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THE FAILURES OF THE ORGANIC LAW ON THE INTEGRITY OF POLITICAL PARTIES AND CANDIDATES

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The Failures of the Organic Law On the Integrity of the Political Parties and Candidates

Papua New Guinea (PNG) had its democratic institutions and processes established during the 1960's. This process began with the establishment of the Legislative Council in 1959 and later the House of Assembly in 1964. 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.

Political parties first emerged in Papua New Guinea in 1967. Two of the earliest parties were the Pangu Party and the United Party. Political parties in the history of PNG first contested the 1968 national election (Moore and Kooyman, 1998). The emergence of the different groups that later became political parties became sporadic which brought about the multiparty nature of the party system in the country. During the 1972 election, new political groups such as the People's Progress Party, National Party, Melanesian Alliance and other smaller groups emerged and contested the election. Other groups based on nationalistic sentiments also contested but most of them did not last after the 1982 national election (May, 1982).

This paper will look at the failures of the OLIPPAC. The first part will be a general discussion of the OLIPPAC. The second part will look at the events after the 2002 elections, which have affected the effectiveness of the OLIPPAC. The third part will discuss how and why the OLIPPAC has failed to provide the much-needed political stability. And finally the paper will look at some remedies to the failures.

Background

The first election using the Optional Preferential Voting was conducted in 1964. Political parties first emerged in 1967 and contested the second election in 1968. The scenario after the 1968 election saw the emergence of divisions based on the political platforms of the political parties.

From 1968 to 1972 the division was a result of the disagreements on the issue of independence. The division after 1972 to 1977 however was intensified. This was mostly due to an obsession by certain politicians such as the late Sir Iambakey Okuk and others to satisfy their own interests. Most of the intending votes of no confidence did not warrant a change in government with the exception of the changes in government in 1988 (Namaliu against Wingti), 1994 (Chan against Wingti) and 1999 (Morauta against Skate). These votes of no confidence against the governments were justified because of abuses of power as well as a growing culture of the governments becoming unresponsive, corrupt and most importantly undermining the rule of law.

Almost in every parliamentary sitting since the 1977 election, a motion of no confidence in the government was either mooted or actually moved. This practice resulted in the emergence of a new parliamentary culture such as the Prime Minister being forced to make cabinet reshuffles, paying Members of Parliament (MPs) 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 that is pushing for a vote of no confidence. A party can be left without any members through desertion of its members. By having a good chance to be in government, many candidates prefer being independents and later join parties that form the government.

Section 145 of the Constitution and the fragmented coalition between the different political parties has been responsible for creating and sustaining political instability in the country. Section 145 allows MPs especially the opposition to move a motion of no confidence against the government at anytime. Governments in Papua New Guinea have never served their full term in office as a result of the vote of no confidence. There have also been more changes of the government through votes of no confidence rather than through the elections. This has greatly affected the ability of the governments to implementing their policies. This has also affected the effective delivery of goods and services to the people.

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 is usually a result of parties and MPs deserting the other coalition partners because they have been promised a better deal with other groups in terms of ministerial portfolios, Chairman of Committees and so forth. The 1997 national election would provide a good illustration of this. Bill Skate's party, the People's National Congress (PNC) won only 6 seats. After the election of Skate as the Prime Minister, the party membership jumped as high as 44 members. Just before the vote of no confidence against his government in July 14th 1999, the PNC was left with only 2 members, 4 less than the original members of the party. This is an indication of the fluidity of party politics in the country.

Okole (2004) identified four key and mutually interacting factors: (1) a firm voter-member reciprocal relationship; (2) fluid party system; (3) opportunism; and (4) the inherent design of the unicameral legislature. Okole's factors of political instability are lump together in the discussion of instability relating to the OLIPPAC in the paper.

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 would go in the same direction. Coalition governments in Papua New Guinea are like the canoes.

After Rabbie Namaliu became the Prime Minister in 1988 (defeating Pais Wingti in a vote of no confidence), he made and passed an amendment to Section 145, giving an 18 months grace period to a government before a motion of no confidence can be moved (previously it was six months¹). The rational behind the 18 months grace period was to

¹ MOTIONS OF NO CONFIDENCE (AMMENDMENT OF SECTION 145)

allow the government enough time to get some of its policies implemented. The amendment however did not deter the Opposition or MPs in general, from moving a vote against the Prime Minister.

In an attempt to avoid votes of no confidence, the following practices have become predominant resulting in a new style of parliamentary democracy in the country:

- Great need for the “Number Game”. This is the situation to describe the frantic movement of MPs in order to gain control of the government.
- Numerous Cabinet reshuffles.
- Continued sacking of political parties and MPs by the Prime Minister and taking on board new parties and MPs or re-calling the previously sacked party and MPs. As reported in the Post Courier (January 26th 2005), Somare is thinking of recalling PNC into the government and sacking the PNG Party which has three of its MPs as Ministers. Since the 2002 election, the country has had three (3) Deputy Prime Ministers. Since mid 2004, the office has been vacant. The Prime Minister has announced recently that an appointment will be made soon (*Post Courier* January 10th 2005).
- Long adjournment of Parliament in order to avoid the vote of no confidence. Bill Skate started this practice followed by Sir Mekere Morauta and now Sir Michael Somare.
- Splits in political parties. This is usually initiated and sustained by the Prime Minister to maintain control over the opposition.

To address the problem of instability, the Morauta Government passed a major reform in 2001. This resulted in the passing of the *Organic Law On The Integrity Of Political Parties And Candidates* (OLIPPAC) by the Parliament.

1. **The OLIPPAC - General Discussion**

The OLIPPAC is the enabling legislation of 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 the politics of PNG, its task was to address the problem of instability and to strengthen the party system. Sir Michael Somare, the first Prime Minister of PNG and the current one, remarked then that it was time to introduce such a law to bring about political stability. Sir Mekere Morauta, the Prime Minister who instituted the reform, said that it would instill discipline in the MPs

Section 145 (4) of the constitution is amended by repealing the words “six months” and replacing them with the words “eighteen months”.

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

Nonggorr in the focus in the *Post Courier* (November 9th 2004) summarized four main objectives of the OLIPPAC:

- a) 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.
- b) To require candidates who win elections and political parties that contest elections to disclose their financial affairs in relation to contesting such elections.
- c) 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.
- d) 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 of the first three objectives have been very well achieved. However he said that the fourth objective was controversial because, by law, political parties were to be forced to do things that in older democracies had developed gradually and naturally. Indeed the fourth objective is the most controversial part of the OLIPPAC and the one in which the paper will thoroughly analyse because of its contribution to the failure of the OLIPPAC.

There are three specific measures set by the OLIPPAC to achieve the fourth objective:

- a) 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;²
- b) To prohibit MPs wishing to leave a political party to give substantive reasons for doing so. The Ombudsman Commission must investigate these reasons. This measure was to stop Members of Parliament from resigning and joining other political parties; and

² The view by Nonggorr can be challenged because in PNG the total votes a political party gets is ignored to determine the popularity of a party. It is the total number of seats a party wins that is considered to determine the popularity of political parties.

c) To force each registered political party to remain as a single cohesive body in making decisions on the most critical areas impairing on political stability: in the election of a Prime Minister during a no confidence vote; in voting on constitutional amendments; and in voting on a budget. The OLIPPAC does this by requiring the parliamentary wing of each political party to decide how their MPs would vote in these areas and by requiring further that MPs of a party must vote in accordance with the party resolution or may abstain but not vote against it.

Has the OLIPPAC been able to ensure that political stability and strengthening of political parties are guaranteed especially 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.

2. Events After the 2002 National Election

The period after the 2002 national election was supposedly going to see a new beginning for PNG because of the OLIPPAC.

According to the OLIPPAC Section 71, the party that won the majority of the seats in Parliament would be called upon to form the Government. The National Alliance Party (NA), which won 19 seats, was called to form the government. Requiring the numbers, the NA formed a coalition with the smaller parties to give it the required majority.

However there were certain activities that occurred during this time (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 the build up to the formation of the government. This is contrary to Section 71.

The second was the formation of a new political party by the man who strongly pushed the OLIPPAC through, Sir Mekere Morauta. He also brought into question the effectiveness of the OLIPPAC because political parties are supposed to be form outside of Parliament and register itself and compete with others in an election.

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

And the fourth was the large number of independent candidates that contested and won 17 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 76. The Section allows independent candidates to join political parties at any time.

Section 76 failed to recognize the fact that this group campaigned on an independent or personal platform therefore their platforms are not compatible to any of the existing political parties. The ineffectiveness of Section 76 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. Even some independent MPs have become leaders of political parties³.

3. Failures of the OLIPPAC

How has the OLIPPAC failed and what are the reasons for the failure?

The first area is on the vote of no confidence stated in Section 145 of the Constitution. Sir Michael Somare, despite the guarantees in the OLIPPAC Sections 77(1), realized that the use of Section 145 would persist and would affect his chances in staying in office. This is despite the fact that he was voted in as the Prime Minister by an overwhelming majority of 89 votes and that those 89 cannot vote against him unless a party resolution says so or they can abstain from voting.

As a result of the failure of the OLIPPAC to protect the government against Section 145, Somare in 2003 introduced an amendment to Section 145 to extend the grace period from 18 months to 36 months. Much of 2004 was dominated by disagreements on this issue as well as the move to remove the government from office through the vote of no confidence. For the first time in the history of PNG politics the Opposition members stayed away from the entire July/August 2004 parliamentary sitting (*Post Courier* August 4th 2004).

As a result of this the government called on all Papua New Guineans to seriously look at the performance and conduct of their elected representatives. The call was aimed at scaring renegade government MPs aligned with the Opposition camping in Alotau (*Post Courier* July 7th 2004).

The government in August 2004 adjourned Parliament to November to avoid a vote of no confidence. This was nothing new as it was the norm in the past. The OLIPPAC has not been able to deter this practise.

Because of Sections 77(1) and 80, those who voted for the Prime Minister in the first sitting of Parliament, could not vote against the Prime Minister in a vote of no confidence and must vote for any constitutional amendment that is proposed by the Prime Minister.

To the layman's point of view the Prime Minister and his government are protected by the OLIPPAC. However the maneuvering by the same MPs who voted for the Prime Minister behind the scenes not to support the Prime Minister's constitutional amendment indicates that the OLIPPAC is defective. It is defective in the sense that it left it wide

³ Peter O'Neil became the leader of the Peoples National Congress and currently the Opposition Leader. Moses Maladina was appointed the leader of the Peoples Action Party and was once the Deputy Prime Minister. Tim Neville, an independent is claiming that he is the leader of the United Resources Party.

open for the MPs to decide, as usual, on their own whether to support any amendment or not. Somare reacted by sacking those Ministers who publicly made their intentions not to support the amendment. The casualty of this was the Peoples Progress Party (PPP) when its leader and 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 his members remained with the government.

Nonggorr in his explanation of the OLIPPAC stated that MPs must vote according to the party resolution or may abstain but not vote against this as shown in the behaviour of the MPs. That 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 77(1) and 80 does not allow them to do so.

The second area that saw the failure of the OLIPPAC in maintaining political stability is when political parties were divided in Parliament and the confusion surrounding the rightful leaders of the political parties. The following political parties had two leaders each, one leading a group in the Opposition while the other leading a group in the Government: the PPP; United Resources Party (URP); Peoples Action Party (PAP); and Pangu Party.

While there were tussles going on about who is the legitimate leader of the parties mentioned above, the OLIPPAC did not provide any explanation or remedy for this confusion. The Prime Minister also manipulated this confusion by splitting the parties for his own political convenience. This brought about the memories of the Skate's regime when he masterfully divided the political parties to maintain him in office from 1997 to 1999. Again the OLIPPAC failed to offer any explanation whether the action of the Prime Minister was justified. Even the promise made by Bill Skate's wife that she would divorce Skate if his party PNC leave the Somare led coalition.

The Prime Minister in his decision to sack Moses Maladina did not sack the PAP but only Maladina. As a result the PAP members who were Ministers in the government sacked Maladina as the leader and elected Brian Pulayasi as the new leader in order to remain with the government (*Post Courier* August 4 2004). The case of those who were sacked by the Prime Minister is not always clear. Andrew Baing's case is a good example. When the Prime Minister sacked him as the Deputy Prime Minister, he moved to join the Opposition while the other members of PPP stayed with the government. As a result, the group with the government elected a new leader, Paul Tienstein. It was only Alan Marat who made the correct decision by complying with Section 77 (1) when he was sacked as the Deputy Prime Minister and leader of PPP but moved to the back benches of the government.

This confusion created by the MPs has angered the general public. As reported in the *Post Courier* (July 9th 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* (January 7 2005) reported another

major split in PAP and Peoples National Congress (PNC), where factions of both parties have moved over to the government.

The promise by the OLIPPAC to strengthen the party system has not materialised. The opposite of that has emerged making the parties to be worse off in terms of its 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. This practice continued after the 2002 national election. The OLIPPAC allowed them to join political parties in Section 76.

Leading to the 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 the government and decided to join the URP. The URP had only one MP elected, Sam Akoitai, and supported Somare. Upon joining the URP a faction of the URP led by Tim Neville moved to join the Opposition and since then he has been a major player in attempting to move a vote of no confidence against the government. Tim Neville has even been arrested for alleged bribery of MPs in order for them to support the vote of no confidence.

Despite regulating how the independent MPs could vote or not for the Prime Minister and to join political parties at any time, the OLIPPAC has not been able to maintain control over the independent candidates. The action of Tim Neville and his group is a clear indication of this. He is also claiming that he is the rightful leader of URP.

The other area that has contributed to the failure of the OLIPPAC is the lack of strict enforcement of the provisions of the OLIPPAC. The enforcement of the OLIPPAC is the responsibility of the Registrar of Political Parties. The OLIPPAC does provide the creation of the Office of the Registrar in Section 8. The main responsibility of the Registrar of Political Parties is to ensure that political parties and MPs comply with the various provisions of the OLIPPAC. The functions and duties of the Registrar are outlined in Section 10 of the OLIPPAC.

Since the confusion relating to the splits in parties and other matters relating to the resolution of political parties, the Registrar of Political Parties maintained silence over these issues. This gave an impression to the MPs and the Speaker that what they were doing complied with the OLIPPAC. The lack of response by the Registrar has led to a number of MPs calling for the resignation of the Registrar.

With the lack of response from the Registrar, the Speaker had had a field day issuing and giving his own interpretations of the OLIPPAC on who was the legal party leader 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 to Opposition attempting to remove both the Prime Minister and the Speaker in a vote of no confidence (*Post Courier* November 4th 2004).

It was not until November 2004 that the Registrar made some rulings, mostly against the decisions of the Speaker. The Registrar overturned most of the rulings recognizing those MPs whom the Speaker had refused to recognize as the rightful leaders of their respective parties. The testing case for this was the PPP's leadership tussle between Andrew Baing and Paul Tsientsien as the leader but the Registrar affirmed that Tienstein was expelled from the party and never appealed against the decision.

The decision by the Registrar now requires that the Speaker should enforce the law by allowing MPs who have been wrongly placed in the government benches to move to the Opposition benches (*Post Courier* November 9th 2004).

The ruling by the Registrar never resolved the splits that were faced by the political parties. As reported in the *Post Courier* January 7th 2005, the Opposition has fallen apart with the PAP now back with the government and a faction of PNC also moving to the government. The Registrar since then has not made any ruling on these moves by the two parties, especially when the resolution of the PNC was to move to the Opposition when they were sacked by the Prime Minister in early 2004.

The Registrar has also not provided any advice on the moves towards the formation of a grand coalition – comprising of parties in government and those in the opposition. The OLIPPAC is quiet on this issue and advice must be forthcoming to clarify this move (*The National* January 7th 2005).

The final area to show how the OLIPPAC has failed originates from the culture of leaders breaching the law that they themselves have passed to satisfy their own interests. It is not unusual in PNG for this to occur. Laws passed by Parliament to address certain issues are either deliberately abused or the leaders finding ways to overrule the legitimacy of the law. One such law is the Leadership Code and now the OLIPPAC is facing the problem.

All the leaders know the rationale behind the law but they deliberately ignore the need to abide by the various provisions of the law. Leadership tussles, ignoring the resolution of the party and splits in the parties are indicative of the Members of Parliament deliberately ignoring the OLIPPAC.

4. Remedies

What would be some remedies to address the functions of the OLIPPAC outlined under Part 3 of the paper?

Firstly, there is no real need 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 an irresponsible and autocratic government. It is the OLIPPAC especially Sections 71, 77, 78, 79, and 80 that must be tightened. MPs who vote for a Prime Minister cannot vote against the Prime Minister in a vote of no confidence (Section 77), voting on the national budget (Section 79), and voting on a Constitutional Law (Section

80). These respective provisions of the OLIPPAC have to be strictly enforced in order 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 groups to topple the government from office.

It is therefore important to educate the MPs on these provisions of the OLIPPAC soon after they are elected into office. Most of the confusions arose because many of the MPs had very little knowledge of what is required of them by the OLIPPAC.

As part of this remedy, Okole (2004) also argued that the OLIPPAC should be reviewed. According to Okole,

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 (p. 2, 2004).

Secondly, the need to strengthen political parties through party resolution must be strictly adhered to. MPs have to be reminded that they could only vote according to the party resolution. Failure to abide to this would result in them being expelled from the party (Section 72).

The MPs that belong to political parties must sign a declaration of loyalty – something that the OLIPPAC is quiet on – stating that they would abide by the party's resolution at all times. Failing to do this would result in them 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 through a resolution may declare that they no longer support the Prime Minister and would move to the Opposition. Members of Parliament who breach this rule should be removed immediately and a by-election conducted.

The third solution, which is related to the first remedy, is that once a vote of no confidence is successful against the government, Parliament should be dissolved and a fresh election should be conducted. This is not a new idea as it was contained in a report on overhauling the electoral system in the 1990s (Dorney, 1990). As stated by Dorney,

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 (p. 81, 1990).

There need to be amendments made to Section 145 of the Constitution to allow this process. Sir Michael Somare proposed this idea after the 2002 election but it has died out because he received very little support from the Opposition and even from within his coalition partners. This solution would make the MPs to think twice before attempting to move a vote of no confidence. MPs in PNG do not want to stay in office for just 18 months therefore they would really have to come up with some good justifications to remove a government from office.

The fourth solution is to adequately resource the Registrar of Political Parties, in order for him to effectively carry out his duties. Nongorr noted in his focus that the office of the Registrar has not been adequately funded and this has affected his ability to swiftly respond to problems facing the political parties⁴.

The Registrar has also failed to provide information to the public regarding the various provisions of the OLIPPAC. Many people as indicated in the letters to the editors of the two dailies asked the question of why the practices of the past still persist. The Registrar needs to respond to such queries in order to educate the people of the OLIPPAC and explain whether the action of the MPs and political parties are within the OLIPPAC.

The fifth solution is to ensure that the political parties that contest an election must put forward their platforms or manifestoes. This would include the independent candidates and if any platform is the same as the other political parties and independent candidates then that manifesto would be rejected and a new one submitted.

The final remedy is to do more with maintaining the rule of law and respecting the legitimacy of the laws such as the OLIPPAC. The OLIPPAC was passed in Parliament with clearly stated objectives. It is therefore the responsibility of the MPs to make sure that they must comply with the OLIPPAC. The manner in which the MPs behaved in and out of Parliament was as if the OLIPPAC does not exist. The Opposition MPs camping in Alotau and missing an entire Parliament sitting in July/August 2003 had never happened before. Why has it happened when a law was in existence prohibiting such practices? The answer is simply that the culture of breaking the law and later seeking redress in the Court still persists.

The actions of the MPs have clearly breached the OLIPPAC and have affected the legitimacy of the OLIPPAC. The comments by the Governor of East New Britain, Mr. Dion, that the OLIPPAC has created stability (*Post Courier* January 17th 2005) cannot go unchallenged. The paper has shown that the OLIPPAC is in trouble and there is a real need to review and strengthen it. However he also said some things that the paper has said: MPs should educate themselves of the basic requirements and procedures of the OLIPPAC; the OLIPPAC needs to be reviewed and enforced strictly; and the OLIPPAC

⁴ *The National* (January 19th 2005), a number of positions within the Registrar's Office were advertised. This would greatly enhance the capacity of the Registrar to deal with problems facing the parties

was to bring about positive developments. His comments 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* January 17th 2005).

Mr. Dion is referring to the final solution that the rule of law must be maintained at all times. It is therefore the responsibility of the leaders to do that.

Conclusion

The paper has discussed the major parts of the OLIPPAC and the failures of the OLIPPAC as currently experienced in the country. Despite the claim that the current government of Sir Michael Somare has lasted much longer in office (more than 2 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 own interpretations of the OLIPPAC.

The year 2004 was filled with chaos in Parliament. This was a result of the MPs and political parties trying to find their own ways to go around the OLIPPAC in order to topple the government.

The OLIPPAC was passed in Parliament to achieve certain objectives but they have been hijacked by the existing culture where the interests of the MPs do come before the interests of the people. The result is the lack of prudent leadership being provided and simply the continued suffering by the people.

The solutions given would go a long way in achieving the envisaged objectives of the OLIPPAC and that is by maintaining political stability and strengthening the party system. The responsibility therefore lies with the MPs and the Registrar of Political Parties.

The assertion that the OLIPPAC has fostered stability is far from the truth. But the intentions of the OLIPPAC are noble and would go a long way in transforming the political environment in the country.

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The Post Courier, January 26th 2005

The National, January 7th 2005

The National, January 19th 2005

ABBREVIATIONS

MPs	Members of Parliament
OLIPPAC	<i>Organic Law on the Integrity of Political Parties and Candidates 2001</i>
PAP	Peoples Action Party
PNC	Peoples National Congress
PNG	Papua New Guinea
PPP	Peoples Progress Party
URP	United Resource Party

STATUTES

The Constitution of the Independent State of Papua New Guinea 1975

S129 Allows for the enactment of an Organic Law on the Integrity of Political Parties.

S130 Allows for the enactment of an Organic Law on the Integrity of Candidates.

S145 Motions of No Confidence – procedures.

The Organic Law on the Integrity of Political Parties and Candidates 2001

S8 Establishment of Registrar of Political Parties

S10 Functions & Duties of the Registrar

As laid out in Part III Division 2 – The Registrar Sections 11 to 15.

S41 Vacancy Not Affect The Powers Or Functions

The exercise or performance of a power or function of the Board is not invalidated by reason only of a vacancy in the membership of the Board.

S71 Invitation to Form Government

(1) Subject to Subsection (2), on the date of return of writs in a general election, the Electoral Commission (EC) shall advise the Head of State (HoS) of the registered political parties which endorsed the greatest number of declared candidates. Upon this advice & acting on the advice of the EC, the HoS shall invite that party to form the government.

(2) Where 2 or more registered political parties endorsed an equal number of the greatest number of declared candidates, upon advice of EC, the HoS shall invite that party to form the government.

(3)(a), (b), & (c) Such invitation shall be conveyed to the public officer of the registered political parties or the party; and notified to the Clerk of Parliament; and published in the National Gazette.

(4)(a) At the first meeting of Parliament being the election of the PM following the national elections, the registered political party(ies) may nominate a PM.

+ (5), (6), & (7)

S76 Member Elected Without Endorsement

(1) Allows a MP elected without endorsement by a registered political party to join a registered political party at any time.

(2)(b) Even those resigning from registered political parties whose action does not amount to misconduct in office (investigated by an Ombudsman Commission or an Inquiry).

S77 Provides for voting in the case of a motion of no confidence or in the election of a PM following resignation where the MP resigning is nominated for election.

(1) A MP who is (a) not a member of a registered party at the time of election of a PM; or (b) voted for the member elected PM in the election; or (c) other the MP in 2

shall not vote for a motion of no confidence in (i) the PM; or (ii) the Ministry headed by that PM; or (iii) a Minister appointed on the advice of that PM.

(2) A MP who is (1)(a); (1)(b); and (c) subsequently, at least 6 months before, a motion of confidence

shall vote in a motion of no confidence in (i) the PM; or (ii) the Ministry headed by that PM; or (iii) a Minister appointed on the advice of that PM.

(3) A MP who is not (1)(a); (b) did not vote for the member elected PM in the election; and (c) has not subsequently joined a registered political party at least 6 months prior to a motion of no confidence in

shall not vote against the motion of confidence in (i) the PM; or (ii) the Ministry headed by that PM; or (iii) a Minister appointed on the advice of that PM.

S78 Provides for voting in the election of PM where the resigned PM has not been nominated for the next PM; or otherwise in a vacancy in the office of the PM (S78(a)&(b)).

A MP who is not a member of a registered political party may vote for any nominee in the election of the next PM.

S79 Provides for voting on the national budget.

(1)(a) A MP whose registered with a political party shall vote in accordance of the resolution of the political parties determined by its MPs.

By Section (2) if this member votes against the national budget his/her vote will not be counted.

(1)(b) a MP who (i) who *is not* a Member of a registered with a political party; (ii) who *voted the PM whose Govt is proposing t National Budget,* shall vote for the National Budget.

By Section (2) if this member votes against the national budget his/her vote will not be counted.

(1)(c) a MP who (i) who *is not* a Member of a registered with a political party; (ii) who *did not vote the PM whose Govt is proposing the National Budget,* shall vote for or against the National Budget.

(3) Where any question arise as to whether or not a vote in the national budget constitutes a vote, the Speaker's decision is final.

S80 Provides for voting on an enactment, amendment or repeal of a constitutional law

(1)(a) A MP whose registered with a political party shall vote in accordance of the resolution of the political parties determined by its MPs.

By Section (2) if this member votes against the enactment, amendment or repeal of a constitutional law his/her vote will not be counted.

(1)(b) a MP who (i) who *is not* a Member of a registered with a political party; (ii) who *voted the PM whose Govt is proposing the National Budget*, shall vote for the National Budget.

By Section (2) if this member votes against the enactment, amendment or repeal of a constitutional law his/her vote will not be counted.

(1)(c) a MP who (i) who *is not* a Member of a registered with a political party; (ii) who *did not vote the PM whose Govt is proposing the National Budget*, shall vote for or against the enactment, amendment or repeal of a constitutional law.