1. **Background and Introduction**

The Constitution of Papua New Guinea stipulates the enactment of an Organic Law on the Integrity of Political Parties and Candidates. Sections 127 –130 make it obligatory for the Parliament to enact this Organic Law. At the National Executive Council level efforts were initiated towards this end and the need for such an Organic law had been expressed on numerous occasions. However, the general lack of political will meant no substantive decisions were taken on the matter.

Twice in Parliament several Members of Parliament attempted through a Private Members Bill to have the organic law enacted. The first attempt was made in 1989 and although the proposed law was gazetted on 7 June 1989, it was not put to vote, hence lapsed out of lack of political support. In 1993, a second attempt was made yet again by Private Members of Parliament and gazetted on 1 April 1993. Once again it was never put to vote and lapsed once more through lack of political will.

Five years later, on 3rd November 1998, a submission together with drafting instructions were submitted to the Government of the day but again no substantive action was taken on the proposal. In 2000, during Sir Mekere Morauta’s term as Prime Minister, the Constitutional Development Commission was tasked to work on the proposals for an Organic Law. This was the beginning of the process of this political reform.

Finally, in February 2001, the Organic Law on the Integrity of Political Parties and Candidates was certified, and then subsequently amended and again certified on 15 October 2003.

This Organic Law provides the statutory basis for 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 stages of the electoral process.

The prime objectives envisaged for the law were to ensure integrity of political parties and candidates as well as the strengthening of political parties and stabilising Government. In the National Executive Council Policy submission of March 2000, the rationale for the organic law was stated as follows:

> Apart 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 party system\(^1\), 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.\(^2\)

In other words, the rationale for the enactment of the Integrity Law is all too familiar in PNG. Constant changes in successive governments resulting from frequent motions of no confidence and the weak political party system, ultimately leading to a weak and vulnerable State continue to cause widespread public concern.

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1. Author’s emphasis.
2. NEC Policy Submission, March 2000
The role of political parties in upholding principles of good governance must be “... seen as necessary conditions for socio-economic development.” Furthermore, political parties have to be molded and shaped into political institutions that embody principles of good governance and democracy. A participatory political culture has to be forged out of a largely fragmented and diverse society - which in itself is a formidable challenge. The large number of political parties that have been formed in Papua New Guinea is illustrative of this diversity. This in itself constitutes an immense challenge for the implementing agency - the Integrity of Political Parties and Candidates Commission and its secretariat - the Registry of Political Parties.

To create awareness on the Integrity Law, the first workshop was held on 8th June 2001 - attended by representatives of political parties as well as the public. In his opening address, the Chairman, Ano Pala, acknowledged the Integrity Law as:

An important constitutional legislation to regulate the conduct and activities of political parties and candidates involved in the process of democratic constitutional system of government in PNG. The constitution stipulates the enactment of integrity law for good governance, based on honesty, transparency and accountability. Without the benefit of precedents and conventions to guide us, the challenge is immense in implementing its provisions.

The Chairman further noted that all Papua New Guineans must consider themselves as stakeholders;

... as a nation we can provide effective, honest and stable environment in which we elect leaders, in which we influence the election processes, in which we elect prime minister and form government and in which we monitor and maintain good governance for our people.

To date, the Registry of Political Parties has not held similar and regular workshops to foster a better understanding of the Integrity Law largely due to resource constraints.

Several attempts to honor the obligation set forth in sections 129-130 of the Constitution for parliament to enact an Organic Law either failed, or were frustrated due to political differences and lack of political will.

Substantive action was realised on the 8th December 2000, when Parliament passed the constitutional amendment No.22, paving way for the enactment of the Organic Law.

The broad goals set for the Organic Law include: Democracy, participatory political culture, political stability and good governance overall; all of which are now widely recognized as necessary conditions for improving the well being of our people and our nation.

The need to control and restrain the behaviour of MPs or elected leaders on the floor of parliament and outside was also recognized. This, of course, does not assume in absolute terms that law can successfully regulate the behaviour of MPs. It is common sense that laws are broken every day. However, something had to be done about making Governments and elected leaders not to lose sight of their primary responsibility as representatives of the people.

Concerns have been raised about the number of political parties – that Papua New Guinea has far too many political parties. However, it seems a 'natural selection process' has began to take place so that from the original 42 political groupings that lodged applications for registration - there are now 15 registered political parties recognized by the Registry of Political Parties. This has followed mergers and amalgamations of smaller and/or newer parties with larger more established political parties. Further and more ambitious efforts are under way through the same process. For instance, on 16 June 2004 it was reported by the Post Courier that a "mega merger"

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3 Registrar Paul Bengo
4 Ano Pala, Chairman, 8 June 2001.
5 ibid.
between major parties “to unite into large, single party” was being negotiated between Pangu Pati led by Sir Rabbie Namaliu, PNG Party led by Sir Mekere Morauta, and Melanesian Alliance led by Sir Moi Avei.

2. **The Integrity of Political Parties and Candidates Commission and the Office of the Registrar of Political Parties**

   Section 12 (1 - 4) of the Organic Law spells out the functions and powers of the Integrity of Political Parties and Candidates Commission. Sub-section (1) is noteworthy because these constitute the most important tasks in ensuring the integrity of political parties and candidates. The Commission is responsible for:

   - Considering applications and the registration of political parties
   - Policy concerning and, control and management of the Central Fund (public fund).
   - The administration of terms and conditions (salaries and allowances) of the executive of members of registered political parties.

   The Registry of Political Parties, headed by the Registrar of Political Parties, is an administrative unit responsible for assisting the Commission in carrying out its functions under the Organic Law. The Registry has set for itself a corporate vision, mission and a set of goals.

   **The Corporate Vision:**
   
   STRIVING TO PROTECT NATIONAL PARLIAMENTARY ELECTIONS FROM OUTSIDE OR HIDDEN INFLUENCES.

   **The Mission Statement:**
   
   CREATE AND ESTABLISH POLITICAL INSTITUTIONS AND STRUCTURES TO ENABLE EFFECTIVE MEANINGFUL PARTICIPATION OF PEOPLE IN THE POLITICAL LIFE OF NATION BUILDING.

   **Its Goals include:**
   
   - TO PROTECT ELECTIONS FROM OUTSIDE OR HIDDEN INFLUENCES
   - TO CREATE AND ESTABLISH APPROPRIATE PEOPLE BASED POLITICAL INSTITUTIONS AND STRUCTURES TO ENABLE EFFECTIVE MEANINGFUL PARTICIPATION OF PEOPLE IN THE POLITICAL LIFE OF NATION BUILDING
   - 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.

   The crucial question remains: are their signs of improvement in terms of political stability and the integrity of political parties and candidates?

3. **Political Stability and the Integrity of Political Parties and Candidates: Any Improvement?**

   Since the enactment of the Integrity Law, several developments have taken place. The political situation remains largely fluid nevertheless several issues can be discerned from the overall and on-going changes concerning political party system in Papua New Guinea. These are briefly noted below and discussed in detail in Section 4.

   i. The number of Registered Political Parties has reduced from forty two (42) in 2001 to fifteen (15) in June 2004. This has been the result of amalgamations and mergers of smaller and newer political parties with larger and more established parties. [see Appendix 1 – to be attached]
The number may be further reduced in the light of ongoing developments involving current coalition partners.

ii. Intra-party conflicts have arisen mainly due to lack of compliance or contravention of political party constitutions - as well as complete negligence and failure to adhere to provisions of the Integrity law. There are signs that Political Parties are molded to become more observant of their respective party constitutions in resolving conflicts.

iii. In relation to internal political party cohesion and the strengthening of party machinery - there are significant but still very rare developments taking place: for example, when People’s Action Party resolved democratically to specify the powers and responsibilities of the parliamentary leader and party executives.

iv. The composition of coalition partners has been tumultuous, dramatic and something of an irony. By the second year of its tenure, the coalition has been re-composed or re-aligned. [to be Illustrated]

Knowing all too well the crucial role of political parties in upholding good governance, the Registrar Paul Bengo aptly made the point:

“Political Parties and candidates make Governments.”

v. Certainly the latest political events in PNG including factions within political parties, disputes between parliamentary wings and the party executives, and failure to adhere to party resolutions and party constitutions in no way demonstrate signs of political stability.

However, from a free or 'law-less' political terrain to one where MPs of Registered Political Parties and Independent members are required to be accountable for their actions in accordance with provisions of the Integrity Law, signifies a fundamental change in the PNG Political Party system. It remains to be seen how far current trends of *bung wan taim* (unity) among existing political parties can proceed.

4. **Management of Factions within Political Parties and Strengthening of Political Parties : Implementation of the Integrity Law**

When the second vote for the motion on Section 145 (extension of grace period from 18 to 38 months) failed, the leader of 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. Upon reflection, this is a typical behaviour persistently displayed by MPs over the years- a reminiscent of ‘yo-yo politics’. These dissenting MPs should have been directed to remain in the backbenches. When this did not happen, it spelt the beginning of the saga involving People’s National Congress and People’s Progress Party as coalition partners.

On the same occasion People’s Labour Party also shifted camp – moving over to the Opposition. The sitting arrangements of MPs in the chamber must be arranged based on whether they have resolved to be in Opposition or in Government.

On 12 September 2003, Sam Akoitai handed over the United Resource Party leadership to Tim Neville - who assumed the role immediately and complied with sections of the Integrity Law by acquitting receipts of membership fees paid by members of the Independent MPs who had joined up with United Resource Party in Kokopo in 2001. He also acquitted for the K10,000.00 each funding distributed to all United Resource Party MPs to the Registry of Political Parties. Sam Akoitai’s dispute about Timothy Neville’s leadership of United Resource Party is related to the fact

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6 Paul Bengo, Registrar, June 2004.
that he himself did not ensure the relevant provisions of the United Resource Party constitution were applied. Such instances are evidence of the lack of strong party organizations and discipline.

The Commission has determined that factions within Parties concerned are to be managed by determining first, the membership of these parties and secondly, the parliamentary leader for each party. A critical decision relates specifying who is in Opposition. All these issues will be determined based on documentation on file in the Registry of Political Parties.

One critical problem is due to non-compliance of MPs to their respective party constitutions. Another related and critical issue is lack of discipline within parties. Internal or in-house matters such as establishing committees to deal with internal conflicts (i.e. conflict resolution procedures) are almost non-existent for most parties). Provisions of the Integrity Law make it mandatory for MPs and Party Executives to ensure proper meetings are convened to reach party resolutions and to verify party decisions. Good governance demands transparency and accountability. Now that Registered Political Parties are publicly funded institutions, MPs as well as party executives are now made to comply with provisions of the Integrity Law.

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.

The Office of the Registrar of Political Parties in accordance with the Integrity Law has recognized the following parties to be in the Opposition chamber: People’s National Congress, Christian Democratic Party, Peoples Labour Party, and Independent members. Those in Government include National Alliance, People’s Action Party, People’s Progress Party, Pangu Pati, Melanesian Alliance and PNG Party.

Political Parties with factions in both sides of the chamber include People’s Progress Party, PNG Party, United Resources Party and People’s Action Party until the evening of 17 June 2003 when People’s Action Party resolved to be in total support of the National Alliance-led Government. Pangu Pati factions have taken up their disputes into the court of law and thus far have resolved the issue of membership. The legal decision reached regarding disputes concerning expulsion of members (Sir Rabbie Namaliu, Ian Ling Stuckey, Ainui) as claimed by Chris Haiveta was ruled null and void. The Court ruled that no member was expelled by a legitimate party decision. The next issue remaining to be resolved by the Court relates to who is the legal Parliamentary leader of Pangu Pati.

Apparently most Registered Political Parties’ constitutions are not quite in order. The Central Fund Board and Management in registering parties initially did not press on parties to get their constitutions in order. A facilitative approach, rather than a punitive one, was adopted at the start was to encourage and support, in the actual process of implementing the Integrity law, Registered Political Parties to strengthen and develop themselves to meet the requirements of the law. Failing to do this would have meant not registering, or de-registering the entire lot of Political Parties in Papua New Guinea. Other provisions where such leniency has been applied include meeting deadlines for financial returns or disclosure and membership requirement of 500 financial members according to the amended law.

An issue that needs to be addressed is illustrated by the following case: The PNG First Party which has only one elected MP has resolved to join People’s Action Party. However, the party executives of PNG First Party have decided against this proposed merger. It was claimed by the party executives of PNG First Party that their signatures on the documentation submitted to the Party Registry proposing the merger with People’s Action Party were forged signatures.

Another issue of critical importance is the appointment of Ministers and Vice Ministers. It is acknowledged that the Prime Minister has constitutional powers to hire and fire members of the cabinet but these powers may unintentionally contravene the spirit of the Integrity Law as evident in the case of factions of RPP sitting on both sides of Parliament. The Prime Minister’s powers
may divide parties and create factions. For instance: Pangu Pati has one Minister, three backbenchers on the Government side, and two members on the Opposition side of the chamber.

This issue highlights the existence of a very fine line between constitutional powers and political interest. The Prime Minister can lead by example in avoiding the development of factions within political parties by consulting with party members and properly documented party resolutions held by the Registry of Political Parties to make Ministerial or Vice Ministerial appointments.

This reasoning is based on the recognition that Registered Political Parties are the legally recognized entities in the coalition Government or in Opposition. In other words, individual MPs should be approached through the respective party machinery and formal decision-making processes. Hence, appointments of Ministers or vice Ministers, and even shadow Ministers should be left to the respective political parties to deliberate on in consultation with either the Prime Minister or the Opposition Leader. This will help prevent factions from emerging in the future.

It is also important that the Parliamentary Standing Orders be synchronized with the Integrity Law. A related issue of importance is that the Registry must update the Clerk of Parliament any vital information that will help him advise the Speaker as and when required to during parliamentary sessions. Voting on the floor of Parliament can then be taken in an orderly manner with proper documentation and advice from the Registry of Political Parties.

4.1 **Further Strengthening of Political Parties**

Initiatives taken by Political Parties to strengthen their organizations in matters relating to conflict resolution and in specifying powers and responsibilities for the parliamentary wing and party executives pave way for positive developments. Illustrative of this point is the case of People’s Action Party. This is one of the parties that encountered conflicts and factions, with members sitting on both sides of the chamber. In a meeting held on the 12 March 2004, concerns were raised about transparency in party decision-making, and called for a halt to such practices. Also of concern to the party was the involvement of persons outside the party who were exerting undue influence and exploiting opportunities.

A People’s Action Party press statement of 23 March 2004 carried the following:

> Further to the issue of party administration, the Council directed that there must be clear separation of the powers and responsibilities of the Executive (chaired by the President) and the Parliamentary Wing (led by the Parliamentary Leader) so that the Executive remains supreme over the Parliamentary wing. The national Council retains supremacy over both the Executive and the parliamentary wing. This is a unique arrangement existing only in a PAP to provide checks and balances. The Council further noted that it was important not to co-locate the offices of the President and the leader of the Parliamentary Wing to reflect the separation of powers and responsibilities.\(^7\)

The Electoral Commission as a key agency in the implementation of the Integrity Law has quite effectively addressed the issue of double endorsement at the start of nominations for By Elections in 2004. The parties involved included PNG National Party, People’s Progress Party and Pangu Pati were directed by the Electoral Commissioner to provide documentary evidence to verify their claims for legitimate party candidates for the By Elections.

In a brief dated 26 May 2004 to the Clerk of Parliament, the Registrar of Political Parties noted:

\(^7\) People’s Action Party, Press Statement: 23 March 2004
Recent development within a number of political parties have given rise to problems of parliamentary party leadership as well as the creation of factions within a number of political parties.

The Political Parties concerned were People’s Progress Party, United Resources Party, People’s Action Party and Pangu Pati.

The decision reached by the Commission on the 19 June 2004 will have direct bearings on the motion of vote of no confidence that is rumoured to be looming in the 29 June 2004 sitting of Parliament.

4.1.1 Parliamentary Leadership

The Commission’s decisions were made in respect of three issues.

- Endorsement of Parliamentary Leaders of Registered Political Parties as those recognized by the Speaker. Hence, the political parties in question and Parliamentary Leaders were named as:
  - Paul Tiensten - People’s Progress Party
  - Timothy Neville - United Resources Party
  - Moses Maladina - Peoples Action Party
  - Sir Rabbie Namaliu - Pangu Pati

4.1.2 Factions within Political Parties

Factions have emerged within the following political parties:

- United Resources Party: Sam Akoitai vs. Timothy Neville factions.
- People’s Progress Party: Andrew Baing vs. Paul Tiensten factions.
- Pangu Pati: Chris Haiveta vs. Sir Rabbie Namaliu factions.

There is likelihood of factions emerging within People’s Action Party and Papua New Guinea Party following the Ministerial reshuffles when PNG Party moved over to the government side of the chamber.

These two (2) issues of the Recognition of Parliamentary Leaders and management of factions within political parties have direct impact on Section 65 of the Organic Law which deals with the requirement of political parties’ resolutions in relation to the following:

- A Motion of no confidence against the Prime Minister, Ministry or a Minister;
- A Vote for the approval of the National Budget; and
- A Vote to enact, amend and repeal a Constitutional Law.

The Organic Law is silent on how we manage the factions within political parties. The Law does not give the Registrar powers of intervention and mediation between factions within political parties.

The situation is made more complex, when we have one faction of the same political party sitting on the Opposition side of Parliament while the other sit on the Government side.

The re-arrangement of sitting …will not resolve the impasse within political parties. ²

The Registrar of Political Parties recommended the following to deal with and manage the issue of factions by insisting on political parties:

There must be properly convened political party meeting at which all members must be present to determine a resolution which is democratically resolved in terms of majority vote;

In the event of disputes among the factions as to the authenticity of the resolution, the Speaker must direct them to immediately convene a meeting of all members to resolve a proper democratic resolution;

It would be advisable to have political parties’ resolutions well in advance of the actual vote, because of the need to screen resolutions against the sponsors of the vote/motion.

A strong cautionary statement issued by the Registrar:

We must at all cost not give recognition to factions because it will go against the spirit of the Organic Law on the Integrity of Political parties and Candidates.

5. Conclusion

There is no doubt the legacy of weak political parties are still prevalent in the political life of Papua New Guinea today. Party hopping is still occurring as we have seen in the emergence of factions within several major political parties. The threat of vote of no confidence still prevails with the consequent bouts of political instability and the negative socio-economic impact. Power hungry politicians are still continuing to put the welfare of the country at risk by their un-disciplined actions.

It seems quite clear that the original intention of the Constitutional provision mandated Parliament to enact an Organic Law on the Integrity of Political parties and Candidates. The notion of integrity apparent from Sections 129 –130 of the Constitution of Papua New Guinea alludes to matters of external or outside influences on political parties and candidates. The main focus here is then on disclosing relevant information on funding relating to the electoral process to the Ombudsman Commission and names of candidates to be submitted to the Electoral Commission.

The events that have transpired in regards to political parties and candidates and overall political instability in Papua New Guinea have much to do with internal and in-country influences. So as it is, and thus far, the work of the Integrity of Political Party and Candidates Commission and the Office of the Registrar of Political Parties and Candidates has focused very much on strengthening political parties and molding political parties and candidates to display integrity in their political conduct and decisions. The stage of fulfilling the initial objective of safeguarding integrity in terms of financial disclosure remains to be undertaken. Adequate resources are required for a proper disclosure system and procedures to be established. Other watchdog agencies such as the Electoral Commission, the Office of the Attorney General, the Ombudsman Commission and the Register of Companies have to work together to achieve the purposes of the Organic Law.

Nevertheless, by default, the challenges of strengthening the political party system is the first necessary and critical step in fostering integrity amongst key actors in our political life and in promoting a participatory political culture amongst citizens. After all, 28 years was a long enough wait in which time PNG was fast-tracking a downhill slope – and no political party in the land could be disciplined in any other way except through the Organic law on the Integrity of Political Parties and Candidates.

As for the broad goal of fostering democracy - this political reform has much more to do with ‘democracy from above.’ Current efforts in strengthening of political parties are still focused on the national level and the involvement of national elites. Grassroots democracy involving ordinary Papua New Guineans may perhaps take as long as the attempts to enact the Integrity Law, and only until political parties take on board grassroots participation seriously.
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