



Department of Pacific Affairs

Politics in Papua New Guinea 2017–20: From O'Neill to Marape

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The author has been chronicling the politics of Papua New Guinea (PNG) for decades, and this Discussion Paper constitutes the most recent instalment in that body of work. It is hoped this account will assist observers of the latest developments in the fast-moving and frequently unpredictable world of political contestation in PNG.

In an earlier paper, I surveyed the events in PNG politics from the political coup against incumbent prime minister Sir Michael Somare in 2011 through to early 2017, preceding the country's ninth post-independence general election (May 2017). During this time, PNG was governed by a coalition headed by Peter O'Neill. That paper, which detailed the way O'Neill came to power — in defiance of two Supreme Court decisions in 2011–12 and then through legitimate parliamentary vote following a general election in 2012 — focused on three issues that dominated much of the political activity of the period and, I believe, provided insight into how politics was being played. These issues were: Parakagate and its ongoing fallout (in which then prime minister O'Neill was accused of involvement in corruption and eventually had an arrest warrant issued against him, which he managed to avoid by a combination of dubious legal manoeuvres and dismissing those in government who opposed him); the UBS loan affair (in which the prime minister controversially directed the treasury to borrow US\$1.2 billion from a Swiss-based global financial services company, ignoring advice that such borrowing required parliamentary approval, which led to the resignation of the treasurer, Don Polye, who subsequently became leader of the opposition, and an investigation by the Ombudsman Commission that found O'Neill's actions illegal and referred the prime minister to the public

prosecutor); and amendments to the constitution and the Organic Law on the Integrity of Political Parties and Candidates (the general effects of which were to make it more difficult to remove a sitting government, which attracted successful challenges).

By 2015, popular opposition to O'Neill was growing and there were calls for him to step down. In October that year, a protest rally in Port Moresby was broken up by police, with several protesters injured in the confrontation. The following year saw students at the country's four state universities initiate a boycott of classes in protest against the government; they were supported by the PNG Trade Union Congress, a coalition of civil society groups that called for a National Disobedience Day and opposition politicians who sought a parliamentary vote of no confidence. A planned student march in support of the parliamentary vote was blocked by police and several students were injured. Attempts by the O'Neill government to block the vote of no confidence were overruled by the Supreme Court (which described the government's efforts to thwart the vote as 'unprecedented and ... a real threat to parliamentary democracy' (quoted in *The National* 13/7/2016)), but in July 2016 O'Neill comfortably survived a no-confidence vote by 85 votes to 21. Some members of parliament (MPs) crossed the floor to join the still relatively small opposition, and calls for O'Neill to step down continued. At the end of 2016, tensions seemed to have eased somewhat. O'Neill remained in power, and with a general election scheduled for June–July 2017, the country had begun to drift into election mode, with MPs focused on their local constituencies. However, in March, the leader of the National Alliance Party, Patrick Pruaitch (the member for Aitape-Lumi in West Sepik Province),

who was treasurer in the O'Neill government, strongly criticised the government's economic management and accused O'Neill of being 'a micro-manager of all ministries' (Radio New Zealand 3/4/2017). He was promptly dropped from cabinet. With a view to his re-election, Pruaitch was probably seeking to distance himself from O'Neill (if this was his intention, the strategy succeeded; he was re-elected).

This paper takes up the story with the 2017 general election, tracing the eventual demise of O'Neill and the change of political leadership to James Marape, and returns to the question posed in 2017: has there been a shift in political style in PNG?

The O'Neill government 2017–19

Elections, subsequently described by a large number of citizens and commentators as 'the "worst elections" [in PNG] ever',¹ were duly held in 2017. Writs were scheduled to be returned by 24 July, but with only 80 of the 111 seats declared by then the date was extended by four days; an application for a further extension was turned down. There were suggestions that declarations were being deliberately delayed in seats in which O'Neill's People's National Congress (PNC) appeared to be losing to ensure it would have the largest number of elected MPs and thus be invited to form government when parliament met.²

With four seats still to be decided, O'Neill's PNC had won 27 seats — compared to 55 at the end of the 2012–17 parliament — and several prominent members of the previous O'Neill government had not been re-elected. The National Alliance (NA, established by former prime minister Sir Michael Somare, but from 2012–17, under the leadership of Patrick Pruaitch, part of the O'Neill government) gained a few seats for a total of 14 MPs. Pangu Pati, one of PNG's oldest political parties, led up till 1988 by Sir Michael Somare, had languished over the years. However, under Sam Basil, who switched to Pangu in 2014, it enjoyed some success in 2017 with 11 seats (including seven of the 10 seats in Morobe Province). William Duma's United Resources Party (URP) increased its parliamentary membership to nine, Namah's PNG Party's numbers increased to six and former prime minister Sir Julius Chan's People's Progress Party (PPP) lost two of its leading MPs but retained five seats. Fourteen other parties had between one and three members, and there were 14 independents. Of the remaining four seats, the PNC subsequently won two.

Parties do not play a major role in political campaigning in PNG, but they become important in the process of coalition building between the end of voting and the first sitting of the new parliament. As usual, following the election, the major parties leaders assembled their elected members in 'camps' and attempted to build potentially winning coalitions.³ O'Neill and his PNC MPs met in Alotau and were joined by Chan's PPP, National Capital District Governor Powes Parkop, then the sole member of his Social Democratic Party, and Duma's URP. Initially, the NA set up camp in Kokopo and Pangu camped in Goroka. Pangu later joined the NA in Kokopo. In both camps, leaders sought to hold their parties together (though some minor parties had MPs in both camps and the URP was split) and recruit the MPs who had been elected as independents.

Both claimed to have the numbers, but in the end the Alotau group came out on top (Loop PNG 31/7/2017; PNGBlogs 31/7/2017; *Post-Courier* 31/7/2017, 1/8/2017; *The National* 31/7/2017, 1/8/2017). When parliament met, O'Neill, as leader of the party with the most endorsed MPs, was invited to form government and was re-elected as prime minister by 60 votes to 46 — a comfortable margin, though substantially less than his winning margin in the vote of no confidence a year earlier.

At first it looked as though O'Neill would be faced with a stronger opposition than in the previous parliament. Although former opposition leader Polye lost his seat, the NA was the second largest party in parliament and part of the opposition, and Pruaitch emerged as opposition leader. Pangu was initially the third largest party (and following the recruitment of several independents, the second largest party) and part of the opposition. Former prime minister Sir Mekere Morauta — a respected leader and strong critic of O'Neill — returned to parliament (having not contested in 2012) and Kerenga Kua (attorney general under O'Neill before being dropped after disagreements with the prime minister and subsequently joining the opposition) was re-elected, as was outspoken Oro governor and critic of O'Neill, Gary Juffa. Former opposition leader Belden Namah (who earlier in his parliamentary career was deputy prime minister under O'Neill) also returned. Two notable new MPs, businessman Allan Bird and well-known O'Neill critic Bryan Kramer (who maintained the popular social media site *The Kramer Report*), also joined the opposition.

In September, however, Basil announced that he and the majority of his Pangu MPs were crossing the floor to join the government;⁴ he said he was tired of being in opposition and having to fight for District Services Improvement Program funds (perhaps he was also unhappy at being passed over as opposition leader).⁵ He was given the communications and information technology portfolio. Several other MPs drifted over to join the government, once again giving the O'Neill-led coalition a substantial majority.

In early 2018, it looked as though O'Neill had further consolidated his position as prime minister. Shortly after parliament convened, it was reported that PNG's National Court had lifted a stay order on the arrest warrant against O'Neill, clearing the way for his arrest to face charges of corruption. However, O'Neill's lawyers lodged yet another appeal and in December 2017, the Supreme Court ruled that the arrest warrant was 'defective' and it was quashed (ABC News 15/12/2017; *Post-Courier* 18/12/2017) — though as Papua New Guinean legal scholar Bal Kama (22/12/2017) observed, 'The Court's ruling did not exonerate O'Neill of the allegations of corruption. It only said that the warrant issued was defective, leaving the substantive allegations still open to scrutiny'. Earlier, the Supreme Court had also quashed the proposed referral of O'Neill to the public prosecutor over the UBS loan. That combined with PNG hosting a prestigious APEC summit in late 2018 and financial assistance flowing in from China, Australia, the US and elsewhere, O'Neill's star might have appeared to be on the rise.

Coming at a time of economic downturn and expenditure cuts, however, the lavish spending on the APEC meeting — which had little impact beyond Port Moresby and included the last-minute importation of a fleet of Maserati and Bentleys for the use of delegates — drew widespread criticism. The UBS loan affair also refused to go away. The loan had been used by the government to acquire shares in Oil Search Ltd, a major player in PNG's liquefied natural gas (LNG) development. With declining LNG prices, however, in 2017 the government had to sell the shares to repay the loan, incurring a loss of around K1 billion (AU\$435 million). Further, early in 2019 it was reported that Swiss financial regulatory authorities were investigating the UBS loan (*The Australian Financial Review* 14/3/2019). O'Neill came under renewed fire

following the leaking of a 322-page report by the PNG Ombudsman Commission (completed in December 2018 but not tabled in parliament until May 2019) that suggested the transaction may have breached a number of PNG laws (Ombudsman Commission of Papua New Guinea 2018).

Another controversial matter during O'Neill's early years in office (but which was not discussed in my earlier paper) concerned the PNG Sustainable Development Program (SDP). The SDP was created in 2001 when BHP Billiton divested itself of its majority shareholding in the lucrative but troubled Ok Tedi gold and copper mine in Western Province (in which the PNG government was also a shareholder). The SDP took over the BHP Billiton shares and established what was termed the Long Term Fund, in which revenue from dividends was set aside to be used for the benefit of the people of the province after the closure of the mine. The architects of the arrangement (then prime minister Mekere Morauta and Australian economist Ross Garnaut), with a view to safeguarding the fund against possible predation by cash-strapped future national governments, registered PNG Sustainable Development Program Ltd as an independent incorporated company in Singapore. Even before taking over as prime minister in 2011, O'Neill had been critical of the SDP. On becoming prime minister, he sought to gain control of the SDP and its US\$1.4 billion Long Term Fund. Garnaut, who had become chair of Ok Tedi Mining and the SDP, was barred from the country and in 2013 prime minister O'Neill controversially expropriated the Ok Tedi Mining Ltd shareholding from SDP. O'Neill then initiated legal action in Singapore in an attempt to gain control of the company. He was strongly opposed by Morauta, who succeeded Garnaut as chair of SDP. In April 2019, the Singapore High Court ruled comprehensively in favour of SDP Ltd in what Morauta described as 'a humiliating defeat for Mr O'Neill and an expensive exercise in futility' (PNG Attitude 10/4/2019). O'Neill said he would appeal and would set up a commission of inquiry into SDP; he also deported SDP's media adviser. However, Western Province's four MPs welcomed the decision and the SDP re-launched its activities after a four-year hiatus.⁶

Against this background, rumours began circulating of tensions within the governing coalition and in January 2019 Eastern Highlands Governor Peter

Numu quit the coalition, reportedly accusing O'Neill of false promises and failure to recognise provincial governments (Radio New Zealand 24/1/2019; *The National* 21/1/2019). Several other MPs crossed the floor to join the opposition.

Under the constitutional provisions that grant incoming prime ministers a grace period of 18 months during which they cannot be subjected to a vote of no confidence, O'Neill was invulnerable to such a move until February 2019. In late 2018, the opposition gave notice that it would submit a motion of no confidence, though senior opposition figures Namah and Morauta were reported as saying, 'We don't want to change the government, we want to change the prime minister' (*Post-Courier* 2/11/2018). But when parliament met in February, the house voted to adjourn for three months before a motion could be moved. The motion to adjourn was moved by then finance minister and leader of government business James Marape, who had been closely associated with O'Neill since 2011.⁷

The coalition dissolves

In April 2019, however, Marape and O'Neill had a falling-out over the signing of a US\$16 billion agreement for the expansion of LNG operations with foreign venture partners ExxonMobil, Total and Oil Search (*Post-Courier* 11/4/2019). Marape spoke of a 'lack of trust' and said that his advice had been ignored (which recalled similar complaints by former treasurers Polye and Pruaitch) (*Post-Courier* 12/4/2019). Initially, he remained in government, but later defected to the opposition. Marape was followed by then justice minister Davis Steven, who expressed concerns about the current state of governance, warning that 'the rule of law is at stake' (Radio New Zealand 19/4/2019), and Southern Highlands Governor William Powi, who spoke of 'the abuse and misuse of the institutions of government' as the biggest danger facing PNG (Radio New Zealand 29/4/2019). A number of other coalition MPs also crossed the floor. By early May, at least 24 MPs had defected, including five ministers and the governors of five provinces. Marape called on O'Neill to put the leadership of the PNC to the vote and said he would hold back his letter of resignation if O'Neill let the party caucus decide the issue. He was supported by deputy prime minister Charles Abel and several other senior PNC MPs, but O'Neill refused, claiming 'our government is very stable' (*Post-Courier* 26/4/2019). More defections followed.⁸

The opposition group — labelling itself the Alternate Government — now claimed to have the numbers to pass a vote of no confidence. On the eve of parliament resuming on 7 May, the Alternate Government nominated Marape as alternative prime minister in its motion of no confidence. But when parliament met, it again voted to adjourn, by 59 votes (including those of two opposition members) to 50.

Basil remained with O'Neill and in April was rewarded with promotion to the finance portfolio vacated by Marape (a second cabinet post was also given to a Pangu MP). But the Pangu Pati's non-parliamentary executive, and its Morobe branch, supported the opposition and the 15-member parliamentary party split, with six MPs identifying with the opposition. Basil was expelled by the party and was reported as saying he would form a new party, Our Party, with his Pangu-elected supporters (*Post-Courier* 24/4/2019, 1/5/2019; Radio New Zealand 26/4/2019). Instead, in early May it was announced that Basil and eight of his former Pangu MPs had joined the Melanesian Alliance (MA), another of PNG's early parties, which fallen on lean times with only one MP, Joseph Yopyyopy.⁹ Basil was reportedly invited to join the MA by its party general secretary Nick Klapat, but after the announcement was made Basil received an irate letter from MA president James Chamillou informing him that Yopyyopy was the MA party leader, the party had not authorised any leadership takeover and Basil had breached the Organic Law on the Integrity of Political Parties and Candidates and would be referred to the Police Fraud Squad for investigation:

We will seek legal advice before we file a civil proceeding against you to claim compensation over the alleged stealing of our party including forging and altering our party logo (EMTV 25/5/2019).¹⁰

Around the same time, the interim leader of the pro-opposition faction of Pangu, Morobe Governor Ginson Saonu, offered Marape a home with Pangu. In mid-May, Marape accepted, bringing with him 14 MPs from the PNC (*Post-Courier* 13/5/2019; 14/5/2019).

Facing the prospect of a vote of no confidence, O'Neill resorted to a well-used tactic, seeking an urgent court ruling on the validity of a no confidence vote, which he described as being:

in contradiction to the separation of powers ... It contradicts the invitation by the Governor General to form government, to the party

that's got the highest number of Members of Parliament (*Post-Courier* 17/5/2019).¹¹

He would not hand in his resignation, he said, until the court process was complete (*The Australian* 28/5/2019). The Supreme Court, however, deferred a decision, ruling that the matter had no urgency (*Post-Courier* 29/5/2019). In another familiar tactic, members of the Parliamentary Committee on Private Business (which vets motions of no confidence) who had shifted to the opposition were removed from the committee and replaced by O'Neill loyalists. O'Neill also announced that his government would 'review social media platforms to stop fake news'; 'Fake news', he said, 'is destroying our country' (*Post-Courier* 14/5/2019).¹²

Parliament was scheduled to meet again on 28 May. At this point, given the fluidity of political allegiances in PNG, either of two outcomes from a vote of no confidence seemed likely: those MPs who crossed the floor to the opposition, seeing O'Neill still had the numbers, would cross back, or the defections that occurred in April and May might gather momentum and give the opposition the majority it needed. Banking on the possibility of further defections, the Alternate Government withdrew its motion and (reportedly on Marape's initiative) threw open the nomination of alternative prime minister in the hope of attracting other contenders to cross the floor. On 24 May, the 12 MPs from William Duma's URP joined the opposition, giving the Alternate Government the numbers it needed. A revised motion of no confidence was subsequently submitted, somewhat surprisingly nominating Pruaitch as alternate prime minister.¹³

But PNG politics is seldom predictable. On 26 May, the international press reported that O'Neill had resigned and nominated former prime minister Sir Julius Chan as his replacement.¹⁴ Local observers (including former chief justice Sir Arnold Amet), however, noted that O'Neill had not used the word 'resign', that the 'appointment' of Chan was unconstitutional¹⁵ and that if O'Neill did resign, he would, constitutionally, remain in office until parliament voted in a new prime minister. Chan himself issued a press release denying that he was acting prime minister and had simply been designated 'provisional caretaker of the Government Coalition' (New Ireland Government Media Unit 2019). Chan, supported by three other prominent MPs, also spoke out against O'Neill's application to the Supreme

Court in order to delay the vote of no confidence. Many suspected a plot by O'Neill to retain office.¹⁶ When parliament met on 28 May, Pruaitch sought to introduce motions to change the composition of the Parliamentary Private Business Committee and remove the speaker (PNC member Job Pomat), but was blocked by the speaker. After a tense confrontation between government and opposition MPs, the house was adjourned, though the opposition achieved a minor victory when senior MPs agreed to set aside the motion against Pomat and allow changes to the membership of the Private Business Committee demanded by the opposition (ABC Radio 28/5/2019; *Post-Courier* 29/5/2019). However, on 29 May, faced with losing a vote of no confidence, O'Neill delivered his letter of resignation to the governor general, triggering a parliamentary vote to appoint a new prime minister.

Following O'Neill's formal resignation, Marape and his renegade supporters moved back to the government benches and Marape became the government nominee for prime minister. In an extraordinary further twist, opposition leader Pruaitch nominated O'Neill (seconded by Namah); O'Neill accepted the nomination but subsequently withdrew. The remaining opposition members nominated former prime minister Morauta. Marape won the vote by 101 votes to eight, with Pruaitch and his NA voting for Marape.

The Marape government 2019–

The outcome of all of this was less a change of government than a convoluted change of leadership, with Marape (who in October 2019 became the leader of Pangu Pati) heading a somewhat larger coalition. Despite having voted for Marape, Pruaitch and the NA remained in opposition, with Pruaitch as opposition leader.

The day after his election, Marape nominated an eight-man caretaker cabinet, all of whom had been ministers in the O'Neill government and half of whom were still members of the PNC. A week later, however, he announced a cabinet of 33 ministers that included 21 ministers who had served under O'Neill, including Steven (as deputy prime minister, minister for justice and attorney general), Abel (finance and rural development), Basil (treasurer), Richard Maru (national planning and monitoring) and Justin Tkatchenko (housing and urban development). Interestingly, it also included two opposition MPs — Kerenga Kua (as

minister for petroleum and energy) and Bryan Kramer (minister for police) — who had been amongst O'Neill's strongest critics and had not voted for Marape.¹⁷ It was reported that Marape had offered O'Neill a cabinet post, but the former prime minister declined (Radio New Zealand 4/6/2019). Duma and his URP did not get a ministerial portfolio.

In early statements, the new prime minister spoke of a 'change of direction' and said, 'This leadership is about ... taking back our economy' (*Post-Courier* 30/5/2019), which he said was 'bleeding and struggling' (ABC News 30/5/2019). He foreshadowed a review of 'several major resource projects' (*ibid.*), but assured investors that his government would not break legally binding project agreements. He described his government as 'pro-investment and pro-business' but looking to shift focus from mining and petroleum to agriculture (*The Australian* 25/7/2019; *The National* 5/7/2019, 27/8/2019, 28/10/2019, 30/10/2019). The government did not intend to chase away investors, he said, but would 'look into maximising gain from what God has given this country' (*The Australian Financial Review* 31/5/2019).¹⁸ He also expressed a wish 'to diversify Papua New Guinea's [foreign] relationships', though Australia 'would remain a key partner' (Radio Australia 3/6/2019). In July, Marape made a state visit to Australia. It was reported that he had requested an AU\$1 billion loan from Australia to stabilise the economy, having earlier approached China for assistance to refinance the country's substantial national debt. Following a PNG–Australia ministerial forum the next month, it was announced that Australia would provide a concessional loan of US\$300 million (AU\$442 million) to help refinance debt and support an economic reform agenda. Although denied by the Australian government, Australia's action was widely seen in the context of its Pacific Step-up to counter China's growing influence in the Pacific Islands (ABC News 7/8/2019; *Post-Courier* 21/8/2019; *The Australian* 7/8/2019; *The National* 22/8/2019). In June 2020, the IMF (International Monetary Fund) approved emergency financing to PNG of around US\$364 million to address balance of payments needs arising from the COVID-19 pandemic (IMF 2020; *The National* 10/6/2020).

An early move by Marape was to initiate a review, headed by Kua, of the LNG agreement, which had precipitated his split with O'Neill in April 2019. The review, and negotiations with the operating companies,

were completed in October and amending legislation passed by the national parliament. The government had honoured the agreement, Marape said, while successfully pressing for some additional benefits, particularly in relation to local participation in the construction phase. At the end of 2019, however, the government was unable to finalise an agreement with ExxonMobil for the development of the P'nyang gas project and in late January 2020 withdrew from negotiations.¹⁹ Basil, as treasurer, was given the task of reviewing tax arrangements for resource projects, with a view to increasing revenue.

The government also announced that it would press ahead with a proposed but long-delayed Independent Commission Against Corruption (ICAC).²⁰ Pending the creation of ICAC, however, and following the June leaking of the Ombudsman Commission's report on the UBS loan (see previous), the government tabled the report and announced a commission of inquiry into the affair, to be headed by former Chief Justice Sir Salamo Inja, with former chair of Taskforce Sweep Sam Koim as senior counsel assisting.²¹ Marape took this action despite the fact that, as finance minister at the time, he was implicated in the UBS loan affair and the Ombudsman Commission report had found his conduct to be 'wrong and improper' and recommended he be investigated under the Leadership Code (Ombudsman Commission of Papua New Guinea 2018:214–15, 221; *The Australian* 31/5/2019). At the end of 2019, the commission of inquiry had yet to receive funding and to appoint international lawyers to assist; it planned to start work early in 2020, with a view to reporting in July.²² In August 2020, the inquiry was still ongoing, the commission having issued a summons for O'Neill to appear before it, after he had failed to appear earlier.

The UBS affair aside, at the time of O'Neill's demise as prime minister there was speculation as to whether a new government would attempt to revive the corruption charges against him arising from Parakagate (see previous). With Marape as prime minister this seemed unlikely, but there were still some in the government intent on pursuing the former prime minister. Prominent amongst them was Bryan Kramer, who in June 2019 had become police minister. One of Kramer's first actions was to remove acting police commissioner Gary Baki.²³ Baki had been controversially appointed by O'Neill in 2015 and had frustrated attempts by the National Fraud and Anti-Corruption Directorate to prosecute O'Neill (see May 2017). Following O'Neill's

re-election in 2017, Baki had closed the case on O'Neill's outstanding arrest warrant. Kramer, then an opposition MP, vowed to file fresh proceedings against Baki and O'Neill (PNG Attitude 26/8/2019; Radio New Zealand 24/8/2018). However, in December that year it was reported that a senior committal court magistrate (Mekeo Gauili) had ruled that the 27 charges against Paraka were an abuse of court processes and had been dropped (*Post-Courier* 11/12/2018; Radio New Zealand 11/12/2018). The same month, the Supreme Court ruled that the arrest warrant against O'Neill was defective (see previous).

After being appointed police minister, Kramer continued to attack O'Neill on his social media platform, The Kramer Report, prompting O'Neill to initiate a defamation lawsuit against him. Following further postings on The Kramer Report, in February 2020 the National Court issued a temporary injunction on any attempt by police to arrest O'Neill and warned Kramer against 'interfering with police operations' by using his social media against O'Neill (*Post-Courier* 14/2/2020). The Supreme Court subsequently dismissed Kramer's appeal to lift the National Court's restraining orders (*Post-Courier* 14/2/2020, 4/5/2020; Radio New Zealand 5/3/2020; *The National* 13/2/2020, 6/3/2020). Then, in June 2020, 22 charges against Paraka, including conspiracy to defraud, theft by false pretence, misappropriation and money laundering, were dismissed for lack of evidence by the Waigani District Court, and O'Neill and others involved in Parakagate were cleared of offences (*The National* 11/6/2020; Loop PNG 10/6/2020; Radio New Zealand 15/6/2020). Paraka threatened to sue for damages. However, prominent journalist Rowan Callick (16/7/2020), former editor of the *Times of Papua New Guinea*, was moved to write, 'The fierce independence of PNG's courts appears to be on the wane'.

Meanwhile, in October 2019 it was reported that police had issued another warrant for the arrest of O'Neill. The now former prime minister was accused of official corruption and refusing to cooperate with police over allegations concerning the funding of a church-run health centre in Madang Province (Kramer's home province). O'Neill described the allegations as a 'political power play' and his lawyers secured an interim stay order (Radio New Zealand 16/10/2019). Following a litigious path reminiscent of the 2014–18 arrest warrant episode, O'Neill filed for a judicial review of the warrant, which he claimed

was defective. Police responded by withdrawing the warrant (with the possibility of submitting a new one) and Kramer accused O'Neill's lawyers of fabricating a defective document to put before the court, saying that a member of O'Neill's legal team had been charged with forgery and attempting to pervert the course of justice. O'Neill's lawyers countered by filing a complaint against Kramer, alleging that he had falsified an arrest warrant. In the midst of this, Chief Justice Sir Gibbs Salika lodged a complaint with police against Kramer relating to a Facebook post by the minister concerning the interim stay order and requesting police investigate and lay charges against him. In March 2020, the National Court made orders to restrain Kramer from using social media to comment on the conduct of police operations, but Kramer appealed the decision and in September the Supreme Court upheld his application.²⁴

In March 2020, O'Neill was arrested on new charges of misappropriation, official corruption and abuse of office. These charges arose from a 2013 episode in which O'Neill, while prime minister, controversially arranged the K94 million purchase of two generators, without parliamentary approval or tender, from an Israeli company with which he had had some connection (PNG Today 27/5/2020; *The Australian Financial Review* 24/5/2020; *The Guardian* 24/5/2020; *The National* 11/6/2020; *Times of Israel* 24/5/2020. Also see May 2017). At the time of writing, this case was still before the courts.

O'Neill was not the only one to come under investigation: in December 2019, it was reported that Pruaitch was to face a leadership tribunal over alleged misconduct in office relating to a reference by the Ombudsman Commission to the public prosecutor that had been stalled by legal challenges since 2009 (*The National* 16/12/2019). In August 2020, after rejecting an application by Pruaitch ironically claiming he was deprived his jurisdiction because the leadership tribunal had been delayed over a long period of time (*The National* 24/8/2020), the tribunal was still proceeding to a decision. The same month, O'Neill associate Justin Tkatchenko, who had been a minister in both the O'Neill and Marape governments, including a term as O'Neill's minister for APEC, was under investigation for fraud and tax evasion. Tkatchenko had left the PNC the previous month.

Meanwhile, in July, having supported Marape in the parliamentary vote for prime minister in May 2019, Pruaitch, as opposition leader, initiated a

legal challenge to his election, claiming that proper procedures were not followed.²⁵ In September, however, Pruaitch and all but two of his NA members accepted an invitation by Marape to join the coalition government and the former opposition leader withdrew his challenge. Namah replaced Pruaitch as opposition leader and vowed to pursue the challenge to Marape's election.²⁶ This case has also dragged on through complex and protracted legal wrangling. In 2017, charges were revived against Namah over his attempt to remove Chief Justice Salamo Inja in 2012 (an incident documented in May 2017). In 2018, a leadership tribunal found Namah guilty of misconduct and he was suspended from parliament. However, he was granted a stay order, continued to serve as an MP and was elected leader of the opposition. When Namah took up the challenge to Marape's election, questions were raised about his legal status as opposition leader and his consequent ability to make the challenge. In May, the Supreme Court ruled that, notwithstanding the stay order, Namah was suspended when he filed the initial challenge, and the National Court dismissed the case against the election on technical grounds. In July 2020, however, the National Court ordered a permanent stay on the actions against Namah, and Namah re-filed his application, with the speaker of the National Parliament recognising him as opposition leader. The public prosecutor subsequently sought another stay order and appealed the National Court's decision to the Supreme Court, but the Supreme Court dismissed the application, arguing that the leadership tribunal had failed to afford Namah natural justice. At the time of writing, the challenge remained unresolved (PNG Today 29/5/2019; Radio New Zealand 1/6/2020; *The National* 3/3/2020, 10/3/2020, 26/3/2020, 1/4/2020, 18/6/2020, 22/7/2020, 3/9/2020, 11/9/2020).

In September 2019, Sir Mekere Morauta, a former treasury secretary and central bank governor before becoming an MP and prime minister, was brought into the government to assist in its economic recovery plan (*Post-Courier* 3/9/2019). The previous month, in a cabinet reshuffle, Marape had appointed then-opposition NA MP Ian Ling-Stuckey as treasurer, shifting Basil to the planning and monitoring portfolio to replace senior PNC member Richard Maru, who was dropped from cabinet in a move seen as cutting ties with the PNC (Radio New Zealand 27/8/2019). At the same time, prominent opposition members Allan Bird and Gary Juffa joined the government.²⁷

Also around this time, Marape accused O'Neill of trying to undermine his government and asked the former prime minister to leave the government benches and join the opposition (PNG Today 9/9/2019; Radio Australia 28/8/2019; Radio New Zealand 12/9/2019; *The National* 8/10/2019). O'Neill and Maru shifted to the cross benches, but O'Neill refused to identify with the opposition, later saying he would remain part of any government that continued the work he initiated (*The National* 2/1/2020).

In an interesting (if somewhat confusing) statement apparently prompted by O'Neill's intransigence, Marape said he was leaving it to individual MPs to choose whether to stay on the government side or move to the opposition:

Pangu is giving PNC and its party leader Peter O'Neill the direction to relocate. It is up to PNC as a party to decide what to do. But we've told them to go to the Opposition side. On the case of individual PNC ministers and members they are welcome to stay with the party. If they decide to stay, I will not kick them out because *our government is not based on parties* (*The National* 30/8/2019, emphasis added).

Several MPs who had left minor parties (or been elected as independents) and joined PNC in 2017–18 shifted back to their earlier affiliations (or joined other parties) and Pangu's numbers steadily rose — to the point where Marape urged MPs to join other parties, 'as Pangu was looking at quality not quantity' (EMTV 5/12/2019).

A further reshuffle in November 2019 saw three PNC ministers replaced and Abel dropped from cabinet, replaced by Pangu MP Rainbo Paita. Pruaitch was given the foreign affairs and trade portfolio and URP leader Duma was brought into cabinet as commerce and industry minister.

In June 2020, following further criticism of the government by O'Neill, the prime minister issued a press release saying, 'The PNC leader continues to play politics, so unfortunately his members in my government benches will have to move tomorrow to the opposition benches' (Loop PNG 3/6/2020; PNG Government Press Media Release 2020; Radio New Zealand 2/6/2020). The speaker, Job Pomat, resigned from the PNC, 'to maintain the neutrality of the office', and retained the speakership (EMTV 22/6/2020).

With MPs coming and going between parties and the line between government and opposition

blurred, even the registrar for political parties has had difficulties assessing the political state of play (see, for example, *The National* 19/8/2019). However, at the end of 2019, the government appeared to have 101 of the 110 members of parliament (one seat being vacant due to the recent death of an MP).²⁸

Conclusion

In an earlier paper reviewing political developments under then prime minister Peter O'Neill, I suggested that there seemed to be grounds for concern at some of the tendencies evident in PNG politics in the period 2011 to 2016 (May 2017). During that time, O'Neill defied Supreme Court rulings on the legality of his 2011 election as prime minister, refused requests from police to come in for questioning over allegations of corruption, dodged a consequent arrest warrant by a series of dubious legal manoeuvres, sacked or otherwise harassed those who opposed him, signed off on a large and controversial loan without parliamentary approval (and sacked his treasurer, who refused to sign) and, aided by a compliant speaker, repeatedly attempted to frustrate a parliamentary vote of no confidence, culminating in an intervention by the Supreme Court that described his actions as posing 'a real threat to parliamentary democracy' (quoted in *The National* 13/7/2016). I argued that O'Neill was able to behave as he did largely because, with a large governing coalition, there was little effective parliamentary opposition. O'Neill claimed that his (legitimate) election in 2012 had given him a 'mandate' to rule and that the parliament (in effect he actually implied the parliamentary executive) was 'supreme' (May 2017:20–21). Further, I suggested that, in the absence of effective political opposition to the government, political contestation and the pursuit of accountability had shifted to the courts (and the Ombudsman Commission) and a burgeoning social media — neither of which provide adequate safeguards for sustaining democracy (ibid.).²⁹

Yet despite growing opposition to his mode of governing, O'Neill was returned as prime minister after the national election of 2017, again heading a large coalition government, and there was little evidence of change in his approach to governing.

However, following a pattern familiar in PNG politics, by 2018 there was growing discontent within both the coalition and O'Neill's PNC. In May 2019,

a dispute between O'Neill and his finance minister Marape precipitated Marape's departure from the government and a subsequent flow of MPs from government to opposition. Described previously was the sometimes bizarre process by which Marape replaced O'Neill as prime minister and consolidated his position, as MPs who had shifted to the opposition moved back into government and were joined by other previously opposition MPs. Amongst other things, this leadership saga illustrates the fluidity and fragility of political parties and the shallow nature of political loyalties.

The transition from O'Neill to Marape also had some novel features. First, having resigned as prime minister, O'Neill remained in the government — even as members of his PNC left the party — and refused to identify with the opposition, despite requests by Marape to shift to the opposition benches. Secondly, in forming his cabinet, and in a subsequent reshuffle, Marape appointed MPs who had been prominent opposition spokesmen and had not voted for him in May 2019 to important ministerial portfolios. Thirdly, in September 2019, Marape said he was leaving it to MPs to choose whether to stay on in government or side with the opposition, declaring that 'our government is not based on parties' (*The National* 30/8/2019). What seems to have emerged by the end of 2019 might thus be described as, in effect, a government of national unity, something talked about by earlier political leaders but that never really seemed likely to be achieved.

It will be interesting to see whether Marape is able to hold this agglomeration together until the next national election in 2022, and, if so, what he will have to do to achieve such unity. But, for now, we seem to be in new political territory.

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Author notes

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Endnotes

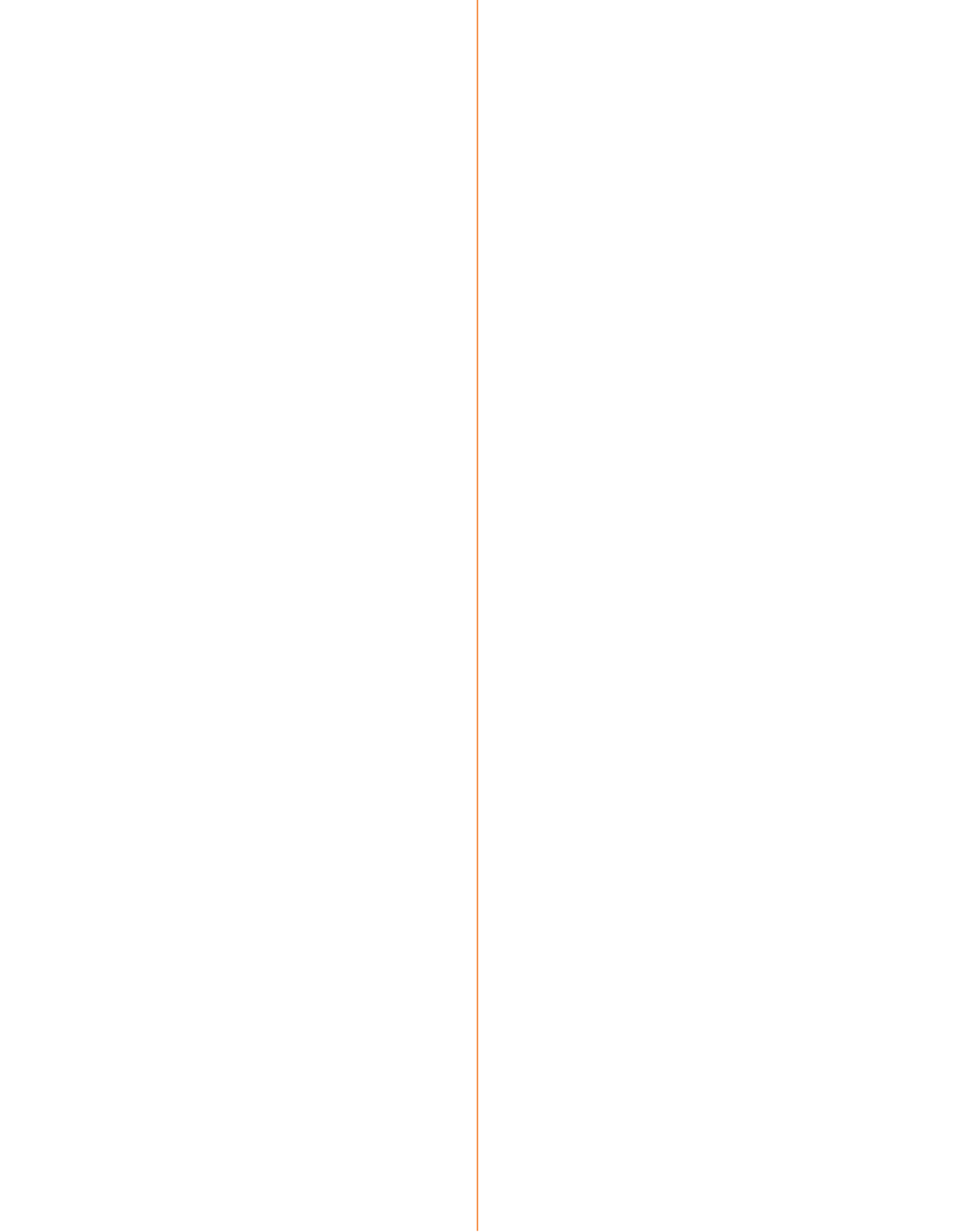
1. Haley and Zubrinich (2018:ix). Even a report by a Commonwealth observer team — usually careful not to offend — expressed concerns over the conduct of the election and called for a thorough review of the election process (Commonwealth Observer Group 2017:57-58). Further, a Transparency International PNG observation report described the election as ‘flawed to an unforgivable extent’, with over 54 per cent of voters surveyed in the highlands claiming they had experienced evidence of bribery or intimidation (TIPNG 2017:iii, 52). Nevertheless, the electoral commissioner (who in October 2019 was arrested over charges of official corruption associated with the 2017 election) described it as ‘generally peaceful’ and ‘successful’ (*Post-Courier* 8/8/2017; Radio New Zealand 10/11/2017), and Australia’s foreign minister praised PNG for its ‘successful election’ (SBS News 5/8/2017). For a brief review of the election, see May (9/8/2017); for more comprehensive accounts, see Haley and Zubrinich (2018); TIPNG (2017); Commonwealth Observer Group (2017); and Wood and Laveil (2019).
2. One of the more controversial declarations was in the Southern Highlands provincial constituency, held by William Powi, a member of the PNC — the last seat to be declared. When appeals against Powi’s election were dismissed by the court in June 2018, an angry mob with high-powered weapons rampaged through the provincial capital, Mendi, setting fire to buildings including the court house, Powi’s residence and an Air Niugini aircraft parked on the runway of Mendi airport, resulting in the declaration of a state of emergency in the province.
3. On the role of parties in elections more generally, see May (2006), Okole (2005, 2012) and Wood and Laveil (2019).
4. Among the Pangu MPs who remained in the opposition were Morauta (who was elected in 2017 as an independent but joined Pangu), Bryan Kramer (elected as a Pangu candidate but in May 2018 left Pangu and formed his own Allegiance Party), and Morobe Governor Ginson Saonu, who became leader of the opposition Pangu faction.
5. For a more detailed discussion of Basil’s possible motivation, see The Kramer Report (30/9/2017) and PNG Attitude (25/9/2017). According to Kramer, O’Neill approached Basil with a promise of four cabinet posts if Pangu joined the government, and had also approached Pruaitch.
6. For more background on this issue see, for example, *The Australian Financial Review* (24/9/2019) and McLeod (24/4/2019). In June 2019, Marape led a delegation to Singapore for a meeting with SDP officials ‘to find a way in to’ the SDP (Radio New Zealand 19/6/2019).
7. Marape was elected as a National Alliance candidate in 2007 and served as a minister in the Somare government, but was amongst those who supported O’Neill’s move against Somare in 2011. In 2012, he joined the PNC. He was subsequently associated with O’Neill in the Parakagate investigation and implicated in the UBS loan affair (see May 2017:4–5, 12).
8. For a more detailed account of the shifting party allegiances in this period see Ivarature (10/5/2019); *Post-Courier* (30/4/2019, 1/5/2019, 6/5/2019); Radio Australia (6/5/2019); Radio New Zealand (29/4/2019, 1/5/2019, 5/5/2019); and *The National* (7/5/2019, 31/12/2019).
9. Yopyyopy was elected as a Social Democratic Party candidate in 2012, but later defected to the URP. In 2017, he was re-elected as an MA candidate and in May 2019 was with the opposition group. He later became minister for education in the Marape government.
10. In November 2019, Basil formed a new party, the United Labour Party — his fifth party affiliation in nine years.
11. In an apparent attempt to forestall a foreshadowed no confidence vote against O’Neill, then attorney general Steven Davis filed a reference in 2018 seeking a Supreme Court interpretation of no-confidence vote proceedings (the opposition countered by filing for a reference on the legality of O’Neill’s election in 2017); at this stage no interpretation had been given. In May 2017, I referred to O’Neill’s dubious views about his ‘mandate’ and the separation of powers. More recently, Bal Kama provided a detailed examination of the concept of separation of powers in PNG (see Kama 2019).
12. Cf. comments on social media and ‘cybercrime’ policy in May (2017). It is, however, worth noting that in April 2019, in criticising the press for failing to cover opposition moves, Namah too reportedly ‘threatened to regulate the print media’ if elected (Scoop 27/4/2019).
13. For an account of the political manoeuvring that saw Pruaitch emerge as the opposition nominee (over Marape and Duma), and Marape elected prime minister, see The Kramer Report (29/5/2019, 3/6/2019).
14. See, for example, ABC News (26/5/2019), BBC News (26/5/2019), *The Guardian* (26/5/2019); *The New York Times* (26/5/2019), *The Sydney Morning Herald* (26/5/2019). Australian Prime Minister Scott Morrison, apparently without consulting with foreign affairs officials, praised O’Neill and said he looked forward to working with Chan, which drew rebuke from Morauta, who described Morrison’s action as ‘inappropriate, unhelpful and discourteous’ and ‘could be interpreted as renewed attempts at interfering in our domestic politics, as Australia did in the 2017 elections’ (*The Australian Financial Review*).

15. The PNG constitution requires that an acting prime minister must be a government minister; being a provincial governor, Chan could not be a government minister. Amet's statement is reported in PNG Today (26/5/2019).
16. According to Bryan Kramer (PNG Attitude 5/5/2019), O'Neill made separate promises to Abel, Marape, Basil and Richard Maru that if they supported him in a vote of no confidence he would resign and make them prime minister.
17. On accepting appointment and promising to crack down on corruption, Kramer was reported as saying, 'I have no question of doubt I will eventually get killed for what I do', and claimed to have received intelligence about 'a plot by "senior ranking [police] officers"' to have him arrested and charged (*The Guardian* 11/8/2019). See *Straits Times* 9/7/2019.
18. For a more comprehensive statement of his vision for PNG, see Marape (2020).
19. PNG Department of Prime Minister and National Executive Council 2020; *Post-Courier* 17/10/2019; *The National* 17/7/2019, 26/7/2019, 17/10/2019, 7/1/2020; *The Weekend Australian* 27-28/7/2019, 23-24/11/2019. See also Kama 19/2/2020.
20. A bill to establish an ICAC passed its second reading in the National Parliament in June 2020. Parliament had also passed a Whistleblower Act.
21. Koim was subsequently appointed commissioner general of the Internal Revenue Commission and will not take part in the inquiry.
22. See Loop PNG 13/8/2019; PNG Today 6/8/2019; *Post-Courier* 27/6/2019; *The Guardian* 26/6/2019; *The National* 9/7/2019, 18/9/2019, 17/12/2019; Radio New Zealand 26/2/2020, 6/3/2020; Reuters 4/11/2019.
23. Baki's contract expired shortly before this and he was at the time acting commissioner. Two deputy commissioners, whose contracts had also expired, were removed at the same time. See Radio New Zealand 6/7/2019 and Asia Pacific Report 8/7/2019.
24. See ABC News 15/10/2019; *Post-Courier* 28/10/2019, 13/11/2019; Radio New Zealand 16/10/2019, 11/11/2019, 13/11/2019; Reuters 1/11/2019; *The Guardian* 15/10/2019; *The Kramer Report* 14/11/2019; *The National* 14/10/2019, 16/10/2019, 17/10/2019, 22/10/2019, 13/2/2020, 17/2/2020, 29/9/2020.
25. The legal challenge rested on the argument that, having been nominated, O'Neill's subsequent withdrawal from the election was a breach of parliamentary standing orders and thus invalidated the election.
26. See *Post-Courier* 10/9/2019, 5/11/2019; Radio New Zealand 2/7/2019, 12/9/2019; *The National* 15/8/2019, 6/9/2019, 11/9/2019, 20/9/2019, 23/9/2019, 17/11/2019.
27. See Bird (28/8/2019) for his comments on his shift to government.
28. Figures from the Registry of Political Parties as at 7 July 2020 showed Pangu, led by Marape, with 29 MPs; PNC (O'Neill) with 16; NA (Pruaitch) with 12; URP (Duma) with 11; United Labour Party (Basil) with 7; People's Party (William Tongamp) with 6; PPP (Chan) with 4; Our Development Party (Abel) with 4; Papua New Guinea National Party (Kua) and the Social Democratic Party (Parkop) each with 2; 13 one-member parties — PNG Country Party (Chris Haiveta), People's Labour Party (Peter Yama), Triumph Heritage Empowerment Party (Jeoffrey Kama), PNG Party (Namah), Melanesian Liberal Party (Allan Marat), Coalition for Reform Party (Joseph Lelang), People's Movement for Change Party (Juffa), People's Democratic Movement (Paia Wingti), United Party (Rimbink Pato), PNG One Nation Party (Peter Numu), Allegiance Party (Kramer), Melanesian Alliance (Yopyyopy) and the People's Action Party (James Donald); one independent (Pomat) and three 'affiliated to Liberal Party'. The registrar noted that he was aware of members resigning from their respective parties but had not received documents effecting their resignations.
29. I also noted, however, that the exploitation of a large parliamentary majority, and a compliant speaker, were not new to PNG, the 2002–07 Somare government having managed parliamentary procedures and used adjournments of parliament to thwart opposition.

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