



The failure of the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC)

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When the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC) was introduced it promised a new beginning for Papua New Guinea politics. Its task was to address the problem of political instability and to strengthen the party system. Its failure to do so has meant that political parties in Papua New Guinea are now worse off in terms of their leadership and membership in parliament. This paper discusses the major features of the OLIPPAC and its failures.

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Papua New Guinea established its democratic institutions and processes in the 1950s and 1960s, beginning with a Legislative Council established in 1951 with an appointed majority. The House of Assembly was established in 1964, with an indigenous majority elected by universal suffrage. This development was important because it enabled the people—who were still overwhelmingly influenced by traditional allegiances—to choose their leaders. The second important political development was the emergence of

political parties. The first indigenous political party—the Pangu Party—appeared in 1967 and contested the second House of Assembly elections, held in 1968. The party was made up of young Papua New Guineans and some Europeans (Woolford 1976; Hegarty 1979; and Moore and Kooyman 1998), their policies were considered radical because they called for better conditions and independence for Papua New Guineans. The United Party, whose leadership was predominately European, was formed around the same time



and actively campaigned against the policies of the Pangu Party. Its expatriate membership—comprised of rich Europeans who owned large coffee plantations in the Highlands of Papua New Guinea—did not take Pangu's call for self-government lightly as the possibility of independence directly threatened their business interests. The party branded Pangu as 'ungrateful young hotheads who did not appreciate what the Europeans have done for their country' (Griffin et al. 1979).

Six parties were formed in 1967 to contest the 1968 election, but it was only at the 1972 election that a significant indigenous political group emerged to govern the territory for the first time. The group was headed by the Pangu Party, and Pangu Party leader Michael Somare was elected chief minister. The 1972 elections also saw the emergence of new political parties, the most prominent of which were the People's Progress Party and the National Party.

These parties formed a nascent party system in a territory that was preparing itself for self-rule. Whether these parties played a major role in pushing or preparing Papua New Guinea for independence is debatable, but it was obvious that the party system that emerged in 1967 was not well entrenched in society. This elucidates the nature of the party system that was inherited at independence.

Since the emergence of Papua New Guinea political parties, various scholars have written about their characteristics or the nature of the party system in Papua New Guinea. Woolford (1976) argued that the parties could not maintain tight unity and fellow members of a party would often hold conflicting views about what the country needed. Hegarty (1979) argued that the parties formed in the 1960s and early 1970s remained weak and undeveloped, both ideologically and organisationally. The parties remained parliamentary factions and had no coherent programs for change. Saffu

argued that 'despite the existence of political parties, no linkages can as yet be found between parties, voting and governance, particularly with respect to policy outcomes' (1996:5). According to Reilly, 'most broad indicators of party numbers and cohesion suggest steady decline in the strength and importance of political parties in Papua New Guinea since the introduction of self-government in 1973' (2002b:26). May also argued that

[d]espite some early predictions to the contrary, Papua New Guinea has not developed a strong party system. While a few parties have maintained continuity, most still tend to come and go between elections, and those which have survived generally lack a mass base, an organisational structure, a coherent ideology, and firm party discipline...With parties not sharply differentiated ideologically, almost every party has been aligned, at some time, with every other. Individual attachment to parties is generally weak, with MPs commonly switching party allegiance in return for political rewards—a pattern of behaviour known elsewhere as 'party-hopping' but increasingly referred to in Papua New Guinea as 'yo-yo politics' (2002b:7).

Standish argued that

Papua New Guinea's parties are now personalised vehicles for gaining and sharing power, with minimal policy differences. They remain essentially factions within the national parliament, centred upon a leader, even leaders who may have lost their seats like the wealthy founders of two parties, such as former Prime Ministers Sir Julius Chan (People's Progress Party, whose term ended in 1997) and Paias Wingti (who was out of parliament between 1997–2002) (2004:10).



The Papua New Guinea party system in the 2000s unfortunately still possesses many of these attributes.

The discussion of the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC) relates to political parties and candidates, therefore a brief mention will be made on the historical evolution of political parties in Papua New Guinea.

Background

The first election using the optional preferential voting was conducted in 1964, and, increasingly, parties emerged to contest these elections until 1972. From 1972–75, the political landscape in Papua New Guinea was relatively stable. But this was changed by new disagreements on certain issues relating to the Constitution, the secessionist movement on Bougainville, regional divisions (especially between the coastal and highland regions), and the introduction of the leadership code on 3 March 1978 (Hegarty 1998). Political instability emerged, largely as a result of the political parties' actions, and was exacerbated by the fractious nature of party politics in Papua New Guinea. As further noted by Okole, Sause and Gelu,

[s]ince 1975, the different parties took on a new face that brought them away from the democratic political culture. This new face of politics developed into a new political culture that bred unconventional practices, hence, political instability was one of these practices (2004:15).

Political instability became part of a new political culture. It came to define the actions of members of parliament (MPs), especially those in the opposition, who became overtly obsessed with using Section 145 of the Constitution—dealing with motions of no-confidence in the prime minister or ministry—to change the government. In

almost every parliamentary sitting since the 1977 election, a motion of no-confidence in the government has been either mooted or moved. This practice has resulted in the emergence of a new parliamentary culture, characterised by the prime minister being forced to make cabinet reshuffles, members of parliament being paid to join either the government or the opposition, MPs leaving their parties anytime they wish, usually by saying that their electorates want them to be either in the government or in the opposition depending on the circumstances. A party can be left without any members through desertion of its members. Many candidates prefer to run as independents and later join whichever parties seem likely to form government, thus increasing their chances of being in power.

The fragmented coalitions between the different political parties, in conjunction with Section 145 of the Constitution, have been responsible for creating and sustaining political instability in the country. Section 145 allows parliamentarians to move a motion of no-confidence against the government after eighteen months. As a result, no government in Papua New Guinea has served its full term in office, and there has been a number of changes of government through votes of no-confidence since 1977. This instability has greatly affected the governments' capacity to implement their policies and has also affected the delivery of government goods and services to the people (Table 1).

Coalition governments in Papua New Guinea can crumble at anytime. There is usually nothing in place to maintain an alliance between the political parties in government. The collapse of a coalition usually occurs when parties and parliamentarians desert their coalition partners because they have been promised a better deal with other groups in terms of ministerial portfolios, committee chairs and so forth. The


Table 1 Changes of government through elections and votes of no-confidence

Year	Incumbent prime minister	New prime minister	Reason for change
1977	Michael Somare	Michael Somare	Election
1980	Michael Somare	Julius Chan	No-confidence vote
1982	Julius Chan	Michael Somare	Election
1985	Michael Somare	Paias Wingti	No-confidence vote
1987	Paias Wingti	Paias Wingti	Election
1988	Paias Wingti	Rabbie Namaliu	No-confidence vote
1992	Rabbie Namaliu	Paias Wingti	Election
1994	Paias Wingti	Julius Chan	Invalid re-election
1997	Julius Chan	Bill Skate	Election
1999	Bill Skate	Mekere Morauta	Skate resigned
2002	Mekere Morauta	Michael Somare	Election

Source: Adapted from Reilly (2002b:30). Additions were made after the 1997 elections. The entry for 1994 has been amended to reflect the new election needed after Wingti's snap re-election in 1993 was found to be illegal.

1997 national election provides a good illustration of this. Bill Skate's party, the People's National Congress (PNC), won only six seats. After Skate was elected as prime minister, the party membership jumped to 44. Just before Skate resigned on 7 July 1999, the PNC was left with only two members, four less than prior to his election as prime minister. This is an indication of the fluidity of party politics in the country.

Okole (2004) identified four key and mutually interacting factors: a firm voter-member reciprocal relationship; the fluid party system; opportunism; and the inherent design of the unicameral legislature. Okole's factors of political instability are lumped together in the discussion of instability relating to the OLIPPAC, but it has been the fluid party system that has had an enormous effect on the formation of weak coalitions. Reilly (2002) also stressed the instability of the party system in contributing to unstable governments. According to Reilly

[t]he ongoing dissolution of the Papua New Guinea party system has resulted in extremely unstable executive

government. Part of this executive instability relates to the way in which parliamentary coalitions are put together by the leading political actors after each general election (2002b:30).

Sir Michael Somare once said that heading a coalition is like paddling two canoes—there is great difficulty in making sure that the two canoes go in the same direction at all times. Coalition governments in Papua New Guinea are like these proverbial canoes. Open disagreements and backdoor politicking are always afoot in an attempt to topple the prime minister. This can be attributed to a number of factors—dissatisfaction with the distribution of ministerial portfolios, sacking of ministers, suspicion of coalition partners, and lack of consultation. It seems, however, that self-interest has become the driving force behind many political moves.

In 1991 Rabbie Namaliu, prime minister since 1988 (when he defeated Paias Wingti in a vote of no-confidence), made and passed an amendment to Section 145, extending the grace period before a motion of no-confidence



can be moved against the government from six to 18 months.¹ The rationale behind this amendment was to allow the government enough time to implement some of its policies. The amendment, however, did not deter the opposition or parliamentarians in general, from moving a vote against the prime minister.

In an attempt to avoid votes of no-confidence, the following practices have proliferated, resulting in a new style of parliamentary democracy in the country.

- Frantic movement of parliamentarians jockeying to gain control of the government.
- Numerous cabinet reshuffles.
- Continual sacking of political parties and parliamentarians by the prime minister, taking on board of new parties and parliamentarians, or recalling previously sacked parties and MPs. As reported in the *Post-Courier* (26 January 2005), Somare is thinking of recalling the PNC into the government and sacking the PNG Party, three members of which are currently Ministers. Since the 2002 election, the country has had three deputy prime ministers, and the office has been vacant since mid-2004. The prime minister has announced recently that an appointment will be made soon (*Post-Courier*, 10 January 2005).
- Long adjournment of parliament in order to avoid the vote of no-confidence. Bill Skate started this practice in 1998, followed by Sir Mekere Morauta in 2000 and Sir Michael Somare in 2004.
- Splits in political parties. This is usually initiated and sustained by the prime minister to maintain control over the opposition.

In order to address the problem of political instability, attempts were made by successive governments to invoke Section 129

of the Constitution, which calls for the enactment of an Organic Law on the Integrity of Political Parties and Candidates. The first attempt was made in 1989 but failed due to the lack of political support. The second and third unsuccessful attempts occurred in 1993 and 1998. In 2000, under Prime Minister Sir Mekere Morauta, a serious attempt was made with bipartisan support from all the factions in parliament (Sepoe 2004). On 8 December 2000, parliament passed Constitutional Amendment No. 22 and on 22 February 2001, the OLIPPAC was finally certified. Further amendments were made on 15 October 2003.

The OLIPPAC

The OLIPPAC is the implementing law for the Constitution's Section 129, The Integrity of Political Parties, and Section 130, Integrity of Candidates. The OLIPPAC has eight parts: Preliminary (definitions), Political Parties Generally, Registration of Political Parties, Central Fund Board of Management, Funding Political Parties, Financial Returns, Strengthening of Political Parties, and Miscellaneous.

As the OLIPPAC promised a new beginning in Papua New Guinea politics, its task was to address the problem of instability and to strengthen the party system. Sir Michael Somare, the first, and current, Prime Minister of Papua New Guinea, remarked then that it was time to introduce such a law to bring about political stability (Constitutional Development Commission Conference 2000). Sir Mekere Morauta, the Prime Minister who instituted the reform, said that it would instil discipline in parliamentarians and political parties (Papua New Guinea 2000). In describing the passing of the OLIPPAC, Reilly, quoting Morauta, stated that

Papua New Guinea has been a strong parliamentary democracy since it



gained independence in 1975. But Parliament has not worked as well as it should. In recent years, instability within the system has brought about a paralysis in decision-making, and consequently a failure in policymaking, in the implementation of policy, and in the delivery of basic services to the people. Many observers have commented that a basic reason for this is that politicians have demonstrated a lack of commitment to the people who voted them into parliament and to the platforms and parties that they stood for in election campaigns (2002a:708).

Professor John Nonggorr, the architect of the law, argued in his numerous newspaper commentaries that the OLIPPAC would ensure political stability and this would bring about other positive political developments in the country.

The OLIPPAC, according to Sepoe, 'provides the statutory basis for the recognition of political parties as formal public entities funded by the state as well as the instrument for regulation of political parties and candidates at all the stages of the electoral process' (2004:1). The importance of the OLIPPAC was also made in a National Executive Council policy submission of March 2000, which stated that

[a]part from the provisions on integrity of political parties and candidates, there is a need to address the serious problems facing PNG stemming from the weak political system, leading to the constant changes of governments and constant threats to any government governing the country meaningfully. The phenomenon itself—of constant changes of government and threats to governance—is well known. Also well known are the consequences of this phenomenon. The time and

energy we as political leaders spend on it are incalculable. The consequences to the country as a whole: in the economy, social disorder and other negative consequences that follow from instability affect the well being of our people (Sepoe 2004:2).

Nonggorr summarised the four main objectives of the OLIPPAC in the *Post-Courier* (9 November 2004). These were

- to ensure that political parties were properly registered with appropriate structures such as membership base, officers of a party outside and inside parliament, with a constitution clearly setting out the rules of a political party
- to require candidates who win elections and political parties that contest elections to disclose their financial affairs in relation to contesting such elections
- to set up an office to be in charge of registration of political parties and to administer its financial disclosure provision. A central fund board was established for this purpose with the Registrar of Political Parties providing secretarial support
- to provide some sense of order in the running of the parliamentary wings of political parties. This would be achieved by setting specific rules for MPs belonging to political parties to abide by.

According to Nonggorr, much progress has been made on the first three objectives. He noted, however, that the fourth objective was controversial because, by law, political parties were forced to do things that older democracies had developed gradually and naturally. Indeed, the fourth objective is the most controversial part of the OLIPPAC and the one that will be analysed most thoroughly because of its contribution to the failure of the OLIPPAC.



The OLIPPAC set three specific measures to achieve this objective

- to ensure a prime minister is appointed after a general election in an orderly way with direct relationship to the way voters expressed their wishes
- to demand that parliamentarians wishing to leave a political party give substantive reasons for doing so. The Ombudsman Commission must investigate these reasons. This measure is to stop members of parliament from resigning and joining other political parties
- to force each registered political party to remain a single cohesive body in making decisions on the most critical areas impairing political stability: in the election of a prime minister during a no-confidence vote; in voting on constitutional amendments; and in voting on the budget. The OLIPPAC does this by requiring the parliamentary wing of each political party to decide how their parliamentarians will vote in these areas and by requiring further that members of a particular party must vote in accordance with the party resolution or may abstain but not vote against it.

Reilly has also written on the major objectives of the OLIPPAC, noting

The reform package—popularly known in Papua New Guinea as the Integrity Law—represents an ambitious attempt to rework Papua New Guinea's political system from the top down. It focuses on changing the rules which govern the formation, composition and funding of political parties; introducing new constitutional provisions aimed at stabilising executive government, and limiting no-confidence votes against the executive (2002:708).

The two most important objectives of the OLIPPAC according to Reilly (2002a) are the

encouragement of political parties and the stabilising of executive government. Has the OLIPPAC been able to ensure political stability and strengthening of political parties, particularly after the 2002 national election? The answers to this question would enable us to identify the failures of the OLIPPAC, which is the main focus of the paper.

After the 2002 national election

The period after the 2002 national election was supposed to be a new era for Papua New Guinea politics because of the OLIPPAC. As noted by Standish (2004), however, parties played a minor role in the 2002 election and many new parliamentarians were elected as independent candidates.

According to Section 63 of the OLIPPAC, the party that wins the greatest number of seats in parliament will be called on to form the government. After the 2002 election, the National Alliance Party, which won 19 seats, was called to form the government. Requiring more members to form a majority, though, the National Alliance formed a coalition with the smaller parties. Standish (2004), however, notes that some parliamentarians were coerced and hijacked into supporting particular parties—a practiced used in earlier Papua New Guinea elections.

Certain activities occurred during the formation of the government that posed a danger to the legitimacy of the OLIPPAC. The first was the attempt by some smaller parties and a group of independent MPs to form a coalition and challenge the National Alliance, in contravening Section 63.

The second was the formation of a new political party by the man who strongly pushed the OLIPPAC through, Sir Mekere Morauta. He also threatened the effectiveness of the OLIPPAC because political parties are supposed to be formed outside parliament



and compete with other parties in an election.

The third was the increase in the number of political parties. Almost 43 political parties were registered and contested the election. The large number of political parties brought back bad memories—the one-man party, parties that contested an election and then disappeared, parties winning only one or two seats and then disbanding to join other parties.

Finally, there was the large number of independent candidates, 17 of whom won seats in the election. This group has been the major source of instability in the past because of their ability to move from one group to another at anytime. The OLIPPAC did not provide an effective way to regulate this group with the exception of Section 69, which allows independent candidates to join political parties at any time.

Section 69 failed to recognise that this group campaigns on an independent or personal platform, so their platforms are not compatible with any of the existing political parties. The ineffectiveness of Section 69 could and would result in independent candidates joining political parties and leaving at their own prerogative. Thus, the experience of the past persists in this case. Some independent MPs have even become leaders of political parties.² The decline in the number of successful independent candidates in the 2002 elections compared to the 1992 and 1997 elections, in which independents won 30 seats and 36 seats respectively, may indicate that the OLIPPAC's financial disincentives to run as independent are having some effect. Nonetheless, the large number of independents joining parties after the 2002 elections follows the trend established in previous elections. It seems clear from this that the OLIPPAC has not had much of an impact in influencing candidates to run as part of a party rather than independently.

On the other hand, it could also be argued that the OLIPPAC has succeeded in providing stability, as indicated in the longevity of the Somare government. It was worrying, however, that so much confusion was generated in 2004 when the opposition parties were striving to topple the government through a vote of no-confidence. It was anticipated that the Somare government would turn to the OLIPPAC to protect itself, but this did happen. Sepoe noted that 'the constant shifting of camps by MPs as individuals and parties has created much confusion and uncertainties about the sustainability of the current National Alliance-led coalition government' (2004:7).

Failure of the OLIPPAC

How has the OLIPPAC failed and what are the reasons for this failure? The first area is on the vote of no-confidence stated in Section 145 of the Constitution. Sir Michael Somare realised that the use of Section 145 would prevail, in spite of the guarantees offered in Section 77(1) of the OLIPPAC. Somare saw that this would affect his chances in staying in office, even though he was voted in as prime minister by an overwhelming majority of 89 votes and those 89 are barred from voting against him unless a party resolution directs them to do so or they abstain.

As a result of the possible failure of the OLIPPAC to protect the government against Section 145, in 2003 Somare introduced an amendment to Section 145 to extend the grace period from 18 to 36 months. Much of 2003 was dominated by disagreements on this issue, as well as a vote of no-confidence against the government being mooted. For the first time in the history of Papua New Guinea politics, most opposition members stayed away from the entire July–August 2004 parliamentary sitting (*Post-Courier*, 4 August 2004).



As a result of this, the government called on all Papua New Guineans to look seriously at the performance and conduct of their elected representatives. The call was aimed at deterring renegade government MPs who aligned themselves with the opposition (*Post-Courier*, 7 July 2004).

In August 2004, the government adjourned parliament until November to avoid a vote of no-confidence, in keeping with previous practice. The OLIPPAC was not able to prevent this.

Because of Sections 70(1) and 73, those who voted for the prime minister in the first sitting of parliament could not vote against him in a vote of no-confidence and had to vote for any constitutional amendment he proposed.

To the layperson, the prime minister and his government are protected by the OLIPPAC. However, the actions of those MPs who voted for the prime minister but who then manoeuvred not to support his constitutional amendment indicates that the OLIPPAC is defective. It is defective in the sense that it left it wide open for the MPs to decide, as usual, on their own whether to support an amendment or abstain. Somare reacted by sacking those ministers who publicly made their intentions not to support the amendment. The casualty of this was the People's Progress Party (PPP), when its leader and the Deputy Prime Minister, Andrew Baing, refused to support the amendment and was sacked by the prime minister. He moved over to the opposition, despite the fact that some of the members of his party remained with the government.

Nonggorr, in his explanation of the OLIPPAC, stated that MPs must vote according to the party resolution or abstain but cannot vote against it. As shown in the behaviour of the MPs, this is inadequate in instilling a sense of discipline and loyalty. There was much confusion when MPs were coming out in public and stating their

opposition to the amendment despite the fact that Section 70(1) and 73 does not allow them to do so, except to abstain from the vote.

OLIPPAC's second failure was in its inability to prevent divisions of political parties in parliament and the confusion surrounding the rightful leaders of the political parties. A number of parties—the PPP, United Resources Party (URP), People's Action Party (PAP) and the Pangu Party—each had two leaders, one of whom led a group in the opposition while the other led a group in the government. Standish, observing these splits in various political parties, observed that 'at present party stability looks elusive' (2004:15).

While tussles were going on about who was the legitimate leader of these parties, the OLIPPAC did not provide any explanation or remedy for the confusion. The prime minister also manipulated this confusion by splitting the parties for his own political convenience. This brought back memories of Skate, who masterfully divided the political parties to maintain his own position from 1997–99. Again the OLIPPAC failed to offer any guidance on whether the prime minister's actions were justified. At one stage, Bill Skate's wife, Rarua Skate, even promised to divorce Skate if his People's National Congress left the Somare-led coalition.

In sacking Moses Maladina, the prime minister did not sack the PAP only Maladina himself. As a result, the PAP members who were ministers in the government sacked Maladina as their leader and elected Brian Pulayasi as the new leader in order to remain with the government (*Post-Courier*, 4 August 2004). When Somare sacked Deputy Prime Minister Andrew Baing, Baing joined the opposition while his fellow PPP members stayed with the government and elected a new leader, Paul Tienstein. Sepoe expressed concern about Baing's actions, noting that

[w]hen the second vote for the motion on Section 145 (extension of grace



period from 18 to 36 months) failed, the leader of the government business should have exercised his powers to direct Andrew Baing and Peter O'Neil NOT to move over to the opposition side of the chamber. These dissenting MPs should have been directed to remain in the backbenches...Upon reflection, this is a typical behaviour reminiscent of yo-yo politics persistently displayed by politicians over the years (2004:96).

Only Alan Marat, sacked as Deputy Prime Minister and leader of PPP in November 2003, made the correct decision in compliance with Section 70(1), moving to the government backbenches rather than joining the opposition.

The confusion created by the MPs has angered the general public. As reported in the *Post-Courier* (9 July 2004), the General Assembly of the Catholic Church of Papua New Guinea has had enough and is thoroughly disgusted at the confusion arising from the current political games in Waigani. The *Post-Courier*, on 7 January 2005, reported another major split in the PAP and the Peoples National Congress (PNC), with factions from both parties moving over to the government.

OLIPPAC's promise to strengthen the party system has not been realised. In fact, the opposite has occurred, making the parties worse off in terms of their leadership and membership in parliament.

The third area is the continued recognition of independent MPs beside MPs who belong to political parties. The independent MPs have been the major source of instability because of their ability to join any group for their own convenience, a practice that continued after the 2002 national election because Section 69 of OLIPPAC allowed them to join political parties.

Prior to formation of the government after the 2002 national election, a group of

independent MPs formed a group called the Independent Bloc or the Kimbe Group. They then held discussions with the groups intending to form government and decided to join the URP, whose only MP, Sam Akoitai, supported Somare. A faction of the URP led by Tim Neville moved to join the opposition and has since become been a major player in attempts to move a vote of no-confidence against the government. Neville now claims to be the rightful leader of URP, and has even been arrested for allegedly bribing MPs to support the vote of no-confidence.

Despite regulating whether or not independent MPs can vote for the prime minister and join political parties, the OLIPPAC has not been able to maintain control over the independent candidates. The actions of Tim Neville and his group are a clear indication of this.

The other area that has contributed to the failure of the OLIPPAC is the lack of strict enforcement of its provisions. Responsibility for enforcing the OLIPPAC lies with the Registrar of Political Parties. Section 16 of the OLIPPAC provides for the creation of the Office of the Registrar, whose main responsibility is to ensure that political parties and parliamentarians comply with the various provisions of the OLIPPAC. The functions and duties of the registrar are outlined in Section 23.

Despite the confusion wrought by party splits and other matters relating to the resolution of political parties, the Registrar of Political Parties has been silent. Parliamentarians and the speaker have thus developed the impression that what they were doing complied with the OLIPPAC.

The registrar's lack of response has led many MPs to call for his resignation and allowed the speaker free rein to issue his own interpretations of the OLIPPAC on who the legal party leaders are and how MPs should sit in parliament. He continuously used the Standing Orders of Parliament to suppress



the political parties and factions in the opposition. The speaker's action led the opposition to bring no-confidence motions against both the prime minister and the speaker (*Post-Courier*, 4 November 2004).

It was not until November 2004 that the registrar made some rulings, mostly against the speaker's decisions, particularly those where the speaker refused to recognise the rightful leaders of certain parties. The test case for this was the PPP's leadership tussle between Andrew Baing and Paul Tienstein. In this case, the registrar affirmed that Tienstein had been expelled from the party, and he never appealed against the decision.

The registrar's decision now requires the speaker to enforce the law by allowing MPs who have been wrongly placed in the government benches to move to the opposition benches (*Post-Courier*, 9 November 2004). But the registrar's rulings have not resolved the splits in the political parties. The opposition has now apparently fallen apart with the PAP returning to the government's side and a faction of the PNC also moving over to the government (*Post-Courier*, 7 January 2005). The registrar has made no rulings on two parties' moves, especially the PNC's resolution to move to the opposition after being sacked by the Prime Minister in early 2004. Pangu party, the oldest political party in Papua New Guinea, has factions both in government and the opposition. Its leadership was contested and the conflict ended up in the court, which ruled that Chris Haiveta was the lawful leader of the party. This ruling, however, has not resolved the differences among party members.

The Integrity of Political Parties and Candidates Commission has asserted that factions within the parties are to be managed by determining first the membership of these parties and, second, the parliamentary leader for each party. A critical decision relates to specifying who is in the opposition (Sepoe 2004).

The registrar has also not provided any advice on moves to form a grand coalition comprising parties in government and the opposition. The OLIPPAC is quiet on this issue, and advice is needed to clarify the legality of this move (*The National*, 7 January 2005).

The final failing of the OLIPPAC is the culture of leaders breaching laws that they themselves have passed to satisfy their own interests. This is not unusual in Papua New Guinea—laws passed by parliament to address certain issues are either deliberately abused, or the leaders find ways to overrule the legitimacy of the law. One such law in particular is the Leadership Code, which the OLIPPAC is now trying to address.

All the leaders know the rationale behind the law, but they deliberately ignore its various provisions—as indicated by the ongoing leadership tussles and party splits.

Remedies

What remedies could be used to address these failures?

First, it is not politically viable to amend Section 145 of the Constitution to extend the grace period. The intention of Section 145 is highly democratic because it safeguards the country from irresponsible and autocratic government. It is the OLIPPAC, especially Sections 63, 70, 71, 72, and 73, that must be tightened. Parliamentarians who vote for a prime minister cannot vote against that prime minister in a vote of no-confidence (Section 70), issues relating to the national budget (Section 72) or Constitutional law (Section 73). These provisions have to be strictly enforced to avoid the current situation, in which those who voted for the prime minister openly opposed the constitutional amendment and went further by allying with other groups to topple the government.

It is important therefore to educate the MPs on these provisions of the OLIPPAC



soon after they are elected into office. Most of the confusion has arisen because many MPs had very little knowledge of what is required of them by the OLIPPAC.

As part of this remedy, Okole also argued that the OLIPPAC should be reviewed.

There is a need to identify the weak areas and make sure that this law stays ahead of the types of insidious practices that we have just witnessed in recent months [referring to 2004]. To give one potential problem, there is now ground to fear that independent candidacy would be greatly abused in the next election. Something needs to be done before 2007 to address this constitutional right with a view of protecting it. But at the same time, the integrity of Parliament should not be compromised by free-floating MPs with devious tactics. Independents can unnecessarily sink or change a coalition formation by altering numbers on both sides of Parliament (2004:2).

Okole raised some important points to counter the non-committal nature of independent MPs and their influence on the 'numbers game'. While independent MPs' rights need to be clearly defined, the OLIPPAC should also attempt to address the likelihood of independent MPs influencing the formation and overthrow of governments.

Second, the need to strengthen political parties through party resolution must be pursued. MPs have to be reminded that they can only vote according to the party resolution. Failure to abide by this would result in their being expelled from the party (Section 62).

Parliamentarians who belong to political parties must sign a declaration of loyalty—something that the OLIPPAC does not emphasise—stating that they will abide by the party's resolution at all times. Failing to

do this will result in their being expelled and investigated by the Ombudsman Commission for misconduct.

The sacking of a party leader or party members by the Prime Minister does not mean that that person should immediately join the opposition. He should either move to the back benches, or the party as a group must pass a resolution that they no longer support the Prime Minister and intend to join the opposition. Members of parliament who breach this rule should be removed immediately and a by-election conducted. Related to this remedy is also the need to strengthen parties' constitutions and party members' compliance with those constitutions (Sepoe 2004).

Third, once a vote of no-confidence against the government is successful, parliament should be dissolved and a fresh election conducted. This idea was raised in a report on overhauling the electoral system in the 1990s (Dorney 1990).

Referring to a rampant lack of discipline in the political arena, Dr Walter proposed, as a starting point for reform, a constitutional change to give the prime minister power to dissolve parliament at any time and call elections. Dr Walter argued that the existing system was like a game in which the rules had become so warped that all the players had lost sight of the desired end result (Dorney 1990:81).

Section 145 of the Constitution would have to be amended to allow this process. Sir Michael Somare proposed this idea after the 2002 election, but no progress has been made because he received very little support from the Opposition and even from his coalition partners. This solution would force MPs to consider carefully their attempts to move a vote of no-confidence. Papua New Guinea MPs do not want to stay in office for just 18 months, so they would have to have very



strong reasons for removing a government from office.

The fourth solution is to resource the Registrar of Political Parties adequately, in order for him to carry out his duties effectively. Nonggorr noted that the Registrar's Office has not been adequately funded and this has affected its ability to respond swiftly to problems facing the political parties.³

The registrar has also failed to provide information to the public regarding the various provisions of the OLIPPAC. Judging by letters to the two daily newspapers, many people are asking why the practices of the past persist. The registrar needs to respond to such queries in order to educate the people about the OLIPPAC and explain whether parliamentarians' actions are within its provisions. This would greatly promote the third goal of the Registry of Political Parties

...to promote general involvement of and educate the people of Papua New Guinea to cherish, enhance and sustain the values and principles of democratic constitutional system of government (Sepoe 2004:np).

The fifth solution is to ensure that political parties, and independent candidates, contesting an election put forward platforms or manifestoes. If any parties or candidates submit the same platform, that platform would be rejected and a new one requested.

The final remedy is to do more to maintain the rule of law and respect the legitimacy of laws such as the OLIPPAC. Parliament passed the OLIPPAC with clear objectives. It is the responsibility of the MPs, therefore, to make sure that they comply with it. This has not happened—MPs have behaved, both inside and outside parliament, as if the OLIPPAC does not exist. Opposition MPs camped in Alotau and missed an entire parliamentary sitting in July–August 2003. This has never happened before, so why has

it happened now when a law exists that explicitly prohibits such practices? The answer is simply that the culture of breaking the law and later seeking redress in the Court still persists.

MPs have clearly breached the OLIPPAC and thus undermined its legitimacy. The comments by the Governor of East New Britain, Mr. Dion, that the OLIPPAC has created stability (*Post-Courier*, 17 January 2005) cannot go unchallenged. This paper has shown that the OLIPPAC is in trouble and that there is a real need to review and strengthen it. But there are some areas where this paper agrees with him. MPs should educate themselves about the basic requirements and procedures of the OLIPPAC. The OLIPPAC needs to be reviewed and enforced strictly, and the OLIPPAC was designed to bring about positive developments. Dion's comment that 'laws are created and enacted for good intention, however, people with ulterior motives were the ones using them for their personal and self interest' (*Post-Courier*, 17 January 2005).

Dion argues that, ultimately, the rule of law must be maintained at all times. It is the responsibility of the leaders to do this.

Conclusion

This paper has discussed the major features of the OLIPPAC and its current failures. Despite the claim that the current government of Sir Michael Somare has lasted much longer in office (more than two years) than the previous governments, this cannot be attributed to the OLIPPAC. The main reason is that political instability has taken a new twist through long adjournments of parliament, lack of enforcement of the OLIPPAC by the registrar and the government, and the speaker's unilateral interpretations of the OLIPPAC. The year 2004 was one of chaos in parliament as MPs and political parties



tried to find ways to circumvent the OLIPPAC in order to topple the government.

Parliament passed the OLIPPAC to achieve certain objectives, but the legislation has been hijacked by the existing political culture, in which MPs' interests come before those of the people. The result is a lack of prudent leadership and ongoing suffering among the people.

The solutions identified here would go a long way towards achieving the envisaged objectives of the OLIPPAC—maintaining political stability and strengthening the party system. The assertion that the OLIPPAC has fostered stability is far from the truth, but its objectives are noble and could go a long way in transforming the political environment in the country. The responsibility for its success, however, lies with the MPs and the Registrar of Political Parties.

Notes

- ¹ Motions of No-Confidence (Amendment of Section 145). Section 145(4) of the Constitution is amended by repealing the words 'six months' and replacing them with the words 'eighteen months'.
- ² Peter O'Neil became the leader of the People's National Congress and is currently the opposition leader. Moses Maladina was appointed leader of the People's Action Party and was once the deputy prime minister. Tim Neville, an independent, currently claims to be the leader of the United Resources Party.
- ³ A number of positions within the Registrar's Office were recently advertised. If these are filled, it will greatly enhance the capacity of the registrar to deal with problems facing the parties (*The National*, 19 January 2005).

References

- Amarshi, A., Good, K. and Mortimer, R. (eds), 1979. *Development and Dependency: the political economy of Papua New Guinea*, Oxford University Press, Melbourne.
- Dorney, S., 1990. *Papua New Guinea: people, politics and history since 1975*, Random House, Sydney.
- Griffin, J., Nelson, H. and Firth, S., 1979. *Papua New Guinea: a political history*, Heinemann Educational Australia, Richmond.
- Hegarty, D., 1979. 'The political parties', in A. Amarshi, K. Good, and R. Mortimer (eds), *Development and Dependency: the political economy of Papua New Guinea*, Oxford University Press, Melbourne:187–204.
- , 1998. 'January–June', in C. Moore and M. Kooyman (eds), *A Papua New Guinea Political Chronicle: 1967–1991*, Crawford House Publishing, Bathurst:316–20.
- May, R., 1982. *Micronationalist Movements in Papua New Guinea*, Political and Social Change Monograph 1, Department of Political and Social Change, Research School of Pacific Studies, The Australian National University, Canberra.
- and Anere, R., 2002a. *Maintaining Democracy: the 1997 elections in Papua New Guinea*, Department of Political Science, School of Humanities and Social Sciences, University of Papua New Guinea, and State, Society and Governance In Melanesia Project, The Australian National University, Canberra.



- , 2002b. 'Election 1997: an overview', in R. May and R. Anere (eds), *Maintaining Democracy: the 1997 elections in Papua New Guinea*, Department of Political Science, School of Humanities and Social Sciences, University of Papua New Guinea and State, Society and Governance in Melanesia Project, The Australian National University, Canberra:1–16.
- Moore, C. and Kooyman, M. (eds), 1998. *A Papua New Guinea Political Chronicle: 1967–1991*, Crawford House Publishing, Bathurst.
- Okole, H., 2004a. 'Dealing with coalition instability', *The National*, 18 August.
- , 2004b. 'Causes of parliamentary instability', *The National*, 4 August.
- , Sause, L. and Gelu, A., 2004. The Yangoru By-Election Report, Study sponsored by the Electoral Commission and AusAID, Canberra.
- Reilly, B., 2002a. 'Political engineering and party politics in Papua New Guinea', *Party Politics*, 8(6):701–18.
- , 2002b. 'Continuity and change in Papua New Guinea elections', in R. May and R. Anere (eds), *Maintaining Democracy: the 1997 elections in Papua New Guinea*, Department of Political Science, School of Humanities and Social Sciences, The University of Papua New Guinea and State, Society and Governance in Melanesia Project, The Australian National University, Canberra:17–38.
- Saffy, Y., (ed), 1996. *The 1992 Papua New Guinea Elections: change and continuity in electoral politics*, Department of Political and Social Change, The Australian National University, Canberra.
- Standish, B., 2004. Papua New Guinea's Democracy, paper presented at the Conference on Political Culture, Representation and Electoral Systems in the Pacific, University of the South Pacific, Port Vila, 10–12 July.
- Sepoe, O., 2004. Challenges of Strengthening the Political Party System in Papua New Guinea, paper presented at the Conference on Political Culture, Representation and Electoral Systems in the Pacific, University of the South Pacific, Port Vila, 10–12 July.
- Woolford, D., 1976. *Papua New Guinea: initiation and independence*, University of Queensland Press, Brisbane.