

Papua New Guinea: Will an Election Restore the Country's 'Disorderly Democracy'?

Written by R.J. May

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R.J. MAY, JUN 19 2012

Although Papua New Guinea has something of a reputation as a politically unstable country, it has in fact been one of the few post-colonial states to maintain an unbroken record of democratic government, with national elections held on schedule and governments changing by constitutional means. Recent events, however, have threatened to undermine its democratic Westminster institutions.

Every government in Papua New Guinea has been a coalition government, and up till 2002 there had been a change of government in mid parliamentary term in every parliament, mostly as a result of votes of no confidence against the prime minister.

Elections are fiercely contested in Papua New Guinea, but they are characterized by numerous political parties which lack mass bases and whose policies are barely differentiated from one another, and large numbers of candidates; electoral outcomes in single-member constituencies are determined largely by local issues and local loyalties. Up till 2001 it was common for MPs to 'hop' from one party to another and for parties to move from one coalition to another seeking political advantage and rewards. In that year an *Organic Law on the Integrity of Political Parties and Candidates* (OLIPPAC)[i] came into effect with the aim of strengthening parties and addressing the instability which resulted from party hopping and shifting coalitions. In fact, the OLIPPAC did not prevent parties from splitting nor MPs from moving from one side of the house to the other. Nevertheless, in 2007 Sir Michael Somare became the first prime minister to survive a full parliamentary term.[ii] He achieved this not so much through the provisions of the OLIPPAC as through the use of his coalition majority, and a compliant speaker, to manipulate parliamentary procedures and adjourn parliament for months on end when threatened with a vote of no confidence.[iii]

In July 2010 the Supreme Court ruled against those provisions restricting the behaviour of MPs, opening the way for a full resumption of party hopping and coalition reshuffling. A number of MPs from Somare's National Alliance (NA) left the party.

In August 2011, while Prime Minister Sir Michael Somare was on extended absence recuperating from a series of heart operations in Singapore, the National Parliament declared the prime ministership vacant, without acknowledging the constitutional provisions required for such a decision, and elected former finance minister Peter O'Neill as the new prime minister. O'Neill won the vote by 70 votes to 24. O'Neill appointed as his deputy prime minister Belden Namah, a former member of the NA party, who had initiated what has been described as the 'political coup'. The East Sepik Provincial government (Somare's electorate is East Sepik Provincial) promptly challenged the parliament's actions. The O'Neill-Namah coalition responded by attempting to withdraw funding from the East Sepik Provincial government (which it found it had no power to do), block the appeal to the court, sack the chief justice, and pass retrospective legislation to remove Somare from his parliamentary seat.

In December 2011 the Supreme Court upheld the challenge to the parliament's actions and ruled that Somare was still prime minister. O'Neill refused to accept the decision, and continued his vendetta against the chief justice. For a while Papua New Guinea thus had two claimant prime ministers, each with his cabinet and police commissioner, and for a while there were two governors general. By early 2012, however, the public service had lined up behind O'Neill,

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the police had come together under a commissioner loyal to O'Neill (though not without some lingering tensions), and the international community seems to have accepted the O'Neill-Namah coalition as 'the government'. Remarkably, perhaps, given Papua New Guinea's reputation, these events played out with a minimum of public disorder.

Somare appealed to the Commander of the Papua New Guinea Defence Force (PNGDF) – a fellow Sepik appointed by Somare – to uphold the constitution, but the commander refused to intervene. Subsequently Somare appointed a new commander who attempted to take control of the Force and called for the acceptance of the Supreme Court's decision, but the rebellion was quickly, and peacefully, put down and no charges were laid against the soldiers involved.

Meanwhile, O'Neill and Namah used their parliamentary majority (and a boycott by Somare supporters) to consolidate their position. A particularly controversial move was the passage of a *Judicial Conduct Act*, designed to strengthen the government's control over the judiciary – effectively undermining the established separation of powers.

With a national election scheduled for June 2012, Namah also began calling for a postponement of the election and the sacking of the electoral commissioner. A 'special meeting' of parliament (which itself appears to have had no legal status) voted to postpone the election, though parliament (understandably) does not have the power to do this. However, O'Neill, who supported the bill in parliament, continued to promise that the election would be held as scheduled. When the O'Neill-Namah coalition announced a state of emergency in the capital, Port Moresby, and parts of the politically volatile highlands there were concerns that the election would be postponed under the cover of the state of emergency.

In May a second Supreme Court ruling, confirming Somare's legitimacy and voiding legislation by the O'Neill-Namah coalition, was again rejected by O'Neill. After the acting speaker accepted the ruling, but with Somare disqualified from parliament for having missed three sessions, Papua New Guinea briefly went from having two 'prime ministers' to having none. At another special meeting of parliament, however, O'Neill was again elected, this time by 56 votes to nil.

By April, regardless of whatever was going on in Port Moresby, most of the country was in election mode. By this time, it would seem that O'Neill and Namah had squandered much of the political capital they had in August 2011, and there seemed no way that an election could be put off. Forty-six parties were registered with the Commission on the Integrity of Political Parties and Candidates, and 3435 candidates had paid the nominating fee to contest and were out campaigning.

Voting commences on 23 June and will continue for two weeks. Writs will be returned on 27 July and the leading politicians will begin battling to put together a winning coalition. Under the OLIPPAC, the leader of the party with most winning candidates will be invited to form a government. With so many parties and so many candidates, and given that in every election more than 50 per cent of MPs (and almost 80 per cent in 2002) have failed to gain re-election, it is difficult to predict what the outcome will be.

O'Neill and Namah have reportedly signed a memorandum of agreement to support one another during the election and in the formation of a government afterwards, but there have been tensions between the two party leaders since August 2011 and even if both are re-elected, it cannot be assumed that the coalition will be sustained. Somare, who made a last-minute decision to re-contest his East Sepik Provincial seat and lead the NA into the election, has proposed a rival coalition, but it seems unlikely that after the split in the parliamentary party in 2011 the NA will regain the numbers it had in 2007.

Whatever the outcome, it remains to be seen whether the election will resolve the impasse created by the parliament's actions in August 2011 and O'Neill's refusal to accept the Supreme Court's ruling, and pave the way for a return to what I have described elsewhere as Papua New Guinea's 'disorderly democracy', or if the unseemly political behaviour of the past few months has brought about an irreversible change in political style.

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[i] Integrity of Political Parties and Candidates Commission [online available at] <http://www.ippcc.gov.pg/>

[ii] Batten, A. (2010) "Papua New Guinea's development success depends on learning from its past" [online available at] <http://www.eastasiaforum.org/2011/05/18/sir-michael-somare-and-png-politics/>

[iii] Standish, B. (2010) "Papua New Guinea's elusive stability" [online available at] <http://www.eastasiaforum.org/2010/08/02/papua-new-guineas-elusive-stability/>