events thus far suggest the Integrity Law has not been able to ensure the wholeness of political parties or to create stability among them.

The two meanings of ‘integrity’ of political parties and candidates

The OLIPPAC is clearly an ambitious attempt to legislate for the ‘integrity’ of the Papua New Guinean political system as a whole. Two meanings of ‘integrity’ have been identified in respect to politics in Papua New Guinea (Siagaru 2001b). On the one hand, ‘integrity’ denotes honesty and ‘uprightness’ in the conduct—decisions, actions and behaviours—of political parties and candidates. On the other hand, it can also mean ‘wholeness’ or an ‘unbroken state’, that is, integrity as stability.

The concept of party stability connotes an idea of firmness or the unchanging loyalty of a member of a party to that party—it implies the ability of a party to stay together, regardless of the ‘political wind’. Moreover, stability also means that a party must have a definite governmental organisation that is not likely to break down or fall apart. Similarly, integrity of conduct in political parties is guaranteed when measures are taken to ensure the formation, purpose and activities of political parties are not corrupted and are not impaired, but are measured against public welfare and the national interest to ascertain their honesty and uprightness.

It seems unlikely that integrity in both senses of the term can be achieved through legislative reform. Rather, it appears that the OLIPPAC reforms were intended to legislate for the integrity of the country’s political system primarily by strengthening it; to create stability and continuity in government rather than primarily stressing the integrity of conduct of political parties and candidates in Papua New Guinea. This is an important distinction.

Whether the reforms will be successful in changing deeply ingrained political practices that are arguably at the heart of the governance problems in Papua New Guinea depends greatly on their ability to address
the lack of integrity of conduct of political parties and candidates, as indicated by the reportedly high levels of corruption and the relationships of reciprocity often alleged in PNG political discourse. Although the OLIPPAC includes rules intended to make MPs more accountable, and thereby encourages integrity of conduct (such as by keeping detailed records of campaign expenditure), these provisions are not central to the purpose of the law, which is the strengthening of the party system. The OLIPPAC has not been able to encourage all MPs to take initiatives to address public interests above and beyond their own, more limited, interests.

The effectiveness of political engineering in Papua New Guinea

It is hard to be definitive about the success of the OLIPPAC at such an early stage of the reforms, but some interim conclusions can be drawn. The implementation of the OLIPPAC prior to the 2002 national elections evoked much hope in Papua New Guinea, with many people believing the reform would be a major turning point for the nation. Papua New Guinean political discourse has long expressed a general lack of confidence in leaders and cynicism about the quality and honesty of politicians. In this context, it was widely assumed the reforms would address perceived corrupt political behaviour, by legislating for the integrity of conduct of political parties and candidates. However, this was only the secondary aim of the legislation. The central aim of the OLIPPAC is to strengthen political parties and thereby stabilise the political system. In part this has been achieved, in that there were fewer independent candidates elected in 2002. However, the practice of money politics and localism can be seen at the heart of governance problems in Papua New Guinea, and the OLIPPAC did not address these issues as priorities of reform (Standish 2004).

More broadly, it is hard to see how reform exclusively through legislation (from ‘above’) could possibly prevent the interaction of money politics and localism, and consequently enforce the integrity of conduct of political parties and candidates. This is because integrity is normally seen as a character trait that develops from the inside out and cannot be forced from the outside in. Indeed, integrity is not just a matter of strength, but has moral and ethical qualities. Improving the integrity of the political system as a whole involves questions and principles that may be beyond the mechanisms embodied in the OLIPPAC.

Although the OLIPPAC can be used to help overcome some of the problems of a weak party system, such a law on its own cannot solve Papua New Guinea’s enculturated political practices and their associated problems. The OLIPPAC’s performance to date demonstrates this point. Although the reforms have had some limited success in strengthening political parties, the law has been unable to change now standard political practices, including localised and personalised campaigning, party-splitting, and horse-trading in parliament, as well as the use of money politics.

Prime Minister Somare’s repeal and replacement of the original OLIPPAC, as well as attempted further amendments to the Constitution, also suggest that—rather than improve political stability—the OLIPPAC reforms have themselves become a tool for the manipulation of the political landscape. Prime Minister Somare has called for Papua New Guinea’s leaders to respect the ‘spirit’ of the integrity law, arguing

...this country desperately needs stability and we as leaders simply cannot afford to be squabbling amongst ourselves at this critical stage.
in our much needed recovery. The upheaval and uncertainty that it is causing are undermining all of the good work that we are doing (Somare 2005:8).

The implications of his statement are profound. For as long as there is a genuine lack of political will to both follow and enforce the provisions of the OLIPPC, as well as uncertainty surrounding who should be responsible for taking action when breaches occur, Papua New Guinea will never obtain the stability it is searching for. Unless the PNG government takes immediate action to address the deliberate disregard for the legislation, and clarifies essential aspects of its operation, there is a danger that Papua New Guinea’s major home-grown reform effort could turn out to be ineffectual.

Entrenching political change takes time, and Papua New Guinea is a very new state. The country is still building its political institutions and learning how to adapt them to a diverse society. The idea of a nation is a work-in-progress. Papua New Guineans patently want development and are looking to their leaders to provide it. Clear political analysis and genuine desire for reform are needed for Papua New Guinea’s leaders to steer the country in this direction. Further changes to ensure compliance with the Integrity Law are required to make the reforms effective, even within its basically limited view of integrity, and help those who are seeking stability. So far it would appear that OLIPPC has not provided accepted rules of the game, and hence provided the stability that Papua New Guinea’s leaders are seeking, and which is essential for development. The question raised by several observers, including Papua New Guineans, remains: whether changing the rules of party and parliamentary behaviour can change the dynamics of political behaviour in Papua New Guinea?

References


Morauta, M., 2002. ‘Explaining the proposed political integrity laws’, The...


Notes

1 Interview with Professor John Nonggorr, Canberra, 25 September 2003.
2 Interview with Professor John Nonggorr, Canberra, 25 September 2003.
3 Returns cover all the contributions, receipts and income of political parties, and details of expenditure which the party has incurred. They must also include the names and addresses of the contributors, the source and the nature of income and the dates upon which the transaction occurred. These returns are then submitted to the Registrar of Political Parties who is appointed by the IPPCC. All financial returns should become public information.
4 K10,000 equates to approximately A$ 4,000 (The National, 27 April 2005).
5 This last point is the exact opposite of the Constitution’s explicit ban on foreign donations (see Sub-Division V.1.2.H), a prohibition also mentioned in the Constitutional Development Committee’s First Draft of the OLIPPAC, but subsequently left out. Moreover, the Constitutional Development Committee’s First Draft of the OLIPPAC, the Final Report of the Constitutional Development Committee and the OLIPPAC’s Drafting Instructions all state that ‘non-citizens cannot contribute directly to political parties or candidates—non-citizens can contribute to the Central Fund’. In a major change by the Morauta cabinet, such provisions were removed from the final legislation and now non-citizens are free to make direct donations to parties and candidates. This means they can be approached for funding as well.
6 Although documentation in the literature is poor, candidates are believed to spend tens of thousands of kina in their campaigning attempts and in the Highlands region often hundreds of thousands of kina. Thus, while party machines may benefit from regular state funding, the scale of such funding is not likely to have a significant impact on campaign expenditures overall (Bill Standish, personal communication, 27 April 2005).
7 The OLIPPAC now has a preamble—the first for an Organic Law in Papua New Guinea—which declares that the law is established in response to a ‘nationwide call to strengthen and bring about political stability to the system of government’ and ‘in order to protect the national election from outside or hidden influences’. This development is in response to claims that the previous OLIPPAC did not meet the original intentions of Sub-Division V.1.2.H of the Constitution.
8 Interview with Professor John Nonggorr, Canberra, 25 September 2003.
9 In 2003, the Central Funds Board of Management (now IPPCC) approved the distribution of K990,000 to 20 parties stating in a press release that the government had ‘miserably failed to adequately fund the Board and its Secretariat’ (see Central Funds Board of Management 2003)
10 The commission has recently advertised for specialist accounting staff for this role.
11 Interview with Professor John Nonggorr, Canberra, 25 September 2003.

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