

**STATE AND SOCIETY IN  
PAPUA NEW GUINEA,  
2001–2021**



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R.J. MAY



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# Foreword

Rt. Hon. Chief Sir Julius Chan GCL GCMG KBE PC MP

Ron May first became involved with Papua New Guinea around 1970 when, as an economist with the Reserve Bank of Australia, he transferred from the bank's research department to its Papua New Guinea department to work on the establishment of central banking in the emerging nation and initiate discussion of the possibilities for a separate currency. In 1972—the year in which I became minister for finance in the first Somare government—he relocated to Papua New Guinea to take up the position of field director of The Australian National University's New Guinea Research Unit (NGRU). In these early years Ron served as a board member of the then recently established Bank of Papua New Guinea and worked with the bank's first governor, Sir Henry ToRobert, in the development of the central bank and in the design of the country's distinctive currency. He and his colleagues at the NGRU also contributed in various ways to the discussion of policy issues in the young nation and to the training of Papua New Guinean researchers. At independence, The Australian National University handed over the NGRU to the Papua New Guinea government and Ron stayed on as foundation director of what has become the National Research Institute.

Although he returned to Australia in 1977, as a senior fellow in The Australian National University's Research School of Pacific Studies in Canberra, Ron maintained his commitment to Papua New Guinea, organising seminars and conferences in Canberra and Port Moresby, collaborating with younger Papua New Guinean scholars in a range of publications on political and social issues, and seeking to raise understanding of Papua New Guinea among Australian policymakers. After 'retiring' in 2004 he also spent some time in Papua New Guinea as an AusAID-funded adviser to the National Research Institute and an occasional consultant.

In 2001 Crawford House Publishing put together a collection of papers by Ron May, to mark Papua New Guinea's first 25 years as an independent nation. This volume, which was republished by ANU E Press in 2004, has been much downloaded. But much has happened in Papua New Guinea since 2004, and this volume presents a second collection of papers published over the past two decades. The papers cover a range of topics, from the proposals for political reform in the early 2000s, the discussion of 'failing states' in the same period, the shift to limited preferential voting in 2007, to a detailed account of political developments from the move against Sir Michael Somare in 2011 to the election of Prime Minister Marape. There are also chapters on language policy, external and internal security, religious fundamentalism and national identity, and a brief paper on the sustainability of economic growth prepared for a symposium organised by the Institute of National Affairs in 2016.

I and Papua New Guinea are deeply indebted to Ron May's many contributions. It is my pleasure to wish the book every success.

*Sir Julius Chan was elected to parliament in 1968 and served as minister for finance in the first Somare government, 1972–1977. He became Papua New Guinea's second prime minister in 1980–1982 and was again prime minister from 1994 to 1997. He is one of Papua New Guinea's longest-serving and most distinguished members of parliament and as the member for the New Ireland Provincial seat is currently the governor of New Ireland Province.*



# Acknowledgements

The papers in this volume have been written over a number of years and have benefited from the inputs I have received from numerous colleagues and editors. I am grateful to them for the contributions they have made. I would particularly like to acknowledge my friend and colleague the late Henry Okole, whose untimely death in 2021 deprived Papua New Guinea of one of its brightest scholars.

For the present volume, thanks go to Nicole Haley and Stewart Firth for their encouragement in producing a second volume of collected papers, to the publishers and editors who have graciously given permission to reproduce papers previously published, and to Kathryn Skorkiewicz and Tracy Harwood for their meticulous editing.

Ron May  
February 2022



# Abbreviations

ABG	Autonomous Bougainville Government
BPC	British Phosphate Commission
BRA	Bougainville Revolutionary Army
DDA	District Development Authority
DNPM	Department of National Planning and Monitoring
ECP	Enhanced Cooperation Program
FLP	Fiji Labour Party
FMF	Fiji Military Forces
FPTP	first-past-the-post
GDP	gross domestic product
ICAC	Independent Commission against Corruption
IMG	Independent Members' Group
IPIC	International Petroleum Investment Company
JDPBPC	Joint District Planning and Budget Priority Committees
LNA	League for National Advancement
LNG	liquefied natural gas
LPV	limited preferential voting
MA	Melanesian Alliance
MEF	Malaita Eagle Force
MGA	Movement for Greater Autonomy
MIG	Morobe Independent Group
MP	member of parliament
MPP	Melanesian Progressive Party
MTDS	Medium Term Development Strategy

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MUF	Melanesian United Front
NA	National Alliance
NCC	National Council of Churches
NEC	National Executive Council
NFACD	National Fraud and Anti-Corruption Directorate
NP	National Party
NPC	Nauru Phosphate Corporation
NPG	Nationalist Pressure Group
NPP	National Population Policy
NPRT	Nauru Phosphate Royalties Trust
NRI	National Research Institute
OLIPPAC	Organic Law on the Integrity of Political Parties and Candidates
PAP	People's Action Party
PDM	People's Democratic Movement
PIR	Pacific Islands Regiment
PNC	People's National Congress
PNGDF	Papua New Guinea Defence Force
PNGFP	Papua New Guinea First Party
PNGP	Papua New Guinea Party
PNGTUC	Papua New Guinea Trade Union Congress
PPCPB	Permanent Parliamentary Committee on Private Business
PPP	People's Progress Party
PSC	Police Services Commission
RAMSI	Regional Assistance Mission to Solomon Islands
RPNGC	Royal Papua New Guinea Constabulary
RSIP	Royal Solomon Islands Police
SDP	Sustainable Development Program
SRC	Student Representative Council
THE	Triumph Heritage Empowerment [party]
TPA	Townsville Peace Agreement

ABBREVIATIONS

UP	United Party
UPNG	University of Papua New Guinea
URP	United Resources Party
VMF	Vanuatu Mobile Force



# 1

## Introduction

In 2000, to mark Papua New Guinea's first 25 years as an independent state, I put together a collection of previously published papers that examined much of the new nation's political history (May 2001). In the introduction to that volume it was noted that, despite predictions to the contrary, Papua New Guinea had become one of the few post-colonial states to have maintained an unbroken record of democratic government, but that at least since the 1980s the country had been faced with a number of challenging developments. The latter included a decline in the level of government service delivery, especially in remote areas; increasing problems of urban and rural lawlessness; the spread of nepotism and corruption; poor economic management, exacerbated by the forced closure of the Bougainville Copper mine and threats to other resource projects; increasing pressure on land, and environmental degradation associated with mining and logging in some areas; and the Bougainville conflict itself, which impacted heavily on the national budget and gave rise to tensions in the relationship between the national government and the Papua New Guinea Defence Force (PNGDF) and between Papua New Guinea and neighbouring Solomon Islands.

In 1999 there had been a change of government, and the incoming coalition government under Prime Minister Sir Mekere Morauta—a former treasury secretary and central bank governor—had set itself six major objectives. These were to stabilise the economy, stabilise the budget, rebuild the institutions of state, remove the impediments to investment and growth, reach a peaceful settlement on Bougainville, and create political stability and integrity.

A major priority of the Morauta government was ‘to restore integrity to our great institutions of state’. A Constitutional Development Commission was created to conduct consultations and recommend action. Among steps taken to achieve this objective, and the sixth objective, political stability and integrity, were measures to strengthen and safeguard the independence of the Ombudsman Commission, the auditor-general, the public service and the central bank. Two more salient measures, however, were the passage of an Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC) intended to promote the development of a stronger political party system and achieve greater political stability, and a shift from the existing first-past-the-post electoral system to one of limited preferential voting (LPV) with the intention of increasing the ‘mandate’ of elected members of parliament (MPs). The OLIPPAC came into effect in 2001, shortly before the national election of 2002; the first national election under LPV was that of 2007 (both taking place after *State and Society in Papua New Guinea* was published). Chapter 2 of this volume reproduces a paper, written in 2003, which looks at the thinking behind these reforms and speculates on their potential effectiveness—partly anticipating issues that arose in later years. The operation and impact of the OLIPPAC (which was amended in 2003 and parts of which were overruled by the Supreme Court in 2010) are discussed in Chapters 4 and 5, and an early assessment of LPV is presented in Chapter 7.

With respect to the first, second and fourth of Morauta’s objectives, a number of fiscal and broader economic measures were introduced and a Medium Term Plan of Action for Public Sector Reform was drawn up for the period 2000–2003. To implement this plan the government created a new administrative structure led by a Central Agencies Coordinating Committee, chaired by the chief secretary to the government, and supported by a Public Sector Reform Management Unit. An independent Public Sector Reform Advisory Group was also created to provide stakeholder input from provincial and local-level administrations, the private sector (in part through a private sector Consultative Implementation and Monitoring Council), churches, the public sector union, the National Council of Women and research organisations.

Following the national election of 2002 Sir Michael Somare replaced Morauta as prime minister but announced his government’s commitment to maintaining the policies of economic recovery and public sector reform initiated by the Morauta government. Under a Program for Recovery and Development the Somare government listed its priorities as good governance, poverty reduction and empowerment through human



resource development, and planning was undertaken through a series of medium-term development strategies. Public sector reform was funded through a Strategic Plan supporting Public Sector Reform 2003–2007.<sup>1</sup> Somare was re-elected as prime minister in 2007. Two years later his government launched a very ambitious ‘Papua New Guinea Vision 2050’, intended to provide a plan to make Papua New Guinea ‘a smart, wise, fair, healthy and happy society’ and one of the top 50 economies in the world by the year 2050.<sup>2</sup>

During this period, under successive Morauta- and Somare-led coalition governments, GDP rose after three years of negative growth in 2000–2003 and a measure of fiscal discipline saw a decline in the ratio of public debt to GDP fall from 72 per cent in 2002 to 22 per cent in 2011. The period was also marked by an inflow of direct foreign investment into the mining and petroleum industries, especially after proposals in 2007 to exploit the country’s liquefied natural gas (LNG) resources, and a high level of associated construction activity. Papua New Guinea’s Human Development Index, however, continued to decline from 2000. Peter O’Neill controversially took over government from Somare in 2011 and was elected prime minister, legitimately, in 2012. Soon after the election the O’Neill-led coalition announced the ‘Alotau Accord’, which set out the new government’s policy priorities and called for a review of existing plans. It subsequently presented a National Strategy for Responsible Sustainable Development (STaRS) to clarify ‘the guiding principles in terms of development to achieve Vision 2050’. The STaRS identified 16 major activities within a ‘Critical Activity Matrix’. Following reviews of the Medium Term Development Plan 2011–15 (MTDP 1) and Development Strategic Plan 2010–30 initiated by the Somare government, the O’Neill government amended the *National Planning Act* to more closely align national plans to the budget, and the 2014 budget provided funding for a public sector reform project.

Among the O’Neill government’s reforms was the creation of District Development Authorities (DDAs) to replace existing Joint District Planning and Budget Priority Committees (JDPBPCs). The DDAs, launched in 2015, were intended ‘to strengthen district administration and streamline processes to improve rollout of services at the district and ward level’ and

1 For more detail see May (2006).

2 The Vision 2050 replaced another ‘visionary plan’, ‘Kumul 2020’, formulated in 1998. A measure of its ambition was the fact that on a Human Development Index list for 169 countries in 2010 Papua New Guinea was ranked 137.

were given a wide range of responsibilities including delivering services, maintaining infrastructure, disbursing grants, managing budgets and drawing up local development plans. Like the former JDPBPCs they were chaired by the open electorate MP from the district.<sup>3</sup>

Despite the abundance—and the rhetoric—of planning, however, Papua New Guinea continued to fall short of the Millennium Development Goals to which it was committed (see, for example, Andrew 2015) and by 2019 its Human Development Index ranking had slipped to 153 of 187 countries, the lowest in the Pacific. In 2015 the acting secretary of the Department of National Planning and Monitoring acknowledged that ‘our efforts in the past have not always been successful’ (DNPM 2015:11).

Export of LNG commenced in 2014 and following several years of strong growth in GDP and euphoric expectations of the prospective gains from LNG—which was predicted to double GDP—and from other large-scale resource projects, the O’Neill government introduced an ambitious Medium Term Development Plan 2016–2017 (MTDP 2), with promises of free education and increases in the public service.<sup>4</sup> The government had also borrowed heavily in the expectation of revenue from LNG. However, partly due to generous tax concessions to foreign investors in the mining and petroleum industries, real revenue had been falling since 2007 and debt servicing costs rising, and with oil and LNG prices falling in 2015–2016 there were reports that the government was facing a fiscal crisis. By 2014 the public debt to GDP ratio had risen again to over 35 per cent.<sup>5</sup> In this context, concerns about foreign investment and overseas borrowing became major issues of political contention, and were a factor in the moves that led to O’Neill’s demise (see Chapter 15).

On succeeding O’Neill in 2019, Prime Minister James Marape promised to ‘take back our economy’ but his efforts to do this encountered predictable opposition from large international companies (May 2020b) and his inability to achieve his objectives was cited by those who sought, in turn, to remove him by a vote of no confidence.

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3 For an account of policies on decentralisation in Papua New Guinea to 2009, including joint provincial and joint district planning and budgetary priority committees, see May (2009b). For a discussion of DDAs see O’Neill (2006), Wiltshire (2014) and Banga (2018). A *District Authorities Act*, initiated by MP Peter O’Neill, was passed by parliament in 2005 but never certified, and thus lapsed.

4 MTDP 2 was for two years rather than the usual five because the O’Neill government decided to align the planning process with the electoral cycle, starting in 2017.

5 See, for example, Flanagan (2016, 2018).

To some extent, Papua New Guinea's economic and fiscal problems have derived from external market forces and high rates of population growth, but to a large extent much of the country's difficulties can be attributed to poor economic management. There seems to be general agreement that, despite the wealth generated by large-scale resource projects, there has not been a corresponding improvement in service provision; this is evident in a number of social indicators. This is the subject of a brief comment in Chapter 12.<sup>6</sup>

The decline in service delivery has been particularly evident in the health sector. Having already suffered a high incidence of HIV/AIDS and a revival of drug-resistant tuberculosis, and with the nation's health system already under strain (Wiltshire et al. 2020), Papua New Guinea initially appeared to have a modest rate of COVID-19 infections (in January 2021, 12 months after the World Health Organization had declared a public health emergency, Papua New Guinea had reported only 867 cases of COVID and nine deaths), but in February there was exponential growth in the number of recorded cases and deaths from COVID,<sup>7</sup> and vaccination has been restricted by availability of vaccines, difficulties in getting vaccines to remote areas, and a high level of resistance to vaccination.

While governor of the Bank of Papua New Guinea, Morauta once said, 'the most corrosive and intractable problem we face now is corruption' (Morauta 1996). Following his election as prime minister, Morauta in 1999 announced that he would establish a national anti-corruption agency to coordinate the activities of several departments and agencies involved in anti-corruption activities. At the time there was also support for an Independent Commission against Corruption (ICAC). Legislation to set up an ICAC was drafted under the O'Neill government in 2014 but it was not until 2020 that such legislation was actually passed, and concerns remain about how effective the ICAC will be. Meanwhile, corruption has continued to plague government performance. Chapter 9 reproduces a brief paper presented to a workshop held to launch a corruption research initiative of Papua New Guinea's National Research Institute in 2007 and Chapter 14 provides some illustration of how corruption has affected recent Papua New Guinea politics (also see Ayius and May 2007).

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6 For a more extensive discussion see Webster and Duncan (2010), Howes et al. (2014) and Fox and Howes (2016). A broader analysis of policymaking and implementation in Papua New Guinea may be found in the studies by various authors in May (2009a).

7 As at 17 June 2021 the number of reported cases, across the country, was 16,933 and the number of known deaths 173—both figures probably understated.

The period from around 1999 to 2002 (following the ‘Sandline Affair’, previously described briefly in May 2001) saw marked tensions within the PNGDF and between the government and the PNGDF. In 2000 Prime Minister Mekere Morauta set up a parliamentary Ministerial Task Force on Defence, whose report concluded that critical issues relating to the mission and purpose, capacity, resourcing and structure of the force needed to be reviewed. In introducing the report to parliament, Morauta spoke of a ‘culture of instability’ within the PNGDF. A Commonwealth Eminent Persons Group was invited to undertake the review, but its 2001 report, which recommended a substantial downsizing of the defence force, exacerbated tensions. Subsequently, under a new government and a new PNGDF commander, the defence force was downsized from 3,700 to around 2,000 and in 2003 the PNGDF was deployed to Solomon Islands as part of the Regional Assistance Mission to Solomon Islands (RAMSI). Following the Bougainville Peace Agreement the PNGDF was again involved in domestic security operations beyond Bougainville, notably in assisting police during states of emergency in Southern Highlands and Hela provinces, and in security operations during national elections. Since this time, civil–military relations have enjoyed a period of relative tranquillity and there has been some new recruitment (May 2003a, 2009c, 2020a; May and Haley 2014.)

Over the past two decades, however, the other security arm of the state, the Royal Papua New Guinea Constabulary, has struggled in its efforts to maintain law and order as intergroup fighting, increasingly involving high-powered guns, and criminal groups challenge the authority of the state, and elements within the force challenge one another (see, for example, Chapters 10 and 14; for a detailed study see Dinnen 2001). Violence against women, sometimes associated with accusations of sorcery, has also been an endemic problem that efforts by government and civil society groups have been unable to contain (Amnesty International 2006; Jolly and Stewart 2012; Garbe and Struck-Garbe 2018).

The late 1990s saw progress to peace in Bougainville, culminating in the signing of the Bougainville Peace Agreement of 2001, with the promise of a referendum on the future political status of Bougainville once certain conditions had been met. In 2005 the Autonomous Bougainville Government (ABG) held its first election. The peace agreement did not bring immediate or complete peace to Bougainville but under the elected ABG, hostilities subsided and reconciliation and reconstruction commenced. In November–December 2019 the non-binding referendum

mandated under the peace agreement was held and Bougainvilleans voted overwhelmingly (by over 98 per cent) for independence. Post-referendum consultations between Bougainville and the national government began in early 2021. Bougainville's president, and former prominent member of the separatist Bougainville Revolutionary Army, Ishmael Toroama, is looking to independence by 2025 but it is still not clear that the national government will accept this demand. The resolution of this situation is perhaps the greatest challenge the nation faces (Regan 2010, 2019).

Against this background, Papua New Guinea politics continues to be characterised by robust competition, both electorally and, with qualifications, within parliament. National elections continue to be held on schedule—notwithstanding an attempt by members of the government to postpone the election in 2012—but elections have been flawed by defective electoral rolls, irregularities in electoral administration, increased vote-buying and, especially in the populous highlands, by intimidation and violence.<sup>8</sup> The results in individual electorates are frequently disputed, though the overall outcome of elections has been generally accepted, unlike the post-election chaos that occurs in some countries. Parties remain fluid, largely personalised and often short-lived, despite the provisions of the OLIPPAC (the most significant of which were overruled by the Supreme Court in 2010) and the attempts of the registrar of political parties to strengthen parties. In national elections the number of independent candidates has regularly exceeded the number endorsed by parties. Within the parliament, all governments since independence have been coalitions, cobbled together post-election but usually proving to be unstable, with MPs 'party hopping' and coalition partners changing. Since 1977 only two governments have survived a full parliamentary term, the others (apart from the 'parliamentary coup' against Sir Michael Somare in 2011 described in Chapter 13) succumbing to votes of no confidence or unsuccessful attempts to avoid votes of no confidence. To survive threatened votes of no confidence, governments, assisted by partisan speakers, have increasingly resorted to manipulation of parliamentary procedures and adjournments of parliament. A result of this has been a lowering of parliamentary performance and allegations

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<sup>8</sup> The election of 2002—in which six electorates in Southern Highlands Province were declared 'failed elections'—was widely described as the worst in the country's history (May and Anere 2011:9), but the election observation report on the 2017 election concluded that 'elections in PNG continue to trend in the wrong direction ... the 2017 elections witnessed a marked deterioration in the overarching election environment' (Haley and Zubrinich 2018:ix).

of ‘executive government’, and some shift of political contestation from parliament to the courts. It also seems to have led to increasing popular cynicism towards politicians, fostered by a burgeoning social media.

Following the demise of Prime Minister Peter O’Neill in 2019 (see Chapter 15), and the subsequent inclusion of several respected opposition members in the incoming Marape government’s cabinet, it appeared as though there might have been some change of style in Papua New Guinea politics. In subsequent months there was a steady flow of opposition MPs to the government and to the Pangu Pati of which Marape had become parliamentary leader. But in late 2020 there was a reversal of this trend and Marape himself became the target of a proposed vote of no confidence, which he successfully countered by the familiar tactic of adjourning parliament. As Papua New Guinea nears its fiftieth anniversary of statehood it seems there has been little change in political behaviour.

Reflecting on ‘the next twenty-five years’ in 2000 I suggested that:

While PNG has maintained an unbroken record of democratic government, the promise of the early nationalist leaders has failed to translate into a sense of national identity and purpose: electoral politics remains essentially parochial; national politics has for the most part been dominated by personal politicking for short-term gain; political parties have not developed to play the expected role of selecting candidates, articulating issues and keeping MPs accountable; there has been little development of a civil society, and the quality of governance has been poor. (May 2001:15)

Since this was written there has been some development in civil society, and some generational change among MPs—though the national parliament currently lacks a single female member. There have been major developments in mining and petroleum, and promises of economic transformation through the exploitation of LNG, and some commercial developments in agriculture and fisheries, but the gaps have widened between a small class of rich entrepreneurs and rentiers and the roughly 80 per cent of the population in rural villages and hamlets. Otherwise little seems to have changed.

The papers collected in this volume, written over the two decades since 2000, provide something of a background for the understanding of where Papua New Guinea sits in 2021.

## 2

# Political change in Papua New Guinea: Is it needed? Will it work?

*This previously unpublished paper was presented as the keynote address to a conference at the Divine Word University, Madang, in 2003.*

Over recent years there appears to have been a growing sense of popular dissatisfaction with Papua New Guinea's political system. The perceived failings of the system are commonly attributed to the 'inheritance' of inappropriate political institutions, and currently [2003] attempts are being made to address these perceived failings through institutional reform. The achievement of 25 years of independence provides a good occasion to look back at what Papua New Guinea has achieved during its first quarter century, and look forward to the challenges of the future. In this context, this paper will address three questions: First, did Papua New Guinea inherit 'inappropriate' political institutions? Second, what are the perceived failings of the present system? And, third, can these problems be overcome by reform of Papua New Guinea's political institutions?

Before doing so, however, it is perhaps worth reminding ourselves where we have come from. On the eve of independence in 1975 there were many who were less than confident about Papua New Guinea's political future.<sup>1</sup> In fact, Papua New Guinea has to date avoided both military coup and political authoritarianism. It remains one of the few post-colonial

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<sup>1</sup> For example, see Hastings (1971), Nelson (1972), Parker (1967) and Waddell (1973a).

states to have maintained an unbroken record of democratic government, with regular elections and unchallenged changes of government, and it continues to rank well on the Freedom House index.<sup>2</sup> That is not to say, however, that its record has been perfect.

## Appropriate institutions?

It is frequently, and increasingly, suggested that Papua New Guinea ‘inherited’ inappropriate political institutions from Australia. There is no doubt that institutional structures introduced during the colonial period have exercised a continuing influence on Papua New Guinea’s political system, just as Australia inherited features of the British system—but modified them—and the Philippines inherited features of the United States system—but adapted them. But those who use this line of argument must be reminded that the Constitutional Planning Committee that drafted Papua New Guinea’s constitution in the early 1970s was a commission of Papua New Guineans, who conducted extensive consultation with people across the country. Moreover, in drafting the constitution the founding fathers looked not so much to Australia as to other post-colonial states, particularly in Africa. And what they produced, they believed, was a ‘home-grown’ constitution.<sup>3</sup> In other words, Papua New Guinea did not simply ‘inherit’ its political institutions from Australia, and it belittles the efforts of Papua New Guinea’s founding fathers to suggest it did.

The constitution that was presented to the Papua New Guinea House of Assembly sitting as a Constituent Assembly was essentially Westminster in character: it provided for a unicameral legislature, elected from single-member constituencies on a first-past-the-post basis; it provided for a prime minister elected from among members of parliament (MPs) and a National Executive Council (cabinet) chosen by the prime minister from among the MPs; it placed the Papua New Guinea Defence Force (PNGDF) under a National Defence Council comprising the minister for defence, secretary for defence and commander of the PNGDF; and it

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2 The Freedom House index, published by the US-based Freedom Review, is an internationally recognised measure of democracy. [Freedom House ratings from 1999 to 2016 are given in Chapter 14, footnote 56.]

3 For some reflections on the constitution-making process, see Regan et al. (2001:15–32).



made provision for a substantially decentralised, but still unitary, system of government. If this was not an appropriate structure, what were the alternatives?

Most post-colonial states began with democratic forms of government (whether Westminster or presidential). Many quickly made a transition to authoritarian single-party or military regimes. In 1991 Sir Michael Somare spoke enthusiastically about such transitions: referring to Papua New Guinea, he talked about the 'tyranny of the ballot box', and suggested that 'dictatorship would go a long way to solving [Papua New Guinea's] problems'; it was, he said, consistent with patterns of traditional authority in Papua New Guinean societies (Somare 1991). But traditional authority was based on small communities, and was in any case generally competitive and flexible.<sup>4</sup> In Papua New Guinea, as elsewhere, the creation of the larger political entity of 'Papua New Guinea' brought together many communities whose relationship with each other for centuries had ranged from non-existent through tenuous to largely antagonistic. The creation of the Papua New Guinea state necessitated a new level of overarching authority at the national level. Apart from the fact that patterns of authority varied from one part of the new country to another, it simply was not possible to transpose political systems which had evolved to meet the needs of small communities into a modern state. I do not believe that most Papua New Guineans would see dictatorship as a viable or acceptable alternative for their country either in 1975 or in 2000. And a lot of people who have struggled against authoritarian regimes in countries like the USSR, the Philippines under Marcos and Indonesia under Suharto would share this view.

If we reject the authoritarian alternative, then we seem to be left with variations on a basic representative parliamentary model. Such variations include the Westminster system with its parliamentary executive, various forms of presidential system (including what Sir John Guise and others once put forward as the 'semi-presidential system'), governments of national unity, something like Indonesia's *dwifungsi* system (in which the military is formally represented in parliament), and systems (like those of Tonga, Samoa, Thailand and Malaysia) where monarchs or hereditary elites have special roles in an essentially parliamentary system. The last of these is not relevant to Papua New Guinea, and there is nothing in

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<sup>4</sup> For a discussion of chiefs and bigmen in Papua New Guinea, see May (1997a).

Papua New Guinea's history that would suggest that military *dwifungsi* is appropriate.<sup>5</sup> Governments of national unity have been suggested from time to time in Papua New Guinea, but given the instability of successive coalition governments it seems unlikely that national unity would prevail.<sup>6</sup> The relative strengths and weaknesses of Westminster and presidential systems are much debated outside Papua New Guinea;<sup>7</sup> suffice it to say that I do not believe that the adoption of a presidential system would have made substantial difference to the way in which Papua New Guinea politics has developed.

As against alternative systems, it might be noted again that Papua New Guinea has maintained an unbroken record of democracy, that its voters have displayed a remarkable ability to remove politicians through elections (just over 50 per cent at each election—a turnover figure that some people may regard as too high), that the independence of the judiciary has been maintained and that it has not experienced a military coup. By most standards this is a good measure of the success of the system.

In summary, my answer to the question, 'Did Papua New Guinea inherit "inappropriate" political institutions?' would be essentially 'No'. If there are problems in the political system, I would argue, these arise more from patterns of political behaviour, which have affected the way institutions have operated, than from the inherent nature of the institutions themselves. This leads to the second question.

## What are the problems?

In the discussion that underlies the demand for reform of political institutions in Papua New Guinea there seems to be a degree of consensus that three problems are critical: the behaviour of the legislature, the politicisation of the bureaucracy and deficiencies in the electoral system. Sometimes problems are described in terms of a failure of good governance, corruption or lack of political will, but generally these may be regarded as symptoms rather than causes of systemic malaise.

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5 Such a proposal was made prior to independence, however: see Sundhaussen (1973).

6 Before 1995, the Eastern Highlands provincial government successfully used what was in effect a 'government of national unity' (Stewart 1997).

7 See, for example, Lijphart (1992).

## Legislative behaviour

Since 1972 all governments in Papua New Guinea have been coalition governments, and since 1977—the first election after independence—no government has lasted a full five-year term. [The Somare government of 2002–2007 was the first to survive a full term, as did the O’Neill government of 2012–2017.] Not being differentiated markedly by ideology or platform, and tending to revolve around a personalised leadership, political parties have been quick to hop from one coalition to another when they see advantage in doing so. Over the years almost every party in Papua New Guinea has, at some stage, been in coalition with every other party. Similarly, with weak party allegiance and discipline, individual MPs have regularly shifted from one party to another. Locally, this pattern of behaviour is referred to as ‘*yo-yo politik*’. It has come to be associated with frequent votes of no confidence against the prime minister and a porkbarrelling style of politics in which party leaders seek to ‘buy’ the support of MPs, and individual MPs seek to maximise their returns from office—and, given the high rate of turnover at elections, to do so in the shortest possible time. The result of this is a strong tendency on the part of MPs to place short-term personal gain and benefits for one’s *lain* or supporters above commitment to longer-term national goals and policies, a tendency that is seldom consistent with good governance.

## Politicisation of the bureaucracy

In the years before and immediately following independence, it was frequently the case that public servants used their greater experience and generally higher levels of education to dominate politicians, who were often first-time ‘grassroots’ members. By the early 1980s the situation had been fairly thoroughly reversed, with ministers, national and provincial, often stacking the bureaucracy with political appointees (often *wantok*) and not uncommonly intimidating public servants who proved to be uncompliant. At best, such politicisation has created a functioning system based on nepotism; at worst it has undermined efficiency, accountability and discipline, and fostered corruption. A particular, and serious, instance of politicisation has been the frequent changes in the command of the PNGDF. As a result of the spread of what in Indonesia is now referred to as ‘KKN’ (corruption, collusion and nepotism), there has been a growing public cynicism towards politicians and an increasing sense

of alienation from the state. One indicator of this has been an escalation of compensation demands against the state, ranging from demands for additional compensation for land already acquired by the state for infrastructure such as schools and roads, to claims for damages arising from the actions of police.

## The electoral system

Briefly (since we will return to this below), perceptions that there are problems with Papua New Guinea's electoral system stem primarily from the fact that there have been large and increasing numbers of candidates contesting elections: in 1997 an average of 22 candidates per (single-member) electorate—with a high of 61 in Northern [Oro] Provincial—compared to just over eight in 1977. The problem is not so much the numbers per se, but the fact that, combined with a weak party system and voting largely along local or clan lines, candidates may be elected with a small part of the total vote. In 1997, for example 14 per cent of all winning candidates won with less than 10 per cent of the vote in their electorate, and 87 per cent won with less than 30 per cent. Thus, in 1999, under a headline, 'House is full of "rejects"', former prime minister Sir Michael Somare told a seminar organised by the Constitutional Development Commission that the 1997 election figures did not mandate the current MPs to make decisions on behalf of the people (*Post-Courier* 7 September 1999). The fact that elections can be won with a small percentage of the vote also contributes to the high turnover of politicians and the unpredictability of electoral outcomes. Further, it places a premium on keeping one's *lain* together; in some electorates this has resulted in restrictions on campaigning by 'outside' candidates, often associated with violence and intimidation of voters.

Have these problems been correctly identified? Broadly, I think the problems of a poorly functioning legislature and a politicised bureaucracy have been correctly identified. The issue of electoral behaviour, however, is more complex, and, like problems of parliamentary behaviour, has a lot to do with the non-emergence of a coherent political party system. This has been recognised in the recent and ongoing debate about political reform.

## What is to be done?

Attempts to address some of these perceived problems, through institutional reform, are not new, but the reform process has gathered momentum since the Morauta government came to office in 1999. On coming to office, Prime Minister Morauta declared that a priority of his government was ‘to restore integrity to our great institutions of state’. The first step in this process was the passage of the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC).

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

The OLIPPAC addresses some complex issues and impinges upon political sensitivities—as evidenced in the changes that have taken place between the initial recommendations of the Constitutional Development Commission and the legislation finally passed by parliament. The legislation is essentially correct, however, in identifying the non-emergence of a political party system as a major source of problems in the political system.

At independence there was a general expectation that political parties would develop, as a matter of course. Pangu Pati, the United Party, the National Party and People’s Progress Party had all contested the elections of 1972 and the Melanesian Alliance emerged in 1980 from developments initiated with formation of the Nationalist Pressure Group in 1974. Reflecting the political science orthodoxy of the 1960s and 1970s, it was believed that a first-past-the-post voting system would encourage the development of a two-party system. In 1984, however, I argued that, in the absence of the sort of class divisions that characterised European (and Australian) societies, and lacking clear ideological bases of party differentiation, there was no necessary reason why the development of political parties should follow European patterns and it was more likely that, if they developed at all, parties would follow regional and personal lines (May 1984a). This is, in fact, largely what happened. Though parties did become more salient in 1977 and 1982, by 1987 commentators were observing that the impact of parties on elections was at best ambivalent (see, for example, Oliver 1989:6–14). Hence, the proportion of candidates standing, at least nominally, as independents has increased in successive elections, and more and more, both after elections and in mid-term votes of no confidence, power brokers have scrambled to cobble together

winning coalitions, ‘locking up’ candidates and offering extravagant inducements to get the necessary numbers. Lacking mass membership bases, effective party discipline and distinctive ideologies, and with an apparently declining capacity to fund candidates, parties have become personalised and allegiance has been fluid.

How does the OLIPPAC address such problems? The Organic Law, finally passed in December 2000, contains five main sets of provisions: registration of political parties, public funding of political parties, incentives for parties to nominate women candidates, disincentives to ‘party hopping’ and penalties for ‘interference’ with MPs.

*Registration of political parties* is a useful measure, but not in fact a new one: the Electoral Commission already has a registry of political parties (though in fact if you request information about the parties registered you are referred to the registrar of companies, who requires a K100 fee for each search). What is puzzling, however, is why it was decided to locate the registrar of political parties outside the Electoral Commission. It has been argued this was done to ensure the political independence of the registrar; however, if the office of the Electoral Commission is not itself politically independent then there are problems in the system that should be addressed directly.

*Public funding of political parties* is probably a necessary measure to promote party development. The provisions of the OLIPPAC, however, are to fund parties according to the number of members each has in the national parliament. The effect of this will be to advantage existing, larger parties and make it more difficult for new parties to emerge. Also noteworthy in the provisions of the OLIPPAC is the shift from the constitutional principle of precluding non-citizen funding of parties and candidates to the acceptance (between the first recommendations of the Constitutional Development Commission and the Act as passed) that a candidate or party may receive up to K0.5 million from foreign sources. This is a major shift away from the principles espoused by Papua New Guinea’s founding fathers, and in my opinion not a good one; the scope for ‘buying’ politicians has been substantially increased.

*Incentives for parties to nominate women candidates* (by subsidising campaign expenses paid by parties for women candidates) are designed to encourage more women candidates. Given the small number of women candidates, and the dearth of women MPs (currently two in a House of 109 members) [2003], this provision is to be welcomed.

*Disincentives to party hopping*, including the ultimate sanction of loss of seat, are intended to strengthen party allegiance and eliminate the sort of *yo-yo politik*s that currently characterises electoral and parliamentary behaviour. While there is much to be said for these measures (which contain a degree of flexibility) there are also potential disadvantages, insofar as MPs are bound to parties even if they come to disagree with party policies or leadership. There is experience of anti-party hopping legislation (for example, in India, Sri Lanka and the Philippines), but no evidence that this experience was consulted before the Papua New Guinea legislation was drafted. There is also something to be said for measures that encourage independents, in general, to join parties, though I am less than sure about the provisions of the OLIPPAC that restrict the voting rights of independent MPs on key votes—which in effect create two classes of MPs. It is also important not to underestimate the potential value of independent MPs, especially where parties are disciplined, ideologically centrist and perhaps unimaginative [as they are, for example, in Australia].

*Penalties for 'interference' with MPs* reflect the need to counter the 'lock-ups' and other practices that have grown up over the years to secure the numbers for a winning coalition, and are thus useful—though one wonders whether such practices might not be dealt with through normal criminal law.

The OLIPPAC also provides that, following an election, the party gaining the largest number of members be invited to form a government. It might simply be noted that this introduces a new principle into Papua New Guinea's politics (and one which, if applied in 1972, could have denied Pangu Pati its role in leading Papua New Guinea to independence).

## **Electoral reform**

The second major item on the Morauta government's political reform agenda is the proposal to change the electoral system, first by shifting from a first-past-the-post voting system to an optional preferential (or alternative vote) system, and second by abolishing provincial (formerly 'regional') seats.

The rationale for the first of these measures is the belief that there are too many candidates and that (consequently) most candidates are elected with small majorities and therefore lack a mandate (Somare's 'House full of rejects'). I am not entirely convinced by this argument.

First, an obvious point, a large number of candidates is perhaps a sign of the vitality of a participatory democracy—even if many may be there simply to split the votes of rival candidates. Second, while large numbers of candidates may be associated with low winning margins, it is not clear that low winning margins per se are the problem. The largest winning margin in an election in Papua New Guinea was the 83 per cent gained by cult leader Matias Yaliwan in Yangoru-Saussia in 1972;<sup>8</sup> having declared Papua New Guinea ‘independent’ at the first sitting of the House, Yaliwan attended few meetings of parliament and was consequently disqualified before completing his term—not exactly a role model! As against this, many members elected with less than 20 per cent of the vote have proved to be relatively good constituency members and able national politicians. In fact, low winning votes are not uncommon in multiparty states, and may represent a more democratic outcome than the absolute majorities gained by candidates in two-party-dominant states, where the outcome in most electorates is highly predictable (as in Australia). A more serious problem is that with many candidates, *and a weak party system*, there is a strong incentive for candidates to secure clan, or *lain*, votes: with 40 candidates, say, a candidate can win with just over 2.5 per cent of the vote; in an electorate of 30,000 voters this translates to 751 votes—which is often about the size of a *lain*. This has led to an escalation of ‘vote-buying’, bloc voting and coercion at village level, interclan violence, and attempts to block visits by ‘outside’ candidates (to the point of roadblocks and shooting at helicopters carrying candidates). These, rather than questions of mandates, are the real questions we must address.

But even if it is granted that large numbers of candidates are a significant problem, is preferential voting a solution? The argument is that preferential voting will, first, force collaboration between candidates representing rival groups over the distribution of preferences and thus reduce tensions between them (see, for example, Reilly 1998) and, second, will bestow greater ‘legitimacy’ on winning candidates because more voters will have ‘endorsed’ them. As against this: (i) preferential voting will be more difficult to administer; (ii) it is not clear that it will necessarily result in fewer candidates (indeed it might encourage more to stand); and (iii) I am not convinced that winning candidates in a preferential system will necessarily be perceived as having greater legitimacy (indeed the system

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8 Interestingly, had Yaliwan not been precluded, on educational grounds, from contesting the East Sepik Regional seat in 1972, he would almost certainly have won that seat, thus depriving Sir Michael Somare of his historic role as Papua New Guinea’s first prime minister.



may provide greater scope for contestation and dispute). This scepticism was shared by Electoral Commissioner Reuben Kaiulo, whose report on the 1997 elections commented:

The re-introduction [of optional preferential voting] is premised on the need to reduce the number of candidates to ensure that the MP has a wider basis of support and endorsement, and also to promote collaboration among candidates and counter the surge in violence. Whether the system will be able to achieve all these, if it were reintroduced, is a moot point. What is very clear, though, from the point of view of administering the election process, is that it will be more costly, become slower and less tidy.

[The impact of the introduction of limited preferential voting in 2007 is discussed in Chapter 7.]

If preferential voting is not a solution, I see no other feasible alternative (in principle, exhaustive balloting has some appeal, but is not practical for reasons of cost and logistics). The other measure sometimes proposed—raising the level of the candidate deposit fee further—is not the answer: the fee is already very high and a further increase would render candidature a preserve of the rich or well connected, and create further pressures on successful candidates to recoup their investment. If there is an answer to the perceived problem of large numbers of candidates, it might lie in the development of a strong party system that can recruit good candidates and act as a filter to reduce the number of marginal candidates.

The second element of the proposed electoral reform is the abolition of provincial seats. Originally, ‘regional’ seats were established at what is now provincial level, with a basic educational requirement, to ensure that at least some of the Papua New Guinean members elected to the then House of Assembly possessed the educational qualifications considered necessary to participate fully in the deliberations of parliament. With plenty of well-educated MPs, it is argued, such provisions are no longer needed, and the provincial seats should be abolished. Ironically, however, the provincial constituencies do achieve just what the proponents of preferential voting are seeking: they encourage voters to allocate their votes according to something other than narrow parochial interests; and, in consequence, regional/provincial electorates have over the years returned some of Papua New Guinea’s more distinguished political leaders, including the member for East Sepik, who led the country to independence. Personally, I see little to be gained from the abolition of provincial seats.

Three other elements of the Morauta government's reform program might be briefly noted.

- i. Measures to combat corruption. The government's decision to create a national anti-corruption agency, to coordinate the activities of several government departments and agencies involved in addressing this growing problem, is welcome; at the same time one might question whether Papua New Guinea's existing institutions, including the Leadership Code and Leadership Tribunal, and the Ombudsman Commission, not to mention the justice system generally, have been used adequately.
- ii. Strengthening the independence and capacity of the public service. Promises to reverse the process of politicisation that has taken place in the public service (notably by restricting the role of the Public Services Commission in the 1980s) are also welcome. But institutional changes alone will not improve public service performance; what is needed is a major change in the ethos of the public service, at both national and provincial levels. Further, there is a particular need to depoliticise and strengthen the Royal Papua New Guinea Constabulary and the Papua New Guinea Defence Force.
- iii. Review of decentralisation. At the time of the 1995 'reforms' to the provincial government system, a number of MPs opposed the measures then introduced, arguing that the apparent further devolution of powers to district (local-level) government delivered powers to local-level governments that, for the most part, lacked the capacity to exercise them effectively, and in fact enhanced the status of national MPs, politicising service delivery at the local level. The recent withdrawal of functions from two provincial governments, and what few studies we have of local-level government since 1995, seem to be consistent with the prime minister's comment in May 2000 that 'decentralisation is not working'. It may be too late to return to the provincial government system as it existed prior to 1995—which in any case had its own problems—but it might be argued that the opportunity to establish strong provincial governments was lost in the period from 1977 to 1995 by poor oversight of the provincial government system, insufficient support for basic functions like asset maintenance, financial planning and audit, and conflicts between national and provincial politicians (May et al. 1997). There are lessons to be learned in this.

## Where now?

Looking to the future, what lessons can we glean from the experience of the past 25 years?

While I do not discount the possibility of successful social engineering, I believe there is a tendency in Papua New Guinea to place too much faith in changes to institutions when the real problems are behavioural. For example, Papua New Guinea has had more public service reviews than most countries in the world over the past 25 years, but these seem to have done little to stop a steady decline in overall standards of public service delivery; in some rural areas villages have virtually withdrawn from the state. Similarly, institutional capacity building and strengthening projects, mostly funded by international donors, may be helpful in supporting good governance, but they are not a substitute for systematic policy commitment by government.

In fact, the major underlying problem of political performance in Papua New Guinea lies in the failure to make the leap from a country of small, fragmented and often antagonistic communities to a nation-state. Arguably, indeed, nationalist sentiments have diminished since the 1970s.

Ironically, language itself has not been a problem: Tok Pisin has grown as a national lingua franca, alongside English as the language of commerce and higher education and the numerous *tokples* as languages of early instruction—even though Papua New Guinea has never articulated an official language policy (even parliamentary standing orders make no mention of language) (see Chapter 8). However, the transition from clan-based, and personalised, politics to truly national politics has made little progress. Elsewhere, I have quoted Nigerian scholar Peter Ekeh, who, referring to Africa, distinguished a ‘primordial’ public realm governed by ‘primordial groupings, ties, and sentiments’, and a colonially derived ‘civic’ public realm, and suggested that ‘the unwritten law of the dialectics is that it is legitimate to rob the civic public in order to strengthen the primordial public’ (Ekeh 1975:108). Much the same might be said of Papua New Guinea.<sup>9</sup>

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9 Waddell (1973a:28) made a similar comment at the Waigani Seminar in 1972: ‘The masses ... see parliamentarians as persons who may or should be able to extract things from the government, but they do not see them as the government; they see them as seekers of favours, not participators in decision-making’.

This lack of a sense of national identity is the real problem behind the large number of candidates contesting elections, and the spread of electoral violence. It is a major reason why most MPs—even those who stand against corruption—see politics as a form of *bisnis*. It is part of the reason for the poor performance of the public sector, including the pillaging of public enterprises and the payment of huge amounts to friendly consultants. It is a major contributor to the law and order problem, from Port Moresby to Southern Highlands and Bougainville. Unless we can produce a larger mass of leaders who think and act in terms of national interests, we will never achieve the transition from fragmented societies to nation-state.

There are some hopeful signs. One of these is the emergence, over recent years, of a ‘civil society’ beyond the village. Another is the growing debate about national issues—environmental concerns, privatisation, corruption, violence against women, even electoral reform. The continuing value accorded to Papua New Guinea cultures is another positive factor in building a sense of nationhood. And the fact that democracy has been maintained for 25 years is a notable achievement. But if Papua New Guinea is not to self-destruct as a nation-state, as so many nation-states in Africa have done, and as some Melanesian neighbours appear to be doing, we need to continue down this path. That is the challenge for the next 25 years.

# 3

## **Weak states, collapsed states, broken-backed states and kleptocracies: General concepts and Pacific realities**

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For some years there has been a burgeoning literature on weak states, failed states, collapsed states and states seen to have been taken over by warlords or criminals. More recently, this discussion has been extended to take in the states of Melanesia, where Solomon Islands has been described as a failed state and Papua New Guinea as at best a weak state and at worst one on the verge of collapse.<sup>1</sup> More specifically, since 11 September 2001 strategic analysts have warned that weak states provide a haven for international terrorism (a proposition that the 'coalition of the willing' has helped demonstrate in Iraq), and this concern has been echoed in Australian policy dialogue.<sup>2</sup> Such concerns, however, raise broader

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1 For example, see *The Economist* (13 February 2003) 'The Pacific's first failed state?' (on Solomon Islands) and Windybank and Manning (2003:1) (on Papua New Guinea).

2 See, for example, Australian Prime Minister John Howard: 'If the Solomons becomes a failed state, it's a haven potentially for terrorists, drug runners and money launderers ... we don't want that on our door step' (transcript of the Prime Minister the Hon. John Howard, MP; interview with Charles Wooley, *60 Minutes*, 20 July 2003, cited in Kabutaulaka 2004:7). Also see ASPI (2002:28; 2003:6, 13–15).

questions of what is meant by such terms as ‘weak state’, ‘failing state’ and ‘collapsed state’, and what outside intervention can, and cannot, achieve. This paper provides a brief and selective overview of the relevant literature before examining the experience of five Pacific island states that have been described as weak, failing or collapsed. It argues that broad generalisations about state failure are unhelpful and that, while there may be a role for outside assistance to strengthen state capacity, such outside intervention is fraught with difficulties.

## **From broken-backed states to collapsed states**

The idea of state weakness is not new. In the early 1960s Hugh Tinker wrote about ‘broken-backed states’, predicting that the broken-backed state would probably provide the pattern in East Africa and other areas ‘unprepared’ for independence. Candidates for broken-backed status were characterised by the lack of a significant Westernised middle class committed to representative government, the absence of a professional civil service and army to uphold law and order ‘or even exert a counter leverage to the politicians’, the low probability of a traditional leader filling the [national] political vacuum created by the withdrawal of the colonial power and the low likelihood of a communist mass-party takeover. ‘The centralized state will cease to be’, Tinker suggested. ‘The simulacrum of government will continue in the capital, but within twenty miles there will be a total divorce between appearance and reality. The man with the gun will have taken over’ (Tinker 1965:114–17).

Tinker’s prototype of the broken-backed regime was Burma, where a military regime had recently taken over government. Yet in Burma, Tinker observed, ‘despite the negation of government, life continues and is not all barren ... an almost complete breakdown of the national machinery ... does not entail a similar breakdown in local life. And so there is no dramatic national collapse: there is just broken-backed government’ (Tinker 1965:117–18).

Somewhat similar ideas were expounded by a number of scholars in the latter half of the 1960s and early 1970s as a growing number of democratic governments set up by retiring colonial governments gave way to military coups, authoritarian one-party regimes or civil wars (which frequently followed lines of ethnic cleavage). Between 1945 and 1976,

Eric Nordlinger (1977) calculated, two-thirds of the countries of Latin America, Asia, Africa and the Middle East had experienced various levels of (domestic) military intervention against civilian governments, to the extent that Joseph La Palombara ('Foreword' to Nordlinger 1977:x) was moved to comment that 'military coups are now so frequent and widespread they must be considered as significant as elections'.

Addressing the issue of 'nation building', a number of scholars queried the underlying evolutionist assumptions of the more extreme 'modernization theorists' (such as Rostow 1971) who suggested a virtually inevitable transition from traditional society to modern state, noting that 'many of the same factors generating national identities ... are generating sub-national identities as well' (Weiner 1973:253), and that the politics of developing societies, 'segmented by region, community, kinship and the pace of social change' was 'amorphous and inherently unstable' (Heeger 1974:23). In 1975 Nigerian scholar Peter Ekeh (1975:108) suggested that a common problem for post-colonial states in Africa was the existence of two public realms, one civic, one 'primordial', and that 'the unwritten law of [modern African politics] is that it is legitimate to rob the civic public in order to strengthen the primordial public'. Earlier, Samuel Huntington (1965, 1968) had enunciated a succinct proposition about social order in changing societies: 'The rates of social mobilization and the expansion of political participation are high; the rates of political organization and institutionalization are low. The result is political instability and disorder' (1968:5). Indeed 'stability' became a key word in the literature of comparative and development politics. Some even saw virtue in 'bureaucratic authoritarian' states, which seemed to offer greater stability, and hence development, than democratic states.

The concerns of the time were reflected in the writings of several informed commentators in the lead-up to independence in Papua New Guinea in 1975. Australian journalist Peter Hastings (1971:32) spoke of the 'inescapable similarity between Africa and Papua New Guinea', suggesting that after independence 'the Army will inevitably be involved in the political direction of the country', and Hank Nelson wrote:

After the formal withdrawal of Australian authority the new government may seem to work well, then, as corruption, inefficiency and secessionist movements become more obvious, the few educated and competent will take over, either dismissing the institutions of government established by Australia or ignoring them. (Nelson 1972:208)

In the latter part of the 1980s, Joel Migdal (1987, 1988) popularised the idea of the ‘weak state’ and in a comparative study of five states, counterpoised the weak state with the ‘strong society’. Migdal suggested that the capacity of the state could be assessed in terms of its ability ‘to penetrate society, regulate social relationships, extract resources, and appropriate or use resources in determined ways’ (Migdal 1988:4). In a weak state, he argued, compliance was weak, participation low and legitimation poor (Migdal 1988:32–33). The idea of the weak or fragile state was frequently employed as a number of states faced crises of governance and legitimacy during the 1990s.<sup>3</sup>

During the 1980s the experiences of a number of African states produced an extensive literature of state collapse. A sample of this writing was brought together in William Zartman’s *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (1995).<sup>4</sup> Zartman himself defined state collapse as ‘a situation where the structure, authority (legitimate power), law and political order have fallen apart and must be reconstituted in some form, old or new’ (1995:1). Addressing the question, ‘Why do states collapse?’, Zartman answered, somewhat tautologically, that states collapse ‘because they can no longer perform the functions required for them to pass as states’, but he went on to point to the link between state collapse—‘the breakdown of good governance, law and order’—and societal collapse—‘the extended breakdown of social coherence’. In a description of the characteristics of breakdown that recalls Tinker’s description of broken-backed government, Zartman wrote:

The normal politics of demands and responses atrophies; the political processes for popular legitimization are discarded or prostituted; politics and economics are localized; and the center becomes peripheral to the workings of society. (Zartman 1995:5–6)

Hans-Joachim Spanger (2000:8), however, has questioned the generality of the model of state failure derived from African experience: ‘as opposed to the painful and lengthy European history of gradually decoupling the state as an institution from the individuals who happen to run it, there is no idea, lest practice [in Africa] of the state beyond clan and kinship loyalties’.

3 In a workshop at The Australian National University in 1997, attended by Migdal, Migdal’s ideas were discussed in the context of Asia-Pacific societies. On Melanesian countries, see papers by Dinnen, May, Larmour and Dauvergne, in Dauvergne (1998).

4 Purdue University has sponsored a series of conferences on ‘failed states’, the first in 1998: [www.purdue.edu/uns/html3month/1998/980213.Stohl.failed.html](http://www.purdue.edu/uns/html3month/1998/980213.Stohl.failed.html)



Another body of literature has focused on the criminalisation of the state or its capture by local strongmen or warlords (reversing the historical process by which many states have emerged).<sup>5</sup> Commonly cited examples of such 'kleptocracies' or 'predatory states' include the Democratic Republic of the Congo (Zaire) under Mobutu, the Dominican Republic under Trujillo, Haiti under the Duvaliers, the Central African Republic under Bokassa, Nicaragua under the Somozas and the Philippines under Marcos. Most of these were superficially strong states, but states whose leaders' excesses eventually caused them to implode. But equally, when state capacity is weak—for example during wars or internal strife—warlords and criminals may move in to fill the power vacuum.<sup>6</sup>

Increasingly, however, concerns about state collapse became associated with questions of international security. In part this was an outcome of the breakup first of the Soviet Union and then of Yugoslavia, but it also drew from the experiences of Afghanistan and Somalia. After September 11, 2001, the linking of state failure and international terrorism became more explicit. Robert Rotberg, for example, wrote in the prestigious US journal *Foreign Affairs*:

In the wake of September 11, the threat of terrorism has given the problem of failed nation-states an immediacy and importance that transcends its previous humanitarian dimension ... Failed states have come to be feared as 'breeding grounds of instability, mass migration, and murder' (in the words of political scientist Stephen Walt), as well as reservoirs and exporters of terror. The existence of these kinds of countries, and the instability that they harbor ... endangers world peace. (Rotberg 2002a:127–8)

Among the characteristics of failed states, Rotberg listed:

a rise in criminal and political violence; a loss of control over their borders; rising ethnic, religious, linguistic, and cultural hostilities; civil war; the use of terror against their own citizens; weak institutions; a deteriorated or insufficient infrastructure; an inability to collect taxes without undue coercion; high levels of corruption; a collapsed health system; rising levels of infant mortality and declining life expectancy; the end of regular

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5 For example, see Andreski (1968), Aquino (1987), Klitgaard (1990), Lundahl (1997), Reno (1999) and Sidel (1999).

6 Compare Acemoglu et al. (2003:1): 'kleptocracy emerges in "weakly-institutionalized polities", where formal institutions neither place significant restrictions on politicians' actions nor make them accountable to their citizens'.

schooling opportunities; declining levels of GDP per capita; escalating inflation; a widespread preference for non-national currencies; and basic food shortages, leading to starvation. (Rotberg 2002a:132; also see Rotberg 2002b)

Somalia, Rotberg suggested, was the model of a collapsed state: ‘a geographical expression only, with borders but with no effective way to extend authority within those borders’ (2002a:133). Other failed states (in 2002) were Afghanistan, Angola, Burundi, Democratic Republic of the Congo, Liberia, Sierra Leone and Sudan. (Presumably Iraq could now be added to the list.) Indonesia, Colombia, Sri Lanka and Zimbabwe were among two dozen ‘nation-states that contain serious elements of failure but will probably avoid failure, especially if they receive sufficient outside assistance’. Fiji and Solomon Islands were listed among several states ‘vulnerable to further deterioration’ (Rotberg 2002b:93).

Most of the literature of state failure is concerned with developing, post-colonial countries, in which it is frequently observed that the correspondence between ‘state’ and ‘nation’ has been weak. As a corollary, there has never been much sense of nationhood or national identity at the level of the state, and hence only a weak perception of state legitimacy. It might be observed, however, that this is not a feature unique to developing countries. Post-Soviet Russia, for example, has been characterised by a weak state whose authority is challenged by criminal organisations (‘the Russian mafia’), corrupt police and government officials, and separatist rebels. In Italy it is widely recognised that the writ of the state does not extend to all parts of the country. In his novel *Midnight in Sicily*, Peter Robb recalls that an Australian ambassador to Italy in the late 1980s, intent on visiting those places whence people had emigrated to Australia, was forbidden by the government in Rome from visiting large tracts of Calabria, since it could not guarantee his safe conduct. Indeed, a report to the Italian government about this time had said that, ‘In many parts of Sicily, Calabria and Campania the domination of the territory by organized crime groups is absolute’ (Robb 1996:37–38). Even in the United States, where until comparatively recently the electoral (and other) rights of African Americans were severely constrained in some states, the authority of the government is at best tenuous in large sections of some cities, and in 2003 the state of California declared a state of emergency in response to a fiscal crisis.

Rather than seeing state failure as a phenomenon confined to Third World countries, it might thus be more appropriate to think of a continuum of state effectiveness stretching from, say, Somalia, where state collapse has been sufficiently dramatic that it has not always been clear who represents the state (let alone whom the state represents), through varying degrees of state weakness, to countries in which the state is well entrenched, with a virtual monopoly over coercion, and effective (if perhaps sometimes misguided) in its ability to exercise authority and deliver services. Australia is perhaps close to this other end of the spectrum. From this perspective, the question is less one of whether a state has collapsed or not collapsed, as one of how far the writ of the state extends, and what are the elements of state weakness (or strength). In this context, for example, Michael Field (*Pacific Magazine* September 2003) has contested the idea of Solomon Islands as a failed state, on the grounds that, 'for 85 percent of [the population], the state never existed anyway; and spread across 100 islands they have lived a successful if plain subsistence lifestyle'.

## The Pacific context<sup>7</sup>

In recent years there has been a good deal of discussion of state weakness and state failure in the island Pacific, particularly in the Melanesian states.<sup>8</sup> Much of this has come from Pacific island leaders themselves (see, for example, May 2003b:1). In 2000 it was a common view, especially in Australia, that the Solomon Islands 'coup' was a 'copycat coup' inspired by George Speight's coup in Fiji, and that via some domino effect Papua New Guinea and ultimately Vanuatu would follow.<sup>9</sup> This section looks briefly at the experiences of five Pacific island states whose fragility has been a subject of international comment.

### Fiji

Until 1987 Fiji looked, to most outside observers, like a model post-colonial state. A society ethnically divided between indigenous Fijians and Fiji citizens of Indian origin whose forebears had been brought to

7 This section draws on May (2004a).

8 In addition to sources cited above, see Reilly (2000) on the 'Africanization' of the Pacific, and the critique of the Africanization thesis by Fraenkel (2003). Also see Henderson (2003).

9 For example, see Greg Sheridan in *The Australian* (6 June 2000).

Fiji as indentured labour for the colonial economy,<sup>10</sup> Fiji had achieved a smooth transition to independence and had enjoyed a fairly high degree of political and economic stability. Its political system embodied a compromise between equality for all citizens and recognition of the paramountcy of indigenous Fijian interests, and it enjoyed a degree of economic success, in part through a prosperous tourism industry. In 1987, however, the electoral victory of the recently formed multiracial Fiji Labour Party (FLP) over the Fijian-dominated Alliance Party, which had held government since independence in 1970, provoked a political crisis that culminated in the Pacific's first military coup. Lieutenant Colonel Sitiveni Rabuka, the third-in-command of the predominantly Fijian Fiji Military Forces (FMF), detained the elected government of Timoci Bavadra and created a 16-member Council of Ministers, which included himself, 11 Alliance members of parliament (including paramount chief and former prime minister the late Ratu Sir Kamisese Mara) and four members of the populist Fijian nationalist Taukei movement. Rabuka's action was endorsed by the Great Council of Chiefs, the supreme chiefly body representing the interests of indigenous Fijians, though Rabuka himself was not a chief.

Although various explanations have been offered for the coup of May 1987,<sup>11</sup> the victory of the FLP, in which Indo-Fijians were strongly represented, was seen by many Fijians as posing a threat to the principle of the paramountcy of Fijian interests (despite the fact that Bavadra himself was an indigenous Fijian).

In the weeks that followed the creation of the Council of Ministers, the civilian politicians, led by Ratu Mara, entered into discussions that culminated in an agreement to establish a caretaker government, which would include members of parliament from both the Alliance and the deposed government, under the governor-general, Ratu Sir Penaia Ganilau. The effect of this was to partially marginalise Rabuka and the Taukei leaders. But before the caretaker government could be announced, Rabuka staged a second coup, abrogating the 1970 constitution and declaring himself head of a republican government. Subsequently, deferring to the chiefly elite, Rabuka resigned from the FMF and became

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10 In 1987, 46 per cent of Fiji's population were indigenous Fijian and 48 per cent of Indian origin ('Indo-Fijian'); the remainder were European, Chinese and other Pacific islanders. By 1996 the estimated proportions were Fijian 51 per cent and Indo-Fijian 44 per cent.

11 For a review of the various accounts see Ewins (1992). Rabuka's own version of the events of 1987 is contained in Dean and Ritova (1988). Also see Lawson (1991) and Premdas (1995).

deputy prime minister in an interim civilian government headed by Ganilau, as president, and Mara, as prime minister. A new constitution was drawn up in 1990 and two years later elections were conducted under the new constitution. Rabuka was elected prime minister.

The Fiji coups of 1987 were strongly condemned outside Fiji, especially by Australia and New Zealand. After the second coup of 1987 Fiji was expelled from the British Commonwealth. But after an initial reaction there was no serious discussion of foreign intervention to support the democratically elected FLP government, and after the 1992 elections Rabuka was generally accepted as the legitimate head of an elected government.

Neither of the 1987 coups was particularly violent, but there were instances of physical harassment, arson and looting, mostly directed against Indo-Fijians. A number of Indo-Fijians left the country, many of them migrating to Australia and New Zealand, and the tourism industry suffered a major setback, which contributed to a more general economic decline.

As the political situation settled down again, the Rabuka government authorised the drafting of a new constitution. After a lengthy process of consultation, the new constitution was passed in 1997. It was widely acclaimed as an attempt to achieve reconciliation between the dominant ethnic groups, while acknowledging the paramount interests of the indigenous Fijians in matters such as land.<sup>12</sup> In 1997 Fiji was re-admitted to the Commonwealth.

The first elections under the new constitution were held in 1999. In the event, Rabuka was not returned to parliament and electoral victory went to the FLP, which was led by an Indo-Fijian, Mahendra Chaudhry. Within 12 months, the Chaudhry government was overthrown, this time in a civilian coup, led by businessman George Speight. Speight was backed by members of the Fijian elite and elements within the army and police. Again, the factors behind the coup were complex, but in 2000 appear to have had less to do with the ethnic divide than was the case in 1987 (see, for example, Lal 2000; Lal and Pretes 2001; Robertson and Sutherland 2001).

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12 A collection of papers on Fiji in the 1990s is contained in Akram-Lodhi (2000).

After a period of unrest, Speight was arrested, along with some members of the FMF, and sentenced on charges of sedition. New elections were held in 2001, this time returning a Fijian-led government headed by Laisenia Qarase, who had headed an interim administration following the coup. Under power-sharing arrangements introduced in the 1997 constitution in an effort to reduce racial divisions, Prime Minister Qarase was bound to offer posts in the cabinet to the defeated FLP (which won 28 seats in the 70-seat parliament); according to Qarase, an offer was made, but withdrawn when the FLP put forward unacceptable policy conditions. The FLP challenged the government's decision and in 2003 the Fiji Supreme Court ruled that it was entitled to representation in cabinet (though as of April 2004 the matter was not finally resolved).

Fiji thus appears to have returned to some degree of political order, and has achieved a measure of economic recovery. The political landscape has significantly changed, however. The racial harmony that the country appeared to enjoy before 1987 has been substantially undermined and there are new tensions within indigenous Fijian society. But no-one seems to be suggesting that Fiji is a failed state.

## Papua New Guinea

Despite a good deal of negative prediction in the lead-up to Papua New Guinea's independence in 1975, and notwithstanding the emergence of separatist movements in Papua and on Bougainville on the eve of independence, Papua New Guinea achieved a smooth transition to independent statehood and generally prospered, politically and economically, during its first decade as a new state (May 1997b).

From around the mid-1980s, however, there were increasing signs of state weakness. *Raskolism* (criminal activity by gangs of mostly unemployed youth) and intergroup (or 'tribal') fighting appeared to escalate, both within the towns and in the countryside, and the capacity of the state to maintain law and order came seriously under question. As early as 1977 there were calls for the deployment of the Papua New Guinea Defence Force (PNGDF) to assist police in dealing with intergroup fighting and criminal activity in the highlands, and although the PNGDF was not called out, two years later a state of emergency was declared in the five highlands provinces. In late 1984 another state of emergency was declared in response to rising urban crime and violence in the national capital, and this time the PNGDF was called out to assist police. The

PNGDF was involved in further such operations in 1985, 1987 and 1988, before becoming engaged in the rebellion in Bougainville (see below). As problems of lawlessness escalated, the 'disciplined forces' sometimes became as much a part of the problem as a means of resolving it, and demands against the state for compensation for draconian police actions became more frequent. By 2002, when intergroup fighting in the Southern Highlands disrupted national elections in that province, police were reluctant to intervene because, they said, they were not only outnumbered but outgunned.

In 1976 the Papua New Guinea government had decided to introduce a system of provincial government, recommended by the Constitutional Planning Committee in 1974 but rejected by the Constituent Assembly. This was partly a response to the demands of the Bougainvillean separatists, though also motivated by a belief that decentralisation might bring government closer to the people. But the record of provincial governments was mixed, and by 1994 all but five of the 19 provincial governments had been suspended at least once, mostly for financial mismanagement (May et al. 1997). In 1995 the Organic Law on Provincial Governments and Local-Level Governments was amended, ostensibly to further decentralise but in fact to abolish the elected provincial assemblies and increase the roles played by national members of parliament, and perhaps by local-level governments in the system. Within five years, however, concerns were being expressed that the new provincial and local-level arrangements were not working effectively and that the delivery of government services was deteriorating; there was talk of a new review of provincial and local-level government. Similar problems of poor service delivery were also apparent within most national government departments.

Problems of maintaining law and order and of getting access to government services have spilled over into the electoral process. Since the 1980s there appears to have been an increasing incidence of electoral fraud and violence, particularly in the highlands provinces—even though every election has been held on schedule and has produced a generally accepted outcome. In 2002, electoral malpractice and violence reached new heights and in Southern Highlands, elections in six of the province's nine electorates were declared 'failed elections' (new elections were held successfully in 2003).

From 1988, protests by landowner groups seeking increased compensation for the impact of the massive gold and copper mine on Bougainville escalated into a full-scale rebellion, with the Bougainville Revolutionary Army demanding secession and the PNGDF called out to put down the rebellion. The Bougainville conflict went on for almost a decade before a ceasefire was negotiated in 1997 and the protagonists committed to a peace process. A Bougainville Peace Agreement was signed in 2001, granting Bougainville a high degree of autonomy, and the necessary constitutional amendments passed the following year (Regan 2003).

Economically, Papua New Guinea has suffered from the closure of the Bougainville mine, variable commodity prices, a decline in the real value of Australian development assistance, and, particularly, from poor economic management. The poor law and order situation, and unrealistic demands against foreign-dominated resource projects, have discouraged foreign investment and domestic savings rates have remained low. With several major mining and petroleum projects likely to come to an end by 2010, Papua New Guinea's economic prospects are not good. In addition, while the great bulk of the population still has access to subsistence agriculture, and food production has roughly kept pace with a high rate of population increase, there is growing evidence of poverty, and regression in some social indicators. With economic decline, Papua New Guinea's social problems are likely to worsen.

In sum, Papua New Guinea has suffered an ongoing crisis of governance that local initiatives and generally well-designed foreign assistance programs have failed to redress. Against this background there has been increasing talk of state collapse. As noted above, however, such gloomy predictions are not new and while some of the characteristics listed by Zartman (1995) can be applied to Papua New Guinea, there is still a functioning, if weak, state and Papua New Guinea continues to receive a favourable ranking on the Freedom House index.

## **Solomon Islands**

Like Papua New Guinea, Solomon Islands achieved a harmonious transition to independence in 1978, notwithstanding a separatist movement in the western islands around the time of independence. But, also like Papua New Guinea, Solomon Islands is a fragmented country, with over 80 different language groups and a poorly developed sense of national identity.



By the 1990s there were growing tensions in the national capital, Honiara, situated on the island of Guadalcanal, between traditional landowners and in-migrants (or the descendants of in-migrants), mostly from the neighbouring island of Malaita. In 1998 these tensions erupted into violence.<sup>13</sup> Militant groups of Guadalcanal people, initially calling themselves the Guadalcanal Revolutionary Army, and later the Isatabu Freedom Movement (IFM), began harassing Malaitan settlers in rural Guadalcanal, forcing some 20,000 people to return to Malaita or seek refuge in Honiara (whose population is predominantly Malaitan). In mid-1999 a state of emergency was declared on Guadalcanal. A series of peace talks, mediated, somewhat ironically, by Fiji's 1987 coup leader Rabuka, failed to ameliorate the situation, and the responses of the Royal Solomon Islands Police (RSIP), which is heavily Malaitan, exacerbated the situation.

Early in 2000, Malaitans, who had effectively established a Malaitan enclave in Honiara and were retaliating against the Guadalcanal population in and around the capital, formed a rival militant group, the Malaita Eagle Force (MEF). The MEF had close links with the RSIP, particularly its paramilitary police field force, giving them access to high-powered weapons. The situation deteriorated over the following months, with MEF members demanding substantial compensation payments for the loss of lives and property. A request from the Solomon Islands government of Bartholomew Ulufa'alu for assistance from Australia and New Zealand was declined.

In June 2000, MEF elements, supported by the police field force, staged a coup of sorts, seizing control of the police armoury and other installations and forcing Prime Minister Ulufa'alu (himself a Malaitan) to resign. Opposition leader Manasseh Sogavare was installed as head of government, though he was in effect the puppet of the MEF–field force 'joint operation'. Following the coup, violence, looting and destruction of property escalated and spread to other islands; in Western Province there were reports that former members of the Bougainville Revolutionary Army were providing security against attacks by the MEF; businesses closed down and many foreigners left the country, and an escalation of compensation claims—sometimes enforced at gunpoint—threatened to bankrupt the government.

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13 For accounts of the Solomon Islands conflict, see Kabutaulaka (2001), Bennett (2002), Dinnen (2003) and ASPI (2003).

A ceasefire agreement was mediated by the Australian government in August, and some 130 representatives of the militant groups and the national and provincial governments were flown to a military base in Townsville, Australia, to negotiate a peace agreement between the combatants. The Townsville Peace Agreement (TPA) was signed two months later. The ceasefire and TPA effectively brought an end to the fighting between the militant groups; provisions were made for the surrender of weapons, under the supervision of an international peace monitoring team, and for the creation of a national peace monitoring council. But there were weaknesses in the TPA process and outcome. For one, it gave formal recognition to the MEF and IFM, and left the major responsibility for weapons surrender with them. By late 2000 there was intense factionalism within both groups, and little interest in implementing the provisions of the TPA. For another, the TPA provided for an amnesty for members of the militant groups (including police who had joined the militants), and institutionalised compensation payments. Further, it allowed for former militants to be integrated into the police force as ‘special constables’ (by the end of 2001 there were around 2,000 special constables, most of them Malaitan). The result was that a number of former combatants, often armed with stolen police weapons, became systematically involved in criminal activities, including raids on the national treasury to obtain large ‘compensation’ payments. Generous duty remissions and tax exemptions were also being granted to certain individuals. The RSIP, itself compromised by the involvement of police personnel in the armed conflict and still seen as partisan, was incapable of restoring law and order. Beyond Honiara, provincial administrations, starved of funding from the centre, began pressing for greater autonomy.

In December 2001 Solomon Islands went to the polls. When votes were counted, only 18 members of the 50-member parliament retained their seats, and in the vote for prime minister, the former deputy prime minister in the Sogavare government, Sir Allan Kemakeza, was victorious. But with the limited impact of the TPA (which expired in October 2002), growing civil unrest and criminality, and a severe economic downturn, in April 2003 Kemakeza approached the Australian prime minister for assistance.

As recently as January 2003 Australian Foreign Minister Alexander Downer had said that ‘sending in Australian troops to occupy the Solomon Islands would be folly in the extreme’,<sup>14</sup> but in June, following a visit by

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14 See *The Australian* (8 January 2003) ‘Neighbours cannot be reconquered’. A similar view was expressed by New Zealand foreign minister Phil Goff in April (*Solomon Star* 17 April 2003).

Kemakeza to Canberra, Downer announced plans for an Australian-led 'cooperative intervention' in Solomon Islands, subject to obtaining the support of the Pacific Islands Forum and the passage of enabling legislation by the Solomon Islands government. These two conditions met,<sup>15</sup> the Regional Assistance Mission to Solomon Islands (RAMSI) commenced in July 2003. It involved the deployment of 2,225 police, military and civilian personnel from Australia, New Zealand, Papua New Guinea, Fiji and Tonga. This included an initial force of 1,500 Australian troops. The operation was headed by an Australian civilian, who had recently served as high commissioner in Papua New Guinea. The immediate task of RAMSI was to restore law and order, in part by securing the surrender of weapons. A second phase involves state capacity building and institutional strengthening.<sup>16</sup>

RAMSI had a significant immediate impact in restoring law and order, and has continued to enjoy a high degree of local acceptance. In its first 100 days more than 3,700 firearms were collected (including over 600 'military-style weapons'), some 340 people were arrested, including some high-profile militants, and a comprehensive review of the RSIP had commenced, with about 25 officers arrested on charges including murder, arson and assault. Government finances had also been stabilised and issues such as tax and customs collection and administration of the justice and prisons systems were being addressed (RAMSI SI-PH-4-57; also see Roughan 2003). Nonetheless, the critical tasks of prosecuting high-profile offenders (including senior politicians), achieving reconciliation and strengthening governance in Solomon Islands lie ahead. Solomon Islander academic Tarcisius Tara Kabutaulaka has warned:

[RAMSI's] emphasis on shoring up a perennially weak central government, and its inattention to other pillars of society, threaten to undermine its success and create a crippling sense of dependency ... There is a need to restore, not only a functional state, but also a functional society. (Kabutaulaka 2004:1, 7)

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15 The approval of the Pacific Islands Forum was within the terms of the Biketawa Declaration (see below). Subsequently, the operation was also endorsed by the United Nations secretary-general (UN Press release SG/SM/8811, 5 August 2003).

16 For a good summary of the genesis and objectives of RAMSI see Wainwright (2003). Also see Hegarty et al. (2004) for a review of the policy options and problems facing RAMSI.

## Vanuatu

Of the four Melanesian states, Vanuatu has perhaps maintained the best record of democratic government, since its independence in 1980. Its relatively short political history has not been without incident, however. In 1988 President Ati George Sokomanu dissolved a fractious parliament and swore in his nephew Barak Sope as interim prime minister. Sokomanu and Sope were subsequently charged with mutiny and seditious conspiracy, though the charges were overturned. Seven years later, Vanuatu's prime minister at independence, Father Walter Lini, and his coalition party leader, Serge Vohor, staged what was described as an 'administrative coup' in an unsuccessful attempt to retain office (Ambrose 1996). The following year, members of the Vanuatu Mobile Force (VMF, the paramilitary arm of the police) briefly abducted the president, while pursuing their demands for outstanding pay.

In May 2001 Vanuatu suffered another constitutional crisis, prompting some commentators to suggest a flow-on of political instability from Fiji and Solomon Islands. In this instance, the triggering event was an attempted parliamentary vote of no confidence in Prime Minister Barak Sope, in the context of an impending financial crisis (Morgan 2003). It was reported (*Trading Post* 18 April 2001) that Sope had requested the acting police commissioner to declare a state of emergency and, given links between Sope's Melanesian Progressive Party (MPP) and the VMF (the deputy leader of the MPP at the time was a former commander of the VMF), there were some concerns about an imminent coup. But in the event, the constitutional order was maintained and Sope was unseated. Subsequently he was convicted of fraud and sentenced to three years' gaol.

Shortly after this, in August 2002, a group of police personnel, including the commander of the VMF, arrested the newly appointed police commissioner and 15 members of the Police Services Commission (PSC), including the attorney-general, the secretary to the president, and the ombudsman, alleging seditious conspiracy in the appointment of the police commissioner. Although the judiciary overturned the police commissioner's appointment, a number of senior police officers were charged with mutiny and incitement to mutiny over their role in the detention of the PSC.

Vanuatu's parliamentary democracy thus remains intact, though Vanuatu is seen by many as a fragile state and a potential candidate for state failure.

## Nauru

Nauru is another Pacific island country that has been referred to in terms of failure and collapse.<sup>17</sup>

This tiny island nation (21 square kilometres with a population in 2003 of around 12,500, including some 3,000 foreign workers) was the site of phosphate mining by the British Phosphate Commission (BPC) from the early twentieth century. On the eve of independence in 1968,<sup>18</sup> Nauruans used anticipated future earnings to purchase the assets of the BPC, and have continued operations as the Nauru Phosphate Corporation (NPC). A proportion of profits from the NPC has been paid into a Nauru Phosphate Royalties Trust (NPRT), to provide a source of income after the phosphate deposit has been exhausted. In 1993, following the filing of a claim with the International Court of Justice, Australia—which, with New Zealand and Britain, was a member of the BPC, and its major customer—agreed to an out-of-court payment as compensation for the environmental damage caused by phosphate mining (which has rendered about 80 per cent of the island uninhabitable).<sup>19</sup> This money, with the profits from the NPC, has given Nauru one of the highest per capita incomes in the world. Its citizens pay no taxes, and education and health services are free. The government employs 95 per cent of the workforce. However, as a result of poor financial management, bad advice (in 1996 the government of Nauru successfully sued its legal advisers) and corruption, Nauru's financial position has been eroded. In the mid-1990s the government Bank of Nauru collapsed and persistent budgetary deficits led to excessive borrowing and the sale of assets (in the early 1990s Nauru's investments were estimated at around A\$800 million). In April 2004 receivers for the US General Electric Capital Corporation (which is owed some A\$230 million by the government of Nauru) moved in to take control of the NPRT's property investments in Australia.

17 See, for example, *The Weekend Australian* (17–18 April 2004) 'Nauru "on the brink of collapse"'. Also see *The Economist* (20 December 2001).

18 Before 1968, Nauru was a United Nations Trusteeship administered by Australia, New Zealand and Britain. In 1968, considering that Nauru had become uninhabitable, Australia offered to resettle the population of Nauru on an island off Queensland, an offer the Nauruans declined.

19 Australia agreed to pay A\$107 million, \$57 million as a lump sum payment and \$50 million in annual instalments over 20 years. New Zealand and Britain each paid A\$12 million.

During the 1990s Nauru developed offshore banking facilities and reportedly attracted large sums of money (according to Russia's central bank, about US\$70 billion) from the 'Russian mafia'. In 2002 the OECD's Financial Action Task Force on Money Laundering listed Nauru as one of the world's three most uncooperative money laundering jurisdictions, and threatened sanctions, forcing the Nauru government to close almost 450 offshore banks. Nauru has also been involved in the sale of passports.

In 2001, as part of its controversial 'Pacific Solution' to problems of people smuggling to Australia, the Australian government persuaded Nauru to establish a detention and processing centre for over 1,000 'boat people', in exchange for A\$20 million in assistance.

With assistance from the Asian Development Bank and Australia, the present government has plans for structural readjustment and environmental rehabilitation. Over the years, however, Nauru has suffered from intense political infighting, with frequent changes of government (five presidents between January 2003 and March 2004) mostly as a result of votes of no confidence, and a poor record of policymaking and implementation. After years of such political instability and financial mismanagement, and with phosphate deposits expected to have been exhausted before 2020, it faces an uncertain future.

## **Diversity in disunity**

What is clear from this brief survey is that the experiences of the five Pacific island states are substantially different. Fiji appeared to be a strong state with a functioning Westminster system, though the ethnic divide between indigenous Fijians and the Indo-Fijians was a constant source of mostly subterranean tension, which had the potential to erupt into conflict. The perception among some Fijians that the victory of the FLP in 1987 threatened the paramountcy of Fijian interests provided a trigger for that conflict, though it also brought to the surface a fractiousness within indigenous Fijian society, based on regional loyalties and economic disparities. This fractiousness has permeated party politics and the disciplined forces. Nevertheless, in 2004 Fiji does not look like a failed or failing state.

Solomon Islands, on the other hand, has displayed many of the classic characteristics of the failed state: a significant conflict, along predominantly ethnic lines, in which the police (Solomon Islands does not have a

defence force) were partisan and the apparatus of the state, at least on Guadalcanal, was essentially held hostage by armed thugs, precipitating a collapse of state functions, a withdrawal of foreign business, and a general economic collapse. The RAMSI intervention has brought law and order back to Solomon Islands and is seeking to restore governance and promote economic recovery, but if it is to do more than simply prop up the institutions through which the country was governed before 1998 it must assist Solomon Islanders to address the problems that brought about the collapse, such as the issues of internal migration, urbanisation and land, and establish institutions of governance that meet the needs of Solomon Islands citizens.

In Papua New Guinea—the largest of the Pacific island states—the issues are different again and more complex. The state is undoubtedly weak; its ability to maintain law and order and to deliver government services such as health and education is limited (though the extent of this varies across the country). But while the institutions of the state have frequently been subverted by personal and local-level political forces, there is not a major ethnic cleavage dividing the nation, democracy still prevails and the state—though challenged—retains its dominant authority over most of the country. Much the same might be said, on a smaller scale, of Vanuatu, though to date the problems appear to have been more effectively managed, perhaps in part because of the continuing strength of traditional authority at the local level. By contrast, Nauru might be described as a dysfunctional state, but with an indigenous population of under 10,000, limited human and physical resources (apart from phosphate) and vast wealth, it has little in common with any other country in the Pacific, or beyond.

Sweeping generalisations about failed or failing states in the island Pacific are at best unhelpful and at worst obfuscate the specific problems of social tension and poor governance in particular countries, impeding the formulation of appropriate policy responses. Indeed one might question whether the frequent use of the terms failed state and collapsed state has furthered the discussion of the problems facing the Pacific island countries (or countries elsewhere). Certainly, the failed, failing or potentially failing states listed by scholars such as Zartman and Rotberg cover a wide range of countries, and their collective experience seems to be of little value for predicting state failure. Zartman (1995:2–5) distinguishes several patterns of state collapse in Africa, but most involved either a concentration of power at the centre (frequently under a military dictator) and subsequent ‘implosion’, or large-scale regional or ethnic conflict. Such patterns have

limited resonance in the Pacific. Melanesia is not Africa,<sup>20</sup> nor are the problems in Papua New Guinea identical with those in Solomon Islands. While there are substantial differences among the experiences of the Pacific island countries, and significant differences between the Pacific and Africa, however, some of the issues are comparable and raise similar questions.

## Beyond state failure

One fundamental question that has been raised in relation to the Pacific island countries in the context of perceived state failure is to what extent does a decline in state capacity matter? There is a tendency to conclude that, because there have been sporadic political crises in the Pacific, the political institutions ‘inherited’ by post-colonial Pacific island states are inappropriate and the island countries must re-establish more appropriate historical political institutions and customs (*kastom*). In an extreme form, it has been argued in relation to Solomon Islands that ‘reconstruction’ efforts should be concentrated at community level and not on reconstituting ‘the state’, which is a foreign import. But is there an alternative to the state? In most parts of the Pacific (as elsewhere), colonial administrations brought together groups of communities who often had little in the way of shared histories or whose histories were marked by longstanding enmities. The colonial administrations introduced the idea of a larger state and established new relations between Pacific island communities and the outside world. In most post-colonial states there is an ongoing tension between ‘introduced’ political institutions, and the presumed political behaviour that sustains them, and local-level politics based on loyalties to clan or group.<sup>21</sup> In some parts of the Pacific—Tonga and Samoa, for example—traditional social and political structures have been substantially incorporated into modern state structures, though this has not always alleviated social tensions or brought political harmony.

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20 Moreover, note Christopher Clapham’s warning: ‘One should always be chary of easy generalisation from the experiences of one African state to the condition of the continent as a whole’. Different states had different precolonial and colonial experiences and have developed distinct post-colonial characteristics. ‘It cannot be assumed that the record of one African state will readily be replicated, even in those states that apparently most closely resemble it’ (Clapham 2001:16).

21 Compare Ekeh (1975). Also see Huntington (1968:460–61) and note Migdal’s (1987:424) comment: ‘For those interested in discerning how third-world societies are ruled and the influence of politics on social change, the local level often holds the richest and most instructive hints’.



But while community or *kastom* institutions and values play an important role in Pacific island politics, *kastom* does not provide an adequate base for government of a country in the twenty-first century. There are some functions that have to be performed at a national level (for example, defending the country's exclusive economic zone, representing its interests at international forums, dealing with international agencies, carrying out central banking and customs collection) or require coordination at national level (various government policies from school curriculums to health policies). Further, some service provision requires a level of technical input that is unlikely to be generally available at community level (for example, medical services, road building); decentralisation of government does not necessarily eliminate waste, corruption or inequity, and there is little evidence that decentralisation solves problems of law and order. In short, a national structure of governance—the state—is necessary for the functioning of a modern nation. Without an effective state structure, competing demands on the nation's resources cannot be properly prioritised and dealt with.<sup>22</sup> Indeed, it is the decline in the role the state is playing in contemporary Pacific island countries, and the resulting loss of personal security and state infrastructure and services, that has generated concern about state weakness within the Pacific nations.

If, then, the state is necessary, and particular states lack the capacity to fulfil their roles in maintaining law and order and delivering services, outside support may be beneficial, both to the citizens of those states and to their neighbours. But outside intervention to rectify what is seen as state collapse is fraught with difficulties, even when (as in the case of Solomon Islands) the state concerned invites such intervention. The record of 'state reconstruction' around the world is not impressive.<sup>23</sup> Moreover, when intervention is justified in terms of the intervener's interests (for example, the argument that Australian intervention in Solomon Islands

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22 Zartman (1995:6–7) also raises this question ('Did the state fall apart because it was the wrong institution?') in relation to Africa, and reaches a similar conclusion: 'There is no typical "African state" especially adapted to African circumstances, or specifically derived from a precolonial protoinstitution; rather is there a set of functions that need to be performed for the coherence and the effectiveness of the polity—*anywhere*'.

23 A useful recent addition to the growing literature on this subject is Bastian and Luckham (2003). It includes a chapter on Fiji, by Jon Fraenkel.

was prompted by Australia's concern for its own security), the difficulties are compounded. And, as Iraq vividly illustrates, the dangers of 'pre-emptive intervention' are extreme.<sup>24</sup>

Specifically, the argument that state failure in the island Pacific will attract terrorists and international crime (and that outside intervention is therefore desirable) needs to be questioned. Pacific island countries are unlikely bases for terrorists: there is not a local constituency for terrorism; the arrival and presence of outsiders in the small, personalised societies is generally very obvious; and the logistics of undertaking terrorist activities from small island Pacific countries must be unattractive. Apart from offshore banking, international crime syndicates are unlikely to find the small Pacific island countries an attractive base for their activities, for similar reasons. A more serious problem for Pacific island countries has been small-scale criminal activity, often involving sole operators, that has targeted small island governments (including Nauru, Tonga and Vanuatu) or their populations through financial swindles and dubious financial schemes, corrupt business practices and pyramid credit schemes—and such activities have not been attracted by state failure.<sup>25</sup>

When intervention does occur, it is essential that those intervening are aware of local circumstances and sensitivities, carefully negotiate the terms of the intervention, and recognise that any 'solutions' to the problems that led to intervention in the first place must be seen as having local 'ownership' (though in deeply divided societies it is not easy to satisfy all groups). Kabutaulaka's comments, made in relation to Solomon Islands (see above), that it is necessary to restore a functional society as well as a functional state, need to be taken seriously. The ultimate purpose of intervention is to strengthen local capacity for good governance, not to provide an alternative, foreign, government. The tensions in relations between Australia and Papua New Guinea that arose in early 2004 over Australia's 'enhanced cooperation package'<sup>26</sup> illustrate the difficulties that can arise when 'enhanced cooperation' is not adequately negotiated.

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24 Among those who argue a general case for 'preventive diplomacy' see, for example, Zartman (2001) and Crocker (2003). An interesting critique of the conventional argument for intervention is provided by Herbst (1996–97).

25 This view is elaborated briefly in May (2004b).

26 The enhanced cooperation package is outlined in The Honourable Alexander Downer, MP, Minister for Foreign Affairs, Australia, Media Release FA158, 11 December 2003, 'New Era of Cooperation with PNG', and in the 15th Australia – Papua New Guinea Ministerial Forum Joint Statement, 11 December 2003, [www.dfat.gov.au/geo/papua-new-guinea/Pages/15th-australia-papua-new-guinea-ministerial-forum-joint-statement](http://www.dfat.gov.au/geo/papua-new-guinea/Pages/15th-australia-papua-new-guinea-ministerial-forum-joint-statement)

In recent years, in the wake of the Fiji coups, the Bougainville crisis and the Solomon Islands conflict, the Pacific Islands Forum countries have become increasingly aware of how problems of internal security can threaten the viability of the island states and have agreed on the need for regional responses. In 2000 the forum members adopted the Biketawa Declaration, which outlined guiding principles for responding to crises in the region (the RAMSI intervention in 2003 was endorsed in terms of the Biketawa principles). Two years later, in 2002, a further expression of support for a regional approach to issues of transnational crime and terrorism was embodied in the Nasonini Declaration. In 2003 and 2004 national security workshops were organised by the forum secretariat in Solomon Islands, Vanuatu and Papua New Guinea.

In sum, while concern about state weakness and failure in the island Pacific is not entirely misplaced, much of the discussion to date has been simplistic, and a great deal of what has come out of Australian policy circles has been seen, justifiably, as paternalistic. If the problems of state weakness are to be adequately addressed in the region, there is need for a well-informed understanding of the specific problems facing particular countries, regular dialogue between those receiving assistance and those providing it, and a capacity for creative approaches to policies that might avoid the pitfalls experienced in so many interventions elsewhere.



# 4

## Political parties in Papua New Guinea (to 2002)

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At the time of Papua New Guinea's independence in 1975, there was a small number of recently established political parties. The Australian colonial administration had had some doubts about encouraging the growth of parties in the emerging state, but, in the late 1960s, as parties spontaneously emerged, it extended its political education program to cover them. There was a widespread expectation, at independence, that a two or three dominant-party system would develop, in the context of a first-past-the-post electoral system, though there were some who feared that Papua New Guinea, like much of post-colonial Africa, would succumb to military rule or a dominant one-party regime. In fact, as in a number of post-colonial states, a coherent political party system has not taken root in Papua New Guinea. This is so despite the fact that elections have been held regularly and have produced orderly changes of government, and that, despite some pre-independence predictions, the country has maintained a democratic parliamentary system.

In a paper written in 1984, I questioned the apparently widespread assumption that the 'party system' in Papua New Guinea was in a state of transition from an 'undeveloped' to a 'developed' system (that is, essentially one like Australia, the United Kingdom, the United States and

some European countries), and specifically challenged the view that the party system would solidify along emergent social class lines (May 1984b). Some 20 years later, political party development in Papua New Guinea—or the lack of it—has tended to strengthen those convictions. This chapter, therefore, attempts, after presenting a brief history of political parties, to examine the main features of political parties in Papua New Guinea, to look at attempts to strengthen the political party system through legislation, to explain why parties have not developed as many predicted in the 1970s and 1980s, and, finally, to speculate on the future for political parties in the country.

## A brief history of political parties to 2002<sup>1</sup>

In the lead-up to Papua New Guinea's independence, the Australian administration progressively, if perhaps somewhat belatedly, established the institutions of an essentially Westminster parliamentary democracy. A part-elected, part-appointed House of Assembly was created in 1964, replacing an appointed Legislative Council, and further elections were held in 1968 and 1972, the latter producing the country's first wholly elected parliament.

Initially, there was little enthusiasm for political parties. As late as 1967, Australia's external affairs minister, Charles Barnes, suggested that 'the Territory would be better off without [political] parties' (*Canberra Times* 23 June 1967), and this view was shared by many field officers of the Australian administration, who tended to be wary of any indigenous political organisation and disparaging of attempts to establish political parties.<sup>2</sup> Recalling his unsuccessful electoral campaign in 1967, Albert Maori Kiki said:

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1 For a more detailed history of political parties in Papua New Guinea, see Wolfers (1970), Stephen (1972), Loveday and Wolfers (1976), May (1984b, 2004c) and Okole (2004, 2005). Also see Faircloth et al. (1978). The role of political parties is also discussed in a series of studies of PNG's national elections: Epstein et al. (1971), Stone (1976), Hegarty (1983), King (1989), Oliver (1989), Saffu (1996) and May and Anere (2002). From 1967 to 1991 the *Australian Journal of Politics and History* contained a regular chronicle of developments in Papua New Guinea written by various Port Moresby-based authors, which provides valuable source material; these chronicles have been brought together in Moore with Kooyman (1998).

2 Wolfers recalls that during the 1960s, police Special Branch personnel 'were regularly to be observed taking notes' at meetings of political parties (see Epstein et al. 1971:30).

Many people had told me that it was unwise to campaign on the Pangu platform, that the administration had tried to discredit us and that it could be used against me. In fact most of the Pangu candidates, even the ones from the inner circle, campaigned as individuals in order not to expose themselves to this kind of attack. (Kiki 1968:175; also see Somare 1970, 1982)

Even as the 1972 elections approached, some officials of the Australian administration ‘foster[ed] the attitude that parties were detrimental to the country’ (Stone 1976:51).

Despite this, political education material prepared by the administration before the elections of 1968 and 1972 commended political parties, specifically supporting the idea of two or three parties over one or many (May 1976), and, after a visiting United Nations mission in 1971 had recommended that parties be promoted on a nationwide basis (United Nations 1968:66), the administration distributed a booklet on parties that contained the platforms of the three major parties at that time. Indeed, by the early 1970s, it might be said that the administration was propagandising for the institution of political parties as some prominent Papua New Guineans were arguing against parties as being potentially disruptive.

Inhibiting factors aside, mass-based political movements did emerge in the pre-independence period. Among the various political organisations to appear on the scene before the elections for the second House of Assembly in 1968, two—the United Christian Democratic Party (later United Democratic Party—UDP) and the Papua and New Guinea Union (Pangu Pati)—might be described as the first indigenous, mass-based parties. The UDP, an ideologically conservative party identified with the Catholic mission, was established in East Sepik Province in 1966, but proved to be short-lived, fading away after a disappointing showing in the 1968 election. Pangu was more successful. It emerged in 1967 from the ‘Bully Beef Club’—a group of emerging young nationalist leaders who met regularly at the Administrative College in Port Moresby to discuss political issues. The Pangu executive was representative of the four administrative regions of Papua New Guinea (Papua/South Coast, Highlands, New Guinea Islands and North Coast/Momase) and its leaders included Paul Lapun, Michael Somare, Albert Maori Kiki and Pita Lus (Somare 1975:45–51). When the second House of Assembly sat in 1968, 10 of the 84 members of parliament (MPs) were Pangu members (and another 20 or so were Pangu sympathisers). The party declared itself to be the ‘loyal

opposition’ to the administration-dominated ‘government’. Nevertheless, a study of the 1968 election, echoing Kiki’s comments, reported minimal party influence in the election:

Outside a handful of towns, there was little sign of the ‘political parties’ so hastily inaugurated during 1967 ... At worst ... it was an electoral liability for a candidate to be publicly associated with them, and candidates ... avoided or even denied such association. (Epstein et al. 1971:326)

And Ted Wolfers (1998:36) observed:

Parties probably had a real impact at the popular level only in the East Sepik, Bougainville and Morobe districts.

Between 1968 and 1972, two other mass-based movements emerged, which were described at the time as political parties (Wolfers 1970; Stephen 1972). These were the Mataungan Association of East New Britain and Napidakoe Navitu of North Solomons. But though both movements fielded candidates in the election of 1972 (and the Mataungans again in 1977), they were not formed as political parties to contest elections.<sup>3</sup> Before the end of the 1968–1972 House of Assembly, three more political parties had emerged. The first of these, the United Party, had its origins in an Independent Members’ Group (IMG) established in the House in 1968 among a group of members brought together essentially by their opposition to Pangu’s demand for early independence. The group consisted largely of highlands members together with some of the more conservative expatriate members. In 1968–1969, attempts were made by members of the IMG to create local groups to support a political party centred on the IMG and, in early 1970, the formation of a coordinating body, Combined Political Associations (Compass), was announced. Its chairman and secretary were both highlanders. The following year, Compass changed its name to United Party (UP). By mid-1971, UP claimed the backing of 45 parliamentary members. A second party also emerged from within the IMG in 1970: the Business Services Group, under the leadership of Julius Chan, comprised 10 members, mostly from the New Guinea Islands, who, it was suggested ‘seemed to represent a regional distrust of the highlands leadership implicit in Compass’ (Loveday and Wolfers 1976:21). The Business Services Group subsequently founded the People’s Progress Party (PPP). The association

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3 The leaders of several other ‘micronationalist’ movements that emerged about this time also contested elections, some successfully, but did not see themselves as political parties (May 1982:Chapter 1).



of highlanders with a 'go-slow' attitude to independence, which Compass/UP represented, also prompted the formation among a group of generally younger and more progressive highlanders of the New Guinea National Party (NP), which was generally regarded as 'the highlands equivalent of Pangu' (Loveday and Wolfers 1976:21).

The 1972 election was thus, for the first time, contested by parties. About 150 of the 611 candidates who nominated were endorsed or selected and helped by parties (Loveday and Wolfers 1976:74), and in his overview of the election David Stone (1976:535) concluded that 'undoubtedly ... what marked the 1972 general election from its predecessors was the prominent and active participation by political parties and associations'. Nevertheless, some candidates were still hesitant about publicly admitting party membership, and party organisation was still weak: as in 1968, a number of electorates fielded more than one candidate from the same party, and no party had a nationwide organisation. In the event, no party emerged from the 1972 elections with a clear majority and, notwithstanding the expectations of the UP (which had anticipated up to 60 seats and in fact won about 37), after some intense lobbying of members elected without formal party commitment, Pangu leader Michael Somare was able to cobble together a national coalition government, which embraced Pangu (with 18 endorsed candidates winning, and additional pro-Pangu members bringing its numbers to 26), PPP (11), NP (eight), the Mataungan Association (three) and eight independents. This post-election lobbying of apparently unattached members set a precedent for all subsequent elections. The UP accepted the role of opposition, and this party alignment was broadly maintained during the life of the 1972–1977 parliament (though in 1975 some UP members supported the government on critical divisions).

In 1972, a Constitutional Planning Committee was appointed to begin the process of preparing a constitution for the independent state. Its Final Report (1974) contained only a brief comment on political parties, proposing that parties be registered and supporting the idea of public funding for parties. The constitution subsequently provided that organic laws would make provision to ensure the integrity of political parties and candidates,<sup>4</sup> but 25 years later this had not been done.

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4 Sections 129–130 of the Constitution of the Independent State of Papua New Guinea stipulated that parties were to be registered and political contributions limited; contributions to parties and candidates by non-citizens were specifically precluded.

Between 1972 and the first post-independence election in 1977, there were several significant developments in the incipient party system. One was the emergence of the Nationalist Pressure Group (NPG) in 1974. The NPG represented a coalescence of members who supported the proposals of the Constitutional Planning Committee against modifications put forward by the government (Griffin 1998). Although it voted as a cohesive group on ‘national’ issues in 1974–1975, the NPG specifically avoided the label ‘party’ and its 18 core members—drawn from the four major parties plus the Mataungan Association and a newly formed Country Party (whose members were recruited mostly from the UP)—retained their party affiliations. Another development was the election, in a by-election in 1976, of a second member representing the separatist Papua Besena movement, whose leader, Josephine Abaijah, had been elected in 1972, and the subsequent announcement of a Papua Party (McKillop 1982). A third was the split and virtual collapse of the NP during 1976–1977, after Somare had dismissed from cabinet its leader and deputy leader, and a move by them to withdraw all NP members from the coalition failed. The NP split provides an early example of the way in which parties have fractured when some party members have jockeyed for a place in a new coalition while others have wanted to hold on to ministerial portfolios. By the end of the 1972–1977 parliament, party allegiances, as well as coalition ties, were looking fragile and there were calls for variously an all-party system and a no-party system.

In 1977, the party mass organisations, which had generally atrophied since 1972, were revived for the country’s fourth and inaugural post-independence election. This time, of the 879 candidates who contested the 109 seats, 295 (30 per cent) were endorsed by one, or more, of the three major parties (Hegarty 1998). In addition, a number of Papuan candidates stood for Papua Besena, which in 1977 appeared to have evolved from an ill-defined separatist movement to a fully-fledged political party. Observers of the 1977 poll seem to have been generally agreed that political parties had a substantial impact on the election (Hegarty 1983:Chapter 1; 1998), though, in an interim report on the election, Bill Standish (1977) concluded that while in the towns, competition ‘was more in terms of modern associations’, in rural areas ‘clan voting prevailed’. In 1977, as in 1972, uncertainties about the political allegiances of some candidates resulted in intense post-election lobbying among those who hoped to be able to put together a government. One proposal was for a ‘National Alliance’ including UP, Papua Besena, the Country Party and

NP. Another was for an Islands-based Alliance for Progress and Regional Development, led by the two former NPG spokesmen, John Momis and John Kaputin. In the event, the successful combination was a coalition of the enlarged Pangu and PPP membership (38 and 20, respectively) with most of the Mataungan and North Solomons members and two UP defectors, led by Somare. After several months of infighting within the opposition, former NP minister Iambakey Okuk emerged as opposition leader. Having attempted unsuccessfully to bring together his highlands supporters, Papua Besena members and some others in a People's United Front, Okuk revived the NP and, as its leader, waged an aggressive campaign against the coalition.

In November 1978, after a growing unease in the relationship between PPP and Pangu (which had probably more to do with personalities and leadership styles than with policies), PPP withdrew from the coalition. Pangu was maintained in office by a split within the UP, which brought about half of that party's members across the floor to the government. In 1978–1979, the Somare government survived three no confidence motions initiated by Okuk, but in January 1980, after a cabinet reshuffle, Momis and Kaputin withdrew from the coalition, forming a new party, the Melanesian Alliance (MA), and, two months later, with their support, a no confidence vote against the Somare government succeeded. Chan became prime minister as the head of a National Alliance government comprising PPP, NP, MA, Papua Besena and part of UP.

The Alliance was able to hold on to office until the scheduled elections of 1982, but it was, to say the least, an improbable coalition. PPP and NP, broadly aligned in support of capitalist development and foreign investment (though with little personal empathy between Chan and Okuk; see *Post-Courier* 21 June 1983), were at one end of a political spectrum from the MA, which regarded itself as being to the left of Pangu and whose leaders were strongly identified with economic nationalism and the aim of self-sufficiency; and Papua Besena, which owed its origins in large part to fear and distrust of highlanders (Daro 1976; McKillop 1982), was a strange bedfellow for a coalition in which highlands members were a large component and whose deputy leader (Okuk) was a staunch highlands subnationalist.

Between 1977 and 1981, extra-parliamentary party organisation, such as it was, had again atrophied, but party organisations were resuscitated in the lead-up to the 1982 elections and several new groupings appeared.

Indeed, in the 1982 elections, parties seemed to be more salient than ever. Pangu, PPP, UP, NP, MA and Papua Besena/Papua Party all fielded candidates, while two new groups—a Papua Action Party (which had links with the NP) and a predominantly Papuan ‘Independent Group’ headed by former defence force commander Ted Diro—emerged as significant contenders. Some 59 per cent of the 1,125 candidates who stood in 1982 were endorsed by one or more of these eight parties (Hegarty and King 1998:357). My own observation of the 1982 campaign in East Sepik Province suggested not only that nearly all candidates sought a party label (some, indeed, more than one) but also that a high proportion of voters could accurately attach party labels to most candidates; nevertheless, ‘party organization was still fairly rudimentary and ... local and kin ties and exposure to the electorate were still critically important’ (May 1989a:221–27).

Notwithstanding this, party attachment for most candidates seemed still to be loose and it was not rare for a candidate who failed to get endorsement or assistance from one party to turn to another; for some parties and in some electorates, party attachment meant little more than the use of a label. Further, in a number of instances, party members stood against endorsed candidates of their own party against their party’s interests (though in some cases, parties—especially Pangu—supported more than one candidate in order to split the local vote of opponents of their endorsed candidate). Overall, it seemed that although there was in 1982 some increase in party voting, personal and local loyalties were still considerably more important for the majority of voters (Hegarty and King 1998:361).

The outcome of the 1982 election was a victory for Pangu, which—apart from the recently established MA—was the only party to increase its representation in the parliament. Somare was duly re-elected to the prime ministership, heading a government comprising Pangu (with 50 members), UP (six) and a number of members who were either elected as independents or switched from other parties after the election. Diro emerged as opposition leader and, surprisingly, parliamentary leader of the NP, after Okuk had lost his seat in Simbu; but when, in 1983, Okuk was returned in a by-election, Diro stepped down from both posts in Okuk’s favour. The MA aligned itself with the NP/Independent Group and Papua Party in opposition, but the PPP for a while occupied the middle benches.

In 1985–1986, Pangu Pati suffered two splits. The first occurred when a group of 15 members led by Deputy Prime Minister Paias Wingti (a highlander who had been elected as a UP candidate but switched to Pangu in 1977) left to form a new party, the People's Democratic Movement (PDM). The second came in early 1986 when a small group of senior Pangu members, led by Somare's Sepik colleague Anthony Siaguru, formed a Pangu Independent Group. The group sought acceptance as an 'affiliate' of Pangu, but when this was refused they broke away to form the League for National Advancement (LNA). The Somare government survived a vote of no confidence early in 1985 with support from the NP and MA, but in November a vote of no confidence went against Somare, and Wingti became prime minister, leading a coalition consisting of PDM, PPP, NP and some Pangu, UP and MA defectors. During 1986 there was tension within the coalition, particularly between Wingti, Okuk (until his death in late 1986) and Chan, but the coalition was still intact when parliament rose for the 1987 election.

As the 1987 election approached, five new parties emerged, including the People's Action Party (PAP), a Papuan-based party led by Diro, which drew on the support for the earlier Papua Action Party and Diro's Independent Group, and the Morobe Independent Group (MIG) headed by former student leader and Morobe premier, Utula Samana. This gave a total of 15 parties. Despite the increased number of parties, the percentage of party-endorsed candidates among the 1,513 candidates nominating dropped to 37, and independents won 22 of the 106 seats contested (elections in three seats having been postponed). In a pre-election survey of voters conducted by Yaw Saffu (1989), to the question 'What is it that you would look for in the candidate you will be voting for?', only 3.4 per cent of respondents answered 'Party'. When votes were counted, Pangu had 26 seats, PDM 17, NP 12, MA 7, PAP 6, PPP 5, MIG 4, LNA 3, Papua Party 3 and UP 1. It was widely expected that Somare would be able to put together a winning coalition, but in the event it was Wingti who was successful, emerging as the leader of what Somare described as 'a ramshackle gaggle of unruly independents' (*Post-Courier* 6 August 1987), which included the PPP and a newly formed Papuan Bloc led by Diro, which included the Papua Party, PAP and some independents.

In the following months, the governing coalition came under severe strain. Diro, who had served as minister for forests in the previous Wingti government, had been named in an investigation into the forestry industry and faced a leadership tribunal as well as perjury charges; it

was also disclosed that he had received ‘campaign contributions’ of almost A\$180,000 from Indonesian Armed Forces Commander Benny Murdani contrary to the provisions of Papua New Guinea’s constitution. Notwithstanding this, Diro continued to press for appointment as deputy prime minister and for more cabinet posts for the Papuan-dominated PAP, and failed to dissociate himself from rumours of an impending coup, after Wingti had removed the commander of the Papua New Guinea Defence Force (PNGDF) and three colonels, all of whom were Papuans. Kaputin, who had been expelled from the MA for joining the Wingti coalition in 1985, initiated a meeting of New Guinea Islands members (attended by 10 of the 17 Islands members), which called for ‘political stability, social justice and a return to the principles of democracy’. And there were defections from the governing coalition, one member referring to the government as ‘morally corrupt’. Facing a vote of no confidence, the government adjourned parliament (a strategy first used by Somare in 1985 and used by successive governments after Wingti). During the adjournment there were, first, moves for a ‘grand coalition’ including PDM, PPP and Pangu, over which talks collapsed, and then the signing of an ‘irrevocable memorandum of understanding’ for the formation of a Government of National Reconciliation, embracing PDM, PPP, Pangu, PAP and Samana’s renamed Melanesian United Front (MUF). But while Wingti was signing an agreement with Pangu, he was secretly negotiating with the NP (then led by Wingti’s fellow highlander Michael Mel), and, in a cabinet reshuffle in June 1988, NP was dealt in and Pangu excluded.

A motion of no confidence was foreshadowed as soon as parliament met later that month, and there was a spate of defections from PDM. The NP also split, again. In the subsequent vote, a combination of Pangu (including a few members who defected back to Pangu), most of the Papuan Bloc, the MA, LNA, a faction of NP and a few others prevailed over Wingti’s leadership, and Rabbie Namaliu, who had replaced Somare as parliamentary leader of Pangu in July 1988, became Papua New Guinea’s fourth prime minister.

Despite the enlightened leadership of Namaliu, and the passage of a budget of ‘unity, reconciliation and reconstruction’, the period from mid-1988 to 1992, when the next election took place, was turbulent. It saw the start of the Bougainville rebellion, unrest within the PNGDF, economic downturn and escalating problems of law and order. Several votes of no confidence were initiated, and parliament was adjourned for further long periods in 1989 and 1990. In 1991, the constitution was amended to

extend the initial grace period for votes of no confidence from six months to 18. There were several cabinet reshuffles, among which Diro eventually achieved the position of deputy prime minister, a position he held until April 1991, when he was found guilty of 81 counts of misconduct under the Leadership Code. The decision of the leadership tribunal in the Diro case precipitated a brief constitutional crisis when the governor-general, a Papuan and former president of the PAP, refused to sack Diro. The tensions brought about by all this political activity saw a split in the PAP, defections from PDM, PPP and Pangu, and the expulsion of rebellious MPs from several parties.

Commenting on Wingti's political machinations in mid-1988, Saffu (1998a:455) suggested that 'Wingti's modus operandi had helped to raise the levels of cynicism and deception in PNG politics'. Indeed, the well-publicised comings and goings in the parliament of 1987–1992 left many people cynical about political parties, and, although there was, once more, something of a revival of extra-parliamentary party activity in the lead-up to the 1992 election, parties seem to have been less salient in 1992 than in the previous two or three elections (May 1996). Six of the parties that had contested in 1987 had disappeared (including Samana's MIG/MUF, Papua Besena and the Papua Party), and several new parties emerged, including the People's Solidarity Party, a breakaway from the PAP. The People's Solidarity Party polled well (probably in part at the expense of the PAP), but failed to win a seat and subsequently faded away.

In 1992, the fee for candidature was raised from K100 to K1,000 in an attempt to counteract the growth in the number of candidates standing, but the number continued to rise, to 1,655. Of these, 75 per cent chose to stand as independents. In 1987, the seven major parties (Pangu, PPP, PDM, MA, PAP, LNA and NP) won 51 per cent of votes and 76 seats; in 1992, their share of the vote fell to 32 per cent and they won 68 seats (Saffu 1996:29). Pangu was the most successful party, but its percentage of the total vote fell from 34 to 9 per cent and seats won from 50 to 20. In the vote for prime minister, Wingti, in coalition with the PPP, LNA and a group of independents, defeated Namaliu by a single vote. As in every parliament to date [2005], there was a mid-term change of government in 1994 when, having resigned and been re-elected as prime minister in a move to avoid a vote of no confidence, Wingti was removed after a Supreme Court ruling against his action. In the parliamentary vote that followed, PPP leader Chan became prime minister, outvoting prominent Port Moresby politician Bill Skate. Skate had been elected as

an NP candidate but subsequently established the Papuan-based Papua New Guinea First Party (PNGFP). Chan headed yet another coalition government, in partnership with Pangu. Chris Haiveta, who had succeeded Namaliu as Pangu leader, became deputy prime minister.

In 1997, there was a major political upheaval when the Chan government, having secretly negotiated a contract with ‘military consultants’ Sandline International to bring an end to the Bougainville rebellion, was challenged by the commander of the PNGDF, Brigadier-General Singirok. Singirok denounced the contract, detained the Sandline mercenaries and called on Chan, Haiveta and the defence minister to stand down. An inquiry was set up and a major crisis averted, but in the ensuing election Chan lost his seat.

Once again, there was a proliferation of parties on the eve of the 1997 election. New parties included the People’s National Congress (PNC), which replaced the PNGFP as Skate’s Papuan-based party; the Movement for Greater Autonomy (MGA), a New Guinea Islands–based party headed by former Manus premier, Stephen Pokawin; and the National Alliance (NA). In 1995, Somare, then a member of the Chan government, had opposed legislation that fundamentally changed the country’s provincial government system. As a result, he was dropped from cabinet and became alienated from some of his Pangu colleagues. He subsequently joined the recently founded NA, a new political grouping comprising the MA, the MGA (which also had its origins in the provincial government debate), some Pangu supporters and progressive independents. Somare used the NA as his electoral vehicle in 1997. Of the 2,372 candidates contesting, 712 were listed as having party attachment, though parties in 1997 seemed to have fewer resources to offer and party leaders seemed to be less active outside their own electorates. On these figures, the proportion of independents fell slightly, to 70 per cent, though the actual number rose. PAP fielded the largest number of candidates (111); surprisingly, given its Papuan origins, more than half of these were in highlands electorates, where there were multiple PAP candidates in a number of electorates.

When votes were counted, PPP (which had won eight seats in 1992 but had seen its support grow to 32 before the parliamentary recess of 1997) had 16 seats; Pangu had also lost ground, winning only 13 seats; the NA had 12 (including 4 MA and 1 MGA seats), PDM 9, PNC 6 (all in Papuan electorates) and PAP 6; minor parties won 9 seats and there were 38 independents. In the scramble for numbers prior to parliament sitting it looked likely that a Somare-led coalition would emerge on top, though



there was once again talk of a ‘grand coalition of unity, transparency and progress’ (*Post-Courier* 30 June 1997). However, the NA-led coalition failed to get the numbers in parliament when Skate, who had promised support for Somare, took his PNC into a rival grouping and was rewarded with the prime ministership. The Skate-led coalition included PPP, Pangu and PDM. Haiveta again became deputy prime minister. Between 1997 and 1999 the parliamentary membership of the PNC reportedly grew from 6 to 44, before falling back to 2 (Gelu 2005:86).

The Skate government faced several minor crises between 1997 and 1999—mostly self-made. In December 1998, there was another long adjournment of parliament designed to avoid a vote of no confidence (between July 1998 and June 1999, parliament met for only 17 days). Tensions had emerged between Skate and Haiveta, and when, in 1999, Skate dropped Haiveta from cabinet, Pangu withdrew from the coalition and backed the PDM in a successful move to oust Skate. Wingti having lost his seat in 1997, the leadership of PDM was assumed in 1998 by former finance secretary and central bank governor, Sir Mekere Morauta, who had stood as an independent in 1997 and had been a minister in the Skate government before becoming one of 12 ministers sacked by Skate. When parliament resumed in July 1999 Skate resigned and in the vote for prime minister, Morauta won by 99 votes to 5—with Skate voting for him! Morauta thus became Papua New Guinea’s sixth prime minister. In 2001, a number of members switched allegiance to the PDM, giving it for a while an absolute majority in parliament, but the 2002 elections saw a substantial shift away from the party (see below).

## **Characteristics of political parties in PNG**

It is impossible, within a short space, to detail the constant comings and goings of members, defecting from one party and joining another, sometimes only temporarily, and the constant wheeling and dealing among party leaders seeking to advance their party’s interests or their own ministerial aspirations through the formation of new coalitions or the preservation of existing ones. The brief history above, however, conveys something of the flavour of party politics in Papua New Guinea and provides a broad context within which some of the particular characteristics of political parties and the ‘party system’ in Papua New Guinea can be highlighted.

## Party organisation

Typically, political party organisation in Papua New Guinea has been weak. Although, on paper, some of the larger parties have had organisational structures based on party branches, most parties have been essentially parliamentary alliances and have been dominated by prominent parliamentary members (or, in a few cases—the PPP with Julius Chan and the PDM with Paias Wingti—by former MPs who hoped to be re-elected). In between elections, party organisations in the electorate, such as they exist, have tended to lie dormant. Even Pangu, which in the 1970s and 1980s probably came closest to maintaining an effective organisation—at least in its strongholds of East Sepik and Morobe Provinces—found it difficult to sustain popular support.

As a result, the textbook functions of a political party in formulating policy options, recruiting supporters and selecting candidates have seldom been fulfilled in Papua New Guinea. Indeed, rather than having party branches that select candidates from among their numbers for the open and provincial electorates, in most parties it is the party leader who seeks out and recruits likely candidates for party endorsement, frequently from outside the party. In general, the better-established parties seek candidates they think can win, and candidates choose parties they think can support their campaign and win government. It is not uncommon for candidates aligned (often self-aligned) with, but not endorsed by, a party to campaign as ‘pro’ that party; in the 1990s, for example, a number of candidates identified themselves as ‘pro-Pangu’ before Pangu discouraged the practice.

Lack of mass membership has also affected party finances. In the elections of 1968–1987, the larger parties were generally able to offer financial and logistical support during election campaigns—financing candidate deposits and the printing of posters, providing vehicles, boats or outboard motors for campaigning and sometimes providing T-shirts or cash. Indeed, in the 1970s, several major parties had established ‘business arms’ to generate campaign funds (see Hegarty 1979). In the 1990s, most business arms seem to have been depleted and party funding for endorsed candidates seems to have substantially dried up. When funds were forthcoming to support party candidates, party leaders seem to have been the predominant source, strengthening the personalistic tendency in party identity.

In parliament, party discipline has generally been weak, the institution of party whips not having become well entrenched, and, from an early stage, ‘party hopping’ or ‘yo-yo politics’ has been fairly commonplace.

Associated with the fluidity of party attachment has been a rise in the number of candidates standing as independents. Often such ‘independents’ have known party leanings and might have accepted campaign support from parties that had endorsed another candidate, but have left themselves relatively free so that, if elected, they can ‘sell’ their parliamentary support to the party that makes the best offer. This has given rise to a particularly Papua New Guinean practice: after the declaration of candidates after elections, two or three camps are set up, generally well away from Port Moresby (in one instance in Cairns, Australia), by powerbrokers for the major parties, and attempts are made to physically assemble winning coalitions of elected members. Substantial inducements might be offered to attract members to a coalition, and, on occasion, there have been complaints that members have been held at such camps against their will (hence the term sometimes used for such occasions—‘lock-ups’).

## Party differentiation

The ease with which some MPs have changed party allegiance reflects partly a lack of clear ideological (or other) differences between parties. In the period before independence, Pangu, together perhaps with the NP, was differentiated from the other parties primarily by its critical attitude towards the Australian administration and its demand for early independence. The UP preferred a longer transition to independence, reflecting the view of its predominantly highlander membership that they needed more time to ‘catch up’ with the coastal people, who had had a longer period of contact with the colonial administration and enjoyed higher levels of education and public sector employment. With the achievement of independence in 1975, this ceased to be a point of differentiation. Otherwise, the UP and PPP were generally regarded as more ‘business’ oriented and more favourably disposed towards foreign participation in the economy than Pangu, whose associations included trade unionists. But in practice the differences were not substantial, as the record of the first coalition government (1972–1977) demonstrated. Indeed, on the one occasion that substantial differences on important policy issues did arise—namely, during the constitutional debates of 1974–1975, which gave rise to the NPG—alignments cut across party

lines. Already in 1977 Hegarty noted ‘a convergence of ideology and policy’ (Hegarty 1998:300). The nature of the coalition that replaced Somare in 1980 (see above) suggested further that issues were secondary to strategies for achieving parliamentary office, a view reinforced by the 1978 split in the UP and demonstrated in political behaviour ever since.

Among later-established parties, the MA, under the leadership of former Catholic priest John Momis and Bernard Narokobi, has been seen as a relatively socially progressive party; there have been several ‘labour’ parties, the most recent, the Papua New Guinea Labour Party, linked to the Papua New Guinea Trade Union Congress; there was a short-lived Socialist Democrat Party, ‘The True People’s Party’, established by former student leader Gabriel Ramoi and described by him as taking ‘the centre line between socialism and democracy’ (*Post-Courier* 2 August 1988); a Christian Democratic Party was launched in 1995, ‘with the vision to provide Christian Leadership in all levels of government’; and a United Resources Party emerged during the 1997–2002 parliament with a platform that emphasised equitable returns from resource development. But none of these has done much to further the cause of issue-based politics. In the 1980s, there were suggestions that emerging social class divisions might provide a basis for political party development, but subsequent developments have not provided the evidence for such a view.

One corollary of the lack of major ideological differences between parties is that when governments change there are seldom substantive changes of policy. Notwithstanding the fractiousness of Papua New Guinea politics, in other words, there has been a fairly high degree of stability in policy direction. Another is that there have been no major systemic obstacles to parties associating with one another in coalitions (though there have been personal antipathies). Over the years almost every major party has at some stage been in coalition with every other. Conversely, pre-electoral alliances (that is, agreements not to contest against one another) are rare: an MA–MIG alliance in 1987 held but a Pangu–MA agreement in 1982 did not.

In the absence of class or ideological cleavages, ethnic or regional divisions seemed to be a likely base for political aggregation. The visiting United Nations mission in 1971 expressed concern at the regionalist tendencies in political party development (United Nations 1968:176), and the next year a local scholar forecast that ‘it will not be ideology or class interests which separate the parties—if there are more than one ... regional interests are the most likely source from which political parties will derive their mass

base' (Waddell 1973b:96). Commentaries on the 1977 election tended to support this judgement: Hegarty observed that in the pre-election period 'considerable social differentiation had become apparent', but went on to conclude, 'the basic cleavages in PNG politics are not ideological or class based but regional' (Hegarty 1983:454, 461), and Premdas and Steeves (n.d.:35) ventured the opinion, 'it would be difficult for anything but an ethnically based party system to emerge'. By the 1980s, the regional concentration of party support appeared to have been diluted somewhat (cf. Jackson and Hegarty 1983). Nevertheless, there was still evidence of a regional element in party support: Pangu had its strongest support from East Sepik and Morobe Provinces (in the case of East Sepik, Pangu support merged with loyalty to the provincial member, Pangu leader and 'father of the nation', Michael Somare), though from 1982 it began gaining support in parts of the highlands; PPP and MA were strongest in the New Guinea Islands Region (though by 2002 the PPP's support base had broadened geographically, with only 7 of its 71 candidates in the Islands Region and 28 in highlands electorates); and the UP, NP, Country Party and subsequently PDM were associated primarily with highlands politicians. More specifically, a Morobe District People's Association had been established in 1973 with the objective of preventing people from outside Morobe Province becoming parliamentary members for Morobe electorates (at this time, the Pangu member for Lae was a Papuan) and, in 1987, this sentiment was revived by former Morobe premier, Utula Samana, who took his MIG from provincial to national politics, winning four of the 10 Morobe seats in that year. (The MIG changed its identity to the Melanesian United Front in 1988 and by 1992 had disappeared.)

A more substantial regional influence has been that exercised by Papuans.<sup>5</sup> This began with the election of Papua Besena leader, Josephine Abaijah, and the formation of the Papua Party; in 1977 Papua Besena won six of the eight Central Province/National Capital District seats and the Papua Party won three Papuan seats. It continued with the formation of the NP-associated Papua Action Party and Diro's Independent Group in 1982. There was also a short-lived Papuan Solidarity Bloc in 1983. The Papua Action Party and the Independent Group in turn provided the

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5 Papua, originally British New Guinea, was an Australian protectorate, and New Guinea, originally German New Guinea, a League of Nations/United Nations mandated territory separately administered by Australia. During World War II the two territories came under a common Australian administration and this continued after the war, culminating in a single independent state. However, there has been a lingering sense of separate Papuan identity.

base of the PAP (initially in 1987 a Papuan-dominated party, though in more recent years it has received substantial support from the highlands) and the re-emergence of a Papuan Bloc in parliament. The Papuan Bloc comprised about 20 members from Papuan electorates and in 1987 had 12 of the 26 cabinet portfolios; in 1988 it played a decisive part in the downfall of the Wingti government but it broke up soon after. After being elected in 1992 as an NP candidate, Skate also played the regional card, forming the PNGFP, a Papuan-based party and, in 1997, as leader of the PNC—a party with six MPs, all Papuan—he became the country's first Papuan prime minister.

## **Party longevity**

Not surprisingly, in this context, the majority of parties that have emerged over the years has been short-lived. There has been a proliferation of parties at each election, but those that do not achieve electoral success mostly disappear soon after the election. Many of these are essentially one-person parties.

Of the parties represented in the national parliament, Pangu has enjoyed a continuous history as a major player since 1967, though it has suffered three major breakaways and is currently (mid-2005) split into two factions; PPP also has a continuous record as a major party, though it too is divided between two factions; UP and NP have survived, but with periods of low activity and records of acute factionalism; the MA has been a small but significant actor since its formation in 1980, but with one of its early leaders being expelled from the party; and the PDM, PAP, NA and PNC have now been around, if sometimes fractious, for several years. Beyond that, parties have tended to come and go quite rapidly, mostly just before and just after elections.

## **The OLIPPAC, limited preferential voting and parties to 2002**

In the latter half of the 1990s, there was considerable dissatisfaction within Papua New Guinea about the country's lack of social and economic progress and increasing problems of lawlessness and corruption, and growing criticism from outside. On becoming prime minister, Morauta vowed to address these issues and 'to restore integrity to our great

institutions of state'. A major plank in his government's reform platform was an Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC). A secondary measure was an amendment to the Organic Law on National and Local-Level Government Elections to change the electoral system from one of first-past-the-post voting to one of limited preferential voting.<sup>6</sup>

In each national election in Papua New Guinea since 1972, there has been a steady increase in the number of candidates contesting, notwithstanding an increase in the required fee for candidature in 1992, from K100 to K1,000 (then roughly equal to per capita GDP). While some of these candidates might have been put up to split the local vote of a rival candidate in another clan or another part of the electorate, with voter support being localised there are often several candidates with a good chance of winning if they can hold their support base together. There has also been a fairly steady increase in the proportion of candidates who have stood—at least overtly—as independents. These developments have had at least two adverse effects on elections. First, with the number required for victory usually relatively small in open electorates with many candidates, holding one's support base or vote bank together is critical, and this has encouraged voting irregularities and violence in parts of the country, especially in the highlands. In 2002, this caused the declaration of failed elections in six of the nine electorates in Southern Highlands Province. Second, with many candidates competing, the percentage of the total vote that winning candidates have obtained has been, on average, steadily falling (by 1997, 87 per cent of successful candidates were elected with less than 30 per cent of the vote in their constituency and 14 per cent with less than 10 per cent of the vote). Concerns about these issues lay behind the OLIPPAC.

After widespread public consultation, organised through a Constitutional Development Commission, and parliamentary debate, the OLIPPAC and associated constitutional amendments were passed in December 2000 and came into force in 2001, in time for the country's sixth post-independence elections. In a foreword to an explanation of the proposed legislation by the commission, Prime Minister Morauta described the

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6 In an unpublished paper ('Political change in Papua New Guinea: Is it needed? Will it work?') [reproduced as Chapter 2 in this volume] presented to a conference at the Divine Word University, Madang, 2003, I questioned some of the assumptions underlying the 2001 reforms. Some of those questions remain valid. For more recent analyses of the operation of the OLIPPAC, see Baker (2005) and Gelu (2005).

initiative as ‘the most important Constitutional change this country has made since independence’.<sup>7</sup> Its broad objectives were to strengthen the party system and help return stability and integrity to politics.

The OLIPPAC (to which minor amendments were made in 2003) contains four main provisions.

## Party registration

Political parties must be registered with the Registry of Political Parties, an office created under the OLIPPAC and independent of the Electoral Commission. An unregistered party cannot nominate candidates for election. Parties must submit details of membership and a constitution, and provide financial returns on an annual basis. Membership is not to be confined to people from a particular province, region or group and the party must not encourage regionalism or secession.<sup>8</sup> Party offices are to be ‘elected in a democratic manner’ (spelled out in the legislation). Party members must be paid-up, and a person cannot be a member of more than one party. Provision is made for cancellation of registration (*inter alia*, if a party fails to file financial returns for two consecutive years), for dissolution of a registered party (where a majority of party members or 75 per cent of party MPs agree), and for amalgamation of registered parties. In addition to the registrar, the OLIPPAC set up a Central Fund Board of Management (renamed in 2003 Commission on the Integrity of Political Parties and Candidates), whose membership comprises the registrar, the electoral commissioner, the clerk of the national parliament, the chair of the National Economic and Fiscal Commission, and church and women’s representatives. The board appoints the registrar and is responsible for dealing with registration applications and management of the Central Fund (see below). By August 2001, 43 parties had registered (though not all had supplied the necessary documentation). Under the 2003 amendments to the OLIPPAC, party presidents, secretaries and treasurers will also receive remuneration through the Central Fund and there will be budgetary support for an Office of the Opposition.

7 ‘Explaining the Proposed Political Integrity Laws Prepared by the Constitutional Development Commission’, Waigani, July 2000, p. 1.

8 The term ‘regionalism and secession’ is taken from Bengo (2002:4). The organic law itself (S.7 [a]) does not specifically mention ‘regionalism’.



## **Funding of parties and candidates**

The OLIPPAC established a Central Fund, from which parties receive public funding. The sources of income available to the Central Fund comprise an annual appropriation from the national budget and (unlimited) contributions from citizens, international organisations and non-citizens. The allocation to parties is on the basis of K10,000 for each elected MP. In 2003, the Central Fund Board of Management approved the distribution of K990,000 to 20 parties, at the same time complaining that ‘the government has miserably failed to adequately fund the Board and its Secretariate [sic]’ (CFBM 2003).

In addition, registered parties and candidates can receive contributions from citizens and non-citizens of up to K500,000 in any financial year, in each case—a somewhat generous provision, especially considering that the constitution in 1975 and draft legislation of 1989 and 1993 precluded non-citizen contributions, and the Constitutional Development Commission initially recommended a limit of K100,000. The donor and the recipient are required to provide details of such contributions to the registrar, though there have been complaints that the registrar has not been fully informed. Successful candidates are also required to submit a detailed financial statement within three months of election (though in 2002 few did).

## **Strengthening political parties in parliament**

Probably the most important provisions of the OLIPPAC were those intended to prevent party hopping. Under the organic law, a member of parliament who was elected as a party-endorsed candidate cannot withdraw or resign from that party during the life of the parliament (unless he/she can establish that the party or an executive of the party has committed a serious breach of the party’s constitution or that the party has been adjudged insolvent) and cannot vote against a resolution of the party concerning a vote of no confidence, the election of a prime minister, approval of the national budget or a constitutional amendment (a member can, however, abstain from voting). Contravention of this provision is regarded as resignation from the party and sets in motion a series of procedures that can culminate in the member having to reimburse the party for all campaign and other expenses received from the party, exclusion from appointment as a minister or committee chair,

or dismissal from parliament. A member elected as an independent can join a party after the initial vote for prime minister, and then incurs the same obligations to the party as a party-endorsed candidate. A member elected as an independent who remains independent, but who supported a particular candidate in the vote for prime minister, must not vote against that candidate or his/her government in a subsequent vote of no confidence, nor against a budget brought down by that government, nor against a constitutional amendment proposed by that government.

These provisions were tested in late 2003 and again in 2004, when the Somare government, already facing threats of a vote of no confidence, sought to extend, from 18 months to 36, the grace period within which an incoming government was free from a vote of no confidence. The proposed constitutional amendment was defeated, but several parties split over the issue. Some members who voted against their party leader defended themselves by arguing that there had not been a formal party resolution on the issue. [In 2004 the proposed amendment was dropped—see Chapter 5.]

The OLIPPAC also provides that, after an election, the head of state shall invite the party with the greatest number of endorsed candidates elected to form a government and to nominate a candidate for election by the parliament as prime minister. This was intended to minimise the post-election lobbying that had produced the ‘lock-ups’ after earlier elections.<sup>9</sup> In 2002, this probably gave an advantage to Somare, as leader of the NA, and Somare was duly elected prime minister, but it did not eliminate the post-election machinations, it did not necessarily ensure a victory for Somare, and despite Somare’s clear win in 2002 it did not prevent threats of a no confidence vote against him.

## Incentives for female candidates

In an effort to address the massive under-representation of women as electoral candidates and in the national parliament, the OLIPPAC provided that where a party-endorsed female candidate received at least 10 per cent of the votes cast in her electorate, the Central Fund would reimburse up to 75 per cent of the campaign expenses outlaid on her by the party (in 2003 this became an amount of K7,500). In 2002, the

9 Another provision of the OLIPPAC made it an offence to force, threaten, intimidate, detain or otherwise interfere with the free movement of an MP in the performance of his parliamentary duties.

number of female candidates (mostly independents) rose from 45 to 74, but the number elected fell from two to one, and only one received 10 per cent of the vote.

Before the 2002 national elections, 43 parties had registered with the registrar for political parties, though many of these had very small membership and, on the eve of polling, a number had not provided the registrar with the required list of candidates. In the event, with 'failed elections' declared in six seats in 2002, 24 parties were represented in the new parliament: the NA with 19 members, PDM 13 (well below the 70 or so seats it held in early 2001), PPP 8, Pangu 6, PAP 5, People's Labour Party 4, 9 parties with 2 or 3 members and another 9 with 1 member each. Seventeen candidates were elected as independents. By December 2003, the number of parties had been reduced through amalgamations to 18, with most of the independents joining the United Resources Party, which after the 2002 election had only one MP.<sup>10</sup> As the leader of the party with the most winning candidates in 2002, Somare was invited to form a government, and he was subsequently elected prime minister by a vote of 89 to nil, with 14 members abstaining. The PDM, under Morauta, joined the small opposition group, subsequently changing its name to the Papua New Guinea Party. Wingti was re-elected in 2002, but he stood as an independent and did not seek to regain leadership of the party he had established in 1985.

The second of the Morauta government's 2001 reforms, the shift from first-past-the-post voting to limited preferential voting (LPV), was effected in the general belief that such a change would bring about greater cooperation between candidates, reducing the number of candidates and lessening the violence associated with recent elections—though the rationalisation of this belief has never been made very clear (cf. Rumsey 1999:327; Reilly 2001a:88–89). LPV came into effect after the supplementary elections in Southern Highlands in 2003. By December 2004, six by-elections had been held under LPV. All were fairly peaceful affairs, with fewer candidates than in the 2002 national elections, but since that is usual in by-elections it would be premature to take these outcomes as a validation of this particular piece of social engineering.

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10 A list of parties and some detail on the larger parties can be found in May (2004c).

## Why has a coherent party system failed to develop in PNG?

The question, ‘Why have parties not developed?’, implicitly assumes that political parties are an inherent part of a parliamentary system. Certainly, the process of majority decision-making encourages groups of like-minded members to come together to ensure the numbers necessary to push legislative agendas, and when there are significant lines of social cleavage—class, ideology, ethnicity, religion, region—and corresponding clearly differentiated collective group interests, these might form a natural basis for party organisation. This has been the history of political party development in most developed nations. But it does not describe politics in Papua New Guinea.

First, as Hegarty (1979:187) has argued, Papua New Guinea lacked the galvanising influence on politics of an independence struggle, through which parties have often been defined elsewhere, and, after the early differences between Pangu-NP and UP over the speed of transition to independence became irrelevant in 1975, party platforms, as we have seen, tended to converge. Class has not emerged as a major social cleavage in a country where about 85 per cent of the population is at least partly involved in subsistence agriculture and even the urban elite tend to retain their links with the village. Undoubtedly, there is a growing gap between rich and poor, but Western class models are largely irrelevant in explaining the dynamics of economic inequalities in Papua New Guinea. Regionalism has had more impact on Papua New Guinea politics, especially in relation to a continuing Papuan identity, but it has not provided a systematic basis for party organisation. Indeed, to achieve office, all coalitions need to put together a group representative of all four regions, and this to some extent cuts across regionalism as a base for party organisation. In the absence of such social or geographic cleavages, collectivities have developed primarily from personal networks. Since politicians also compete for office, these personal networks are typically fragile, especially among aspiring leaders.

Second, and not unrelated, politics in Papua New Guinea remain essentially parochial. While I have argued elsewhere that the view of electoral outcomes in Papua New Guinea being determined by clan or ‘tribal’ loyalties is an oversimplification [see Chapter 6], electoral success nevertheless seems to be determined primarily by local factors: local reputation, local perceptions of a candidate’s ability to deliver goods

and services to his or her electorate, and the effectiveness of electoral campaigning. Successive studies of Papua New Guinea national elections have provided little evidence of a party vote—even of a strong Pangu vote in Pangu’s stronghold of East Sepik—and only occasionally (as perhaps in the case of Sir Michael Somare, the country’s first prime minister) has a national reputation translated into local votes. Added to this, the high cost of campaigning, together with a high turnover of parliamentary members,<sup>11</sup> means that most MPs seek a quick return from their period in office, and this places a premium on being in government, preferably with a cabinet portfolio. Indeed, MPs’ constituents generally expect their member to be in government, regardless of party attachment. After several opposition MPs defected to governing coalition parties in 1990, they explained: ‘we are elected to Parliament to be in government’ (*Post-Courier* 17 April 1990, quoted in Saffu 1998b:488).

As a result, MPs are driven less by the desire to implement a particular policy agenda than by the desire to maximise the returns, for themselves and their constituents, from being in office. And as every government since 1972 has been a coalition and, until 2002, no government has survived a full parliamentary term, with MPs hopping from one party to another and parties shifting allegiance from one coalition to another, the potential for individual interest outweighing party loyalty is substantial. This has been reflected in the frequency of votes of no confidence. In such a volatile atmosphere, party loyalties are difficult to sustain. OLIPPAC sought to address this problem by strengthening parties, but developments since December 2003 have so far suggested that MPs are not willing to accept the constraints of the OLIPPAC and that the state is either incapable of enforcing the provisions of the organic law or unwilling to pursue them.

## Prospects for future party development

If political parties in Papua New Guinea could play a role in mobilising electors and defining issues that cut across narrow clan or local identity interests, if they could play a role in selecting capable and effective candidates to become MPs, if they could provide an organisation and discipline to control the parliamentary behaviour of MPs—the functions

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11 Between 1968 and 1997, on average 53 per cent of MPs lost their seats at each election. In 2002–2003 the figure rose to just over 80 per cent.

traditionally associated with parties in liberal democracies—they could make a substantial contribution to the achievement of a less fractious political system, in which the legislature legislates and the executive takes the lead in governing. There is no real evidence that this is happening, or, in the light of experience to date with OLIPPAC, that it will happen. As has been argued above, since the 1980s, political parties seem to have become more, rather than less, fluid, weaker in terms of organisation and finance, and have a shorter life expectancy. Those inside and outside Papua New Guinea who argue, largely on the basis of developed Western country experience, that parties *will* develop but that, as in developed Western countries, the process ‘will take time’, have not produced a convincing argument to support this social Darwinist assumption. Almost 30 years after independence, political allegiances are still heavily personalised and significantly localised, with a poorly developed sense of national identity. State institutions are mostly weak, and, in the absence of the sort of major social cleavages that characterised political party development in the West, there is no obvious reason why this should change. Moreover, Papua New Guinea is not unique: as I suggested in 1984, ‘the predominance of personal and factional (kin, ethnic or religious group) politics may be particularly appropriate to the politics of small-scale, as well as poorly integrated, societies’ (May 1984b:142). In many countries, mass-based political parties are weak and play a secondary role to personalised parliamentary factions.

In 1970, a frustrated young political organiser, Michael Somare (1970:490), observed: ‘the administration is the giver of all things and people do not care so long as they are at the receiving end. Our people are so accustomed to getting things for nothing that ... they do not see why they should organise as political groups’. Thirty years later, people were not ‘so accustomed to getting things for nothing’, but they still tended to see the state as the source of things, and getting access to the state meant getting *their* candidate elected. Once in parliament, MPs hope to improve their access to what the state has to offer by becoming part of government, and, with weak party allegiance and discipline, parliamentary alliances are constantly shifting. Institutional change, through the OLIPPAC, has so far done little to change this pattern. What is needed to bring about change is a fundamental shift in behaviour, and, in the foreseeable future, it is not clear what could bring about such a change.

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## Political parties since 2002

*This paper draws on three published papers—1. R.J. May and Ray Anere, ‘Background to the 2007 election: Political developments’, Chapter 3 in R.J. May, Ray Anere, Nicole Haley and Katherine Wheen (eds), Election 2007: The Shift to Limited Preferential Voting in Papua New Guinea (2011); 2. ‘Papua New Guinea’s “political coup”: The ousting of Sir Michael Somare’, State, Society and Governance in Melanesia Program Briefing Note No. 1/2011 (reprinted as Chapter 13 in this volume); and 3. ‘James Marape’s leadership survives a year of tough challenges’, East Asia Forum 1 January 2021—and an unpublished draft paper, Orovu Sepoe, Alphonse Gelu and R.J. May, ‘Papua New Guinea’s Organic Law on the Integrity of Political Parties and Candidates’ (2008).*

The national election of 2002 was the first to be held under the provisions of the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC). Prior to the election 43 parties had been registered with the registrar of political parties, though many of these had very small membership and on the eve of polling a number had failed to provide the registrar with the required list of their candidates. Of the 2,878 candidates contesting, 57 per cent were endorsed by a registered party. When voting was completed (with ‘failed elections’ declared in six Southern Highlands electorates), 24 parties had secured representation in the new parliament and 17 independent candidates had been elected. As the leader of the National Alliance (NA), the party with the largest number of members of parliament (MPs) elected (19 of 103), Sir Michael Somare was elected prime minister by a vote of 89 to nil, with 14 members abstaining. He headed a coalition of initially 13 parties and 20 independents.

The People's Democratic Movement (PDM), under Sir Mekere Morauta, joined the small opposition group. Paias Wingti, the founder of the PDM, who had lost his seat in 1997, was re-elected in 2002 as an independent candidate. Subsequently there was a falling-out between Morauta and Wingti, and Morauta—the architect of OLIPPAC—registered a new party, the Papua New Guinea Party (PNGP), and was elected leader of the opposition.

The numerical dominance of the Somare-led coalition, backed by the provisions of the OLIPPAC against 'party hopping', appeared to put the incoming government in a very strong position—and in fact the Somare government of 2002–2007 went on to become the first, since the Somare government of 1972–1977, to survive a full term in office. But neither the legislature nor the executive was particularly stable.

As early as June 2003, amid rumours of faction fighting within the coalition (and even within the NA), there was a cabinet reshuffle, with seven portfolios changing hands, and this was followed in August by a more substantial reshuffle. Nor was fractiousness confined to the government: in December 2002, after Morauta had sought to change the name of the PDM, its deputy leader and member for Bulolo Open, John Muingnepe, announced that Morauta had been dismissed from the leadership of the party, in favour of its founder Paias Wingti, and that he, Muingnepe, was now leader of the parliamentary opposition. Morauta disputed this and called on the registrar of political parties and the Ombudsman Commission to investigate Muingnepe's actions. The registrar of political parties subsequently ruled in favour of Morauta. The PDM subsequently changed its name to PNG Party in November 2003.<sup>1</sup>

By November 2003 the number of parties had been reduced, through amalgamation, to 18 (*The National* 7 November 2003), and all but two of the independents had joined a party, one as party leader. The demise of a number of small parties after the 2002 election followed a well-established pattern.

Towards the end of 2003, Prime Minister Somare sought, ostensibly in the interests of furthering parliamentary stability, to extend the grace period after an election, during which a prime minister could not be subjected

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1 On the eve of the 2007 election Wingti revived the PDM and became leader of the parliamentary party, but lost his seat, on a count of preferences, in 2007 (though the PDM won five seats).



to a vote of no confidence, from 18 months (already extended in 1991 from an original six months) to 36 months. A Bill to make the required amendment to S.145 of the constitution passed a first reading in the national parliament in September 2003 but, subsequent to this, opposition to the Bill began to grow. The parliamentary leader of the People's Progress Party (PPP) and deputy prime minister, Allan Marat, spoke out against the amendment and was removed from the PPP parliamentary leadership by the party caucus (an action which he challenged unsuccessfully in the national court); he was also sacked from the deputy prime ministership to which he had been appointed the previous month. Marat's successor as PPP leader, Andrew Baing, became deputy prime minister.

It was subsequently observed that some parties had not passed a resolution on the issue, or on other legislation that had been passed in 2003 (*Post-Courier* 25 November 2003), and on the eve of the decisive second reading of the Bill in November, Morauta announced that the opposition would vote against the amendment, which he said had not been adequately scrutinised; he pointed out that unless the speaker had received party resolutions before the vote, voting could be in breach of the OLIPPAC.

In the days prior to this there had been a burst of activity among the smaller parties. The United Resources Party (URP), which had one member after the 2002 elections, had increased its number to 14, mostly through the absorption of the 'Kimbe Group' of independents led by Milne Bay governor Tim Neville, who became leader of the URP in November 2003, but also through amalgamation with the Advance PNG Party and the Pan Melanesia Congress. The URP had reportedly signed a 'declaration of partnership' with five other parties (PPP, People's Labour Party, United Party, People's First Party (Pipol First Party) and Christian Democratic Party) to form a coalition within the coalition. While the group spoke in terms of unity and stability, it was clear that there was within the group some disagreement over the proposed S.145 amendment.

In the event, three parties split on the issue, and the government narrowly fell short of the two-thirds majority (73 votes) needed to pass the Bill. The major faction of the URP had resolved to oppose the Bill, but four members had voted with the government; the PPP leader had resolved to oppose the Bill, but five PPP MPs voted for it; and two People's Labour Party members had defied a party resolution to oppose the Bill. Andrew Baing, who had voted against the amendment, was removed from the

deputy prime ministership and replaced by People's Action Party (PAP) leader Moses Maladina, who became the third deputy prime minister in a month. Several other ministers lost portfolios.

A second vote in December 2003 again failed, and in May 2004 Somare announced that he would not pursue the amendment.

In accordance with the OLIPPAC, the speaker had disallowed the votes of those members who were deemed to have voted against their parties' resolutions, and notified the registrar of political parties that they 'may have contravened' S.65(1) of the OLIPPAC—though several MPs who had voted against their party leader defended their action by arguing that there had been no formal party resolution on the issue. On advice from the attorney-general and private lawyers, the registrar of political parties subsequently referred the members, who were 'deemed to have resigned' from their respective parties, to the Ombudsman Commission for investigation. But there was no further action on the matter.<sup>2</sup>

Following a minor cabinet reshuffle, with the grace period coming to an end in February 2004 and several parties split (in addition to the URP,<sup>3</sup> PPP<sup>4</sup> and People's Labour Party, Pangu Pati<sup>5</sup> and even the two-MP Christian Democratic Party had fractured), there was talk in late 2003 of

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2 As explained by the registrar of political parties, Paul Bengo, since the government had rescinded the second reading of the Bill before a vote was actually taken, no misconduct had occurred (*Post-Courier* 22 January 2004). However, in May 2004 the Ombudsman Commission was said to be investigating eight MPs who had voted against party resolutions.

3 In January 2004 Bengo ruled that Sam Akoitai, a member of the governing coalition, was the only parliamentary member of the URP—the later joiners not having paid party fees—and voided Neville's leadership. This view was upheld in a ruling by the acting speaker of parliament, Jeffrey Nape, in July, leaving Neville and the other MPs who had joined the URP after the election, and were in the opposition, as 'effectively independent MPs' (*Post-Courier* 27 July 2004).

4 In December 2003 five PPP members, including deputy party leader Paul Tiensten and former party leader Marat, voted for the S.145 amendment. Baing, as party leader, served a summons on the five for voting against a party resolution. The five countered by electing Tiensten as party leader. The PPP national executive promptly expelled Tiensten. However, Nape recognised Tiensten as party leader. Shortly after this, in January 2004, Baing was referred to the Ombudsman Commission for alleged misconduct in office. Two months later Nape called on the prime minister to dismiss Bengo for his 'indecisiveness' in the handling of the PPP leadership dispute issue. In November 2004 Bengo reportedly confirmed Baing's leadership, but in June 2005 Nape ruled in favour of Tiensten. The dispute continued till June 2006, when Baing was suspended pending the outcome of a leadership tribunal inquiry (which subsequently recommended Baing's dismissal). Byron Chan, son of PPP founder Sir Julius Chan, took over the parliamentary leadership.

5 One faction, led by Sir Rabbie Namaliu, supported Somare; the other, smaller faction, led by Chris Haiveta, was in opposition. In February 2004 the Namaliu faction announced that Namaliu had been elected party leader; this was denied by Haiveta, who claimed that Namaliu and his supporters had been expelled from the party.

a vote of no confidence against Somare. In response, soon after parliament had resumed after the Christmas break, the government adjourned parliament to 29 June. The Ombudsman Commission, describing the government's action as 'dangerous and a bad example' (Radio New Zealand 26 January 2004), told the government that if it did not recall parliament by mid-March the commission would initiate a court challenge—which it subsequently did. (In the event, the parliament met briefly in April to receive nominations for the election of the governor-general.)

Tensions also became apparent about this time within the People's National Congress (PNC), the party established by former prime minister Sir William Skate. In February Skate confirmed that the PNC supported Somare, but there were reports of a leadership challenge coming from Peter O'Neill, whose one-MP People's Solidarity Party had merged with the PNC in 2002.

In early May 2004, 14 opposition MPs, led by Neville and Wingti, voted to remove Morauta as opposition leader in favour of Andrew Baing. The registrar of political parties promptly released a statement recognising Morauta as leader of the opposition, pending a ruling by the speaker, but in mid-May Morauta and the majority of his PNGP joined the government, effectively ruling out a successful vote of no confidence. Three days later parliament was adjourned again and in another major reshuffle Maladina was dropped as deputy prime minister and the PNC was expelled from the ruling coalition. Prime Minister Somare also announced the creation of several additional ministerial and vice ministerial positions, a move that was challenged by Wingti, who called on the Ombudsman Commission to investigate the 'rogue prime minister'. In April the PAP and the NA confirmed their partnership, but the following month the PAP split, with some of its members reportedly joining an opposition group meeting in Alotau. Parliament resumed briefly in late May to re-elect a governor-general (see below), and voted to remove Skate as speaker; NA MP Jeffrey Nape was elected unopposed as his replacement. A challenge by Skate was dismissed by the Supreme Court.

Nape subsequently antagonised a number of MPs by insisting that the members of parties that were represented in the cabinet (including PPP, Pangu and PNGP) sit either with the government or on the cross benches—which some MPs refused to do. There were complaints that through the election of Nape the executive was seeking to control parliamentary procedures and stack parliamentary committees with government members (*Post-Courier* 8 July 2004).

When parliament eventually resumed in late June 2004 it was clear that a motion of no confidence was forthcoming, even though the ombudsman, Ila Geno, urged ‘the registered political party executives, various lobbyists and parliamentary leaders of political parties to exercise restraint from getting into the habit of luring members of Parliament with material promises and/or benefits’ (*Post-Courier* 5 July 2004). There were reports of a ‘groundswell of numbers’ within the opposition, and of individual MPs crossing the floor in apparent disregard of the OLIPPAC. The leader of government business, Patrick Pruaitch, was quoted as saying, ‘opposition MPs are carrying on as if the Organic Law on [the Integrity of] Political Parties and Candidates does not exist’ (*Post-Courier* 6 July 2004). The opposition camp in Alotau claimed about 40 MPs including four government ministers, prompting the leader of the pro-government faction of PPP, Paul Tiensten, to complain that MPs were being ‘hijacked’, contrary to S.74 of the OLIPPAC, and that by not intervening the registrar of political parties was not doing his job (*Post-Courier* 12 July 2004). The recently appointed opposition leader Baing having been referred to the Ombudsman Commission in January,<sup>6</sup> the opposition caucus voted to nominate Paias Wingti as alternative prime minister in a vote of no confidence. But it was not a popular choice, and Wingti subsequently stepped down in favour of Peter O’Neill.

On 7 July the opposition submitted notice of its motion of no confidence, only to have it rejected, on a technicality, by the government-dominated Parliamentary Private Business Committee.<sup>7</sup> The opposition amended and resubmitted the notice, and filed the Supreme Court for a reference to validate the notice; however, the government again suspended parliament, till 26 July. A frustrated and angry O’Neill declared that the opposition would boycott parliament until Somare and Nape were removed from office—a move that lawyer John Nonggorr described as ‘childish and irresponsible’ (*Post-Courier* 8 November 2004). Meanwhile, with MPs continuing to cross the floor, the registrar of political parties complained that ‘the majority of the members of Parliament do not understand the provisions of the Organic Law’ and said that parties ‘continuing to cause headaches’ could be recommended for deregistration (*Post-Courier* 19 July 2004).

6 In December 2006 a leadership tribunal ruled that Baing be dismissed from office, finding that he had deposited district support grant funds into his personal bank account.

7 In July Somare had removed all opposition MPs from the Private Business Committee, effectively enabling the government to block motions of no confidence.

After meeting for a few days at the end of July, and amid claims that some MPs had carried firearms into the national parliament, parliament was again adjourned, from 3 August to 2 November 2004, thereby again forestalling a vote of no confidence, though the chief ombudsman threatened court action against the parliament, which he said was breaching the constitution by failing to meet for the required 63 days in the parliamentary year. Opposition leader O'Neill accused Somare of attempting to establish an Indonesian-style 'guided democracy' in Papua New Guinea (*The National* 6 August 2004). It was also reported that the Ombudsman Commission would look into the membership of the Parliamentary Private Business Committee following its rejection of two motions of no confidence (*Post-Courier* 2 August 2004).

Following the adjournment of parliament, Somare removed PAP leader Maladina as deputy prime minister (Maladina had been sacked in April but subsequently reappointed), accusing him of plotting against the government. Maladina had said he would resign from government because the PAP was not happy with 'a lack regard for our standing within the coalition' (*Post-Courier* 4 August 2004).

When parliament met again in November 2004 the opposition vowed to pursue its vote of no confidence, but there were also talks between government and opposition leaders about the possible formation of a 'grand coalition' (*Post-Courier* 7–9 January, 26 January 2005). The grand coalition did not eventuate, nor did the no confidence motion proceed, and in late November, after passing the budget, the House adjourned again, this time for three months.

Meanwhile, MPs continued to switch parties and cross the floor with apparent impunity, and most parties remained split. In late October 2004 the national court ruled that opposition-aligned Chris Haiveta was the parliamentary leader of Pangu, but that the expulsion of former prime minister Rabbie Namaliu, and two other pro-government Pangu MPs was invalid; this reversed earlier decisions by both the registrar of political parties and Speaker Nape who recognised Namaliu as leader. Pangu's MPs were directed to meet and elect a new leader. At the same time, the national court expressed concern that a number of party constitutions (such as Pangu's) did not conform to the OLIPPAC.

In November 2004 Southern Highlands governor Hami Yawari moved to the government ranks, bringing the number of PNGP members in government to seven, with two remaining in opposition. The two-member opposition-aligned Christian Democratic Party had also split, with Banare Bun joining the PNGP in government. Within the PNC there was talk of a possible split between party founder Skate and newcomer O'Neill, but the party held together, with Skate moving to the cross benches early in February 2005. Skate subsequently left the party, without objection from either the party or the registrar of political parties. O'Neill took over the party leadership. Skate died in January 2006. Rumours of a 'planned merger' of Pangu, PNGP and the Melanesian Alliance did not eventuate.

For several months after the August 2004 removal of Maladina there was no deputy prime minister. In May 2005, following an appeal to the national court by Morobe governor Luther Wenge, the Supreme Court directed the prime minister to fill the position. The following month Sir Moi Avei, parliamentary leader of the Melanesian Alliance, became the fourth deputy prime minister since 2002; four months later he was suspended from office pending the outcome of a leadership tribunal. He was replaced by NA MP Don Polye, in an apparent attempt to attract highlands support for the government as it approached the 2007 election.

Amid continuing rumours of a possible split within the NA, in early 2006 there was a falling-out between Somare and Bart Philemon. Philemon, as minister for finance, had been a major architect of the government's improved fiscal management, but his disciplined approach had not always been welcomed by MPs seeking funds to appease their electorates. In July 2006 Philemon lost the finance portfolio, which was given to Namaliu, and Philemon and Somare clashed over the issue of succession to the NA party leadership. Philemon went on to form his own party, the New Generation Party, and contested the 2007 election under this banner, strongly opposing the NA.

In December 2005, 21 parties had been listed by the registrar of political parties for consideration of deregistration, on the grounds that they had not submitted financial returns and/or had not complied with the requirements of S.28 of the OLIPPAC concerning qualifications for registration. In August 2006 the registrar announced that 14 parties were to be deregistered for failing to submit financial returns and lists of members. By this time, however, new parties were beginning to emerge, among them the Melanesian Liberal Party led by former PPP leader Allan

Marat (who, having been sacked as deputy prime minister, spent most of the 2002–2007 parliament as a government backbencher); the PNG Conservative Party founded by Southern Highlands governor and former PNGP member Hami Yawari; the People's Party founded by outgoing Enga governor and former leader of the PNGP, Peter Ipatas; the Rural Development Party founded by Maladina after he had been dropped as leader of the PAP and deputy prime minister; and Philemon's New Generation Party. (A detailed discussion of political parties in the 2007 election may be found in Gelu 2011.)

In the final run-up to the 2007 election, OLIPPAC notwithstanding, there was continuing evidence of party fluidity: in May 2007 former Papua New Guinea National Party leader Melchior Pep defected from the party and joined the Rural Development Party, and PNGP leader Morauta claimed that three candidates registered and endorsed as PNGP members had nominated under other party banners, prompting Bengo to warn that the election of party hopping candidates could be declared null and void (*Post-Courier* 21 May, 20–23 July 2007).

When parliament rose in May 2007 the Somare government had survived a full term in office—the first in the country's post-colonial history to do so. But arguably this was achieved at a cost to parliamentary performance. Lengthy adjournments of parliament did not begin with the Somare government, but they were certainly exploited to avoid votes of no confidence during the seventh parliament 2002–2007. And the large majority that Somare had obtained in the vote for prime minister in 2002, notwithstanding any effect of the OLIPPAC on the stability of political parties during the parliamentary term, put the executive in a strong position to dominate parliamentary outcomes. As a result (apart from the opposition boycott in 2004), MPs commonly missed sittings, the legislative output of the parliament was poor, and what legislation was passed was often not subjected to due scrutiny.<sup>8</sup>

The central aim of the OLIPPAC was to give greater stability to Papua New Guinea politics and its primary objective in this respect was to end, or at least to limit, the continual party hopping and coalition shuffling that had characterised the country's politics since 1977, through provisions restricting the voting behaviour of MPs and attempting to strengthen parliamentary parties. As may be seen from this brief political history of

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<sup>8</sup> For a comment on parliamentary performance see, for example, *Post-Courier* (25 April 2006).

the period, however, it did not take long before the parliament divided over a significant political issue—the proposed amendment to S.145 of the constitution—and when it did, the OLIPPAC notwithstanding, parties split. Most of the major parliamentary parties divided between government and opposition and rival faction leaders contested the party leadership. The registrar of political parties was widely condemned for failing to act to resolve the situation, but claimed that MPs who defied their party leader were referred to the Ombudsman Commission but no action was taken against them. The situation was clouded by the fact that several parties apparently had not passed party resolutions on the issue, and members accused of defecting used this as a defence. However, since the issue was one of constitutional amendment, the provisions of the OLIPPAC were clear. Rather, as suggested at the time, it seems that many MPs either did not understand the OLIPPAC or simply chose to ignore it, and were not effectively brought into line. On the issue of party leadership, there was confusion about where the responsibility for resolving such conflicts lay, since the OLIPPAC had not anticipated the sort of situation that developed in 2003–2004. The registrar of political parties, the speaker of parliament and the courts made conflicting rulings on who were the legitimate party leaders, and this confusion persisted in several cases till the end of the parliamentary term.<sup>9</sup>

The national election of 2007—the first to be held under the new limited preferential voting system<sup>10</sup>—was contested by 34 parties, fewer than in 2002 but about double the number on the register in 2006. The number of candidates who nominated (2,760) was slightly below the number in 2002; this was the first time since 1972 that the number of candidates had not increased. Notwithstanding the provisions of the OLIPPAC (as revised in 2003) intended to discourage independent candidates, there were 1,476 independents (53.5 per cent of the total, though some of these were known to be covertly aligned with parties). The presence of so-called ‘undercover’ party candidates was inevitable, given the decisions of parties to endorse sitting members and of some parties to not endorse candidates against senior sitting members of coalition partners. For example, in Wewak Open the NA did not endorse a candidate against the sitting member Kimson Kare (PNGP) though some thought that Kare

9 For assessments of the OLIPPAC see Gelu (2005), Sepoe (2005), Baker (2005), Okole (2012) and Fraenkel (2004).

10 Between 2003 and 2006, however, 10 by-elections had been conducted under limited preferential voting (see Chapter 7).



might not be returned. At least three candidates, however, were standing as ‘undercover NA’, according to some voters, and when one of these, independent Jim Simatab, was elected he immediately announced his intention of joining the NA. Of the 21 independents elected, 13 joined the NA and a number joined other parties.

Of the 34 parties registered, 21 won seats, though of these 10 had only one or two members. The NA was the big winner, with 27 members before gaining the 13 independents. Its nearest rival was the PNGP of Sir Mekere Morauta, with eight seats. Pangu lost ground, gaining only five seats, and Philemon’s New Generation Party could manage only four seats—to the surprise of many observers.

As leader of the party with the most seats, Sir Michael Somare was invited to form government and was elected prime minister by 86 votes to 21. He headed a coalition of 14 parties. Former prime minister Sir Julius Chan, who was returned in 2007 after losing in 1997 and 2002, was initially nominated as leader of the opposition, but stood down to accept the role, as New Ireland Provincial MP, of provincial governor. Morauta became leader of the relatively small opposition.

In the following months several MPs drifted across to the NA, but within the ruling coalition there was also growing resentment over what was described as ‘executive dominance’—specifically the dominant role played by Sir Michael Somare and his son Arthur (the member for Angoram Open)—in coalition decision-making. In June 2009 there was talk of a vote of no confidence against Somare. Subsequent to this, 11 coalition MPs defected to the opposition. The government responded by adjourning parliament until November, in what a *Post-Courier* editorial (30 July 2009) described as ‘a shameless exercise in self-preservation’. With parliament adjourned, in October the opposition withdrew its motion claiming it had no confidence in the integrity of the process.

In July 2010 the Supreme Court handed down its decision on a challenge to the OLIPPAC, which had been initiated in 2008 by opposition MP Bob Danaya (leader of the PNG Labour Party and governor of Western Province).<sup>11</sup> The Supreme Court decision not only ruled certain provisions of the OLIPPAC unconstitutional, but also ruled that the provisions of

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11 SC1057. SC Ref No.11 of 2008. Special Reference Pursuant to Constitution, Section 19. In the Matter of the Organic Law on the Integrity of Political Parties and Candidates. For comments on the court’s ruling see Wolfers (2010) and Okole (2012).

the (amended) constitution under which the OLIPPAC had been enacted (namely Ss. 12, 111, 114, 127 and 130) restricted the right of citizens to hold public office and exercise public functions, failed to meet the requirement of being ‘reasonably justifiable in a democratic society having a proper respect for rights and dignity of mankind’, and imposed restrictions on the rights of MPs (in relation to voting in the national parliament), contrary to Ss. 50(1)(e) and 50(2) of the constitution. The sections of the OLIPPAC deemed unconstitutional by the Supreme Court were those limiting MPs from resigning from a political party (Ss.57–60); requiring MPs endorsed by a political party to vote according to party resolutions (or abstain) on votes of no confidence, election of a prime minister, approval of a national budget, and constitutional amendment (ss.65–67); restricting independent MPs who voted for an incumbent prime minister from supporting a vote of no confidence against that prime minister or his government, and voting against a national budget or constitutional amendment initiated by that government (Ss.70–73); and prohibiting contributions to political parties and candidates by non-citizens (S.81—which contravened Ss.129–130 of the constitution). Some welcomed the judgement, believing that the OLIPPAC had contributed to the growing dominance of ‘executive government’, which has diminished parliamentary scrutiny of legislation and arguably lowered the standards of democratic governance in Papua New Guinea. But the decision opened the way for an unimpeded return to the party hopping and ‘yo-yo *politik*’ that had characterised parliamentary behaviour before 2001.<sup>12</sup>

Shortly after this, Deputy Prime Minister Sir Puka Temu (NA) and 19 other members of the governing coalition crossed the floor and a motion of no confidence against Somare was drafted, naming Temu as alternative prime minister. The next day parliament passed a motion to adjourn until November; the motion was passed on voices, Speaker Nape refusing a formal vote. Opposition members petitioned the Supreme Court to remove the speaker for abusing his position but the House remained adjourned and Nape retained his position. Some of those MPs who had left the government subsequently returned to the government benches.

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12 A revised OLIPPAC was approved in May 2015 by the National Executive Council but was not tabled in parliament until 2020. At the time of writing (May 2021) it had still not been debated, despite repeated calls by the registrar of political parties, Dr Alphonse Gelu, and others (see, for example, *The National* 1 June 2016, 20 August 2019).

In a cabinet reshuffle Temu was removed as deputy prime minister and replaced by the NA deputy leader for the Highlands Region, Don Polye, and the leader of the PNC, Peter O'Neill, was promoted to the finance and treasury portfolio to replace Patrick Pruaitch (NA), who had been suspended in May when referred to a leadership tribunal over alleged misconduct.

When parliament reconvened in November 2010, the no confidence motion was revived. It was thought that the opposition might nominate a highlands MP as alternative prime minister in an attempt to attract support from the large highlands bloc, but in the event parliament met briefly to pass the budget and promptly adjourned again.<sup>13</sup>

In another cabinet reshuffle the following month, Polye was relieved of the deputy prime ministership, which was given to his junior NA colleague Sam Abal, a fellow Engan. Earlier in the year Polye had publicly expressed his aspiration to become prime minister and some saw Abal's promotion over Polye as a move by Somare to forestall a leadership challenge (see, for example, *National* 9 December 2010); others believed that by demoting Polye, Somare had caused a rift within the party that could destroy it (*Post-Courier* 3 January 2011). With a vote of no confidence foreshadowed when parliament reconvened, there were predictions of a change of government, with Polye as the likely alternative prime minister. However, in full-page advertisements in the *National* and *Post-Courier* (10 January 2011), Polye restated his loyalty to Somare and the NA.

In March 2011, Somare 'voluntarily stepped aside' from office following his referral by the acting public prosecutor to a leadership tribunal over charges that he had failed to submit financial returns required of him under the Leadership Code. He was found guilty and suspended from parliament for two weeks. In Somare's absence Abal became acting prime minister. Shortly after this, Somare travelled to Singapore where he underwent heart surgery. In Port Moresby rumours circulated that he might not be able to resume office and members of the opposition called for the prime ministership to be declared vacant.

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13 The attorney-general claimed there was no motion of no confidence before the House since the motion submitted in July had been rejected by the Parliamentary Private Business Committee because four of the signatories had withdrawn their support after rejoining the government.

Against this background, there was a tussle over the parliamentary leadership of the NA, with different factions backing Abal, Polye and Patrick Pruaitch. Abal reacted by removing Polye from his foreign affairs portfolio, accusing him of insubordination. Abal also sacked William Duma, the leader of coalition partner URP, from the important petroleum and energy portfolio, replacing Duma with URP MP Francis Potape; Duma retaliated by expelling Potape and party founder Anderson Agiru, splitting the URP into two factions. O'Neill was also demoted, when Abal brought Pruaitch back into cabinet as minister for finance and treasury. In June 2011 it was reported that the Enga branch of the NA had suspended Abal for 'actions not in the best interests of the party' and that a number of MPs, including Polye, Duma and O'Neill, were joining the opposition (*Post-Courier* 20 June 2011). But Abal remained loyal to Somare and in the 2012 election stood as an independent. In June 2011 the NA was still credited with having around 40 MPs (Standish 2011).

When parliament met again, on 2 August 2011, Belden Namah (who had been elected in 2007 as an NA candidate but defected to the PNG Party in July 2010 and taken over the party leadership from party founder Morauta and replaced Morauta as opposition leader in May 2011) declared that the office of prime minister was vacant and moved to elect a new prime minister. Speaker Nape accepted Namah's dubious move and Peter O'Neill—whose PNC party claimed only six MPs—was elected by 70 votes to 24, with 48 MPs, including about half the NA, crossing the floor.

Of the major parties in the Somare coalition government, the URP, Pangu and PAP, as well as the NA, split on the vote. A week later O'Neill announced his cabinet; it included 15 MPs who had served as ministers in the Somare government, including Temu, Polye, Marat and Duma, as well as Namah, Morauta, Philemon and Sam Basil. With the pro-Somare remnants of the NA refusing to sit on the opposition benches and give credibility to O'Neill's claim to heading the government, parliament's sole woman MP, independent Dame Carol Kidu, took up the role of leader of the one-person opposition. [The events leading up to and following the ousting of Sir Michael Somare are recounted in more detail in Chapters 13, 14 and 15 of this volume.]

With the NA split between government and opposition, the tussle for party leadership continued. Following the election of O'Neill as prime minister, it was announced that Polye was the leader of the NA in the new government, but Abal and his NA supporters refused to recognise Polye's

claim to be leader of the party and declined to attend a party caucus meeting that, though attended by only 19 of the parliamentary party's 42 members, voted to appoint Polye as party leader, replacing Sir Michael Somare. Abal and former chief justice and attorney-general Sir Arnold Amet rejected the decision as not conforming to the party's constitution. In September it was reported that the 20 NA MPs, led by Polye, who had crossed to vote with the then opposition, had been served with notice of expulsion from the party. Subsequent to this Polye claimed that another five NA MPs had joined the government and he petitioned the registrar of political parties for recognition as leader of the NA. His petition was rejected and the matter referred back to the party (the registrar's letter is reproduced in *The National* 23 September 2011). However, the speaker of parliament, true to his partisan form, accepted Polye's claim to leadership. It was also reported that a special general meeting of the NA had voted out party president Simon Kaiwi and other members of the national executive. As the 2012 election approached the NA remained divided, with 20 MPs in government and 21 in opposition, and leadership of the party still contested. (Polye, meanwhile, launched a new party, the Triumph Heritage Empowerment Party [THE Party] in January 2012 and successfully contested the 2012 election as a THE candidate.)<sup>14</sup>

Also towards the end of 2011 it was reported that a faction of the PAP, led by Maprik MP Gabriel Kapris, had joined the O'Neill government, aligning itself with Namah's PNG Party (though assuring its supporters that it would field PAP candidates in 2012). The PAP had been a senior partner of Somare's NA in 2007, but PAP MP Tony Aimo (Ambunti-Dreikikir) said the party had switched to the new government because it 'did not want the people of East Sepik to be marginalized' (*The National* 4 October 2011).

The Supreme Court twice ruled against the actions of Namah and O'Neill, but O'Neill ignored the court and with the numbers in parliament, and a good deal of popular support, held on to the prime ministerial office. With two claimants to the prime ministership and government, which the Supreme Court, and an attempt by Somare to have the Papua New Guinea Defence Force intervene in support of the constitution, failed to resolve, a national election scheduled for June 2012 seemed to offer

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14 Polye lost his Kandep Open seat in 2017 to a PNC candidate after several ballot boxes were controversially excluded from the count. He challenged the result and in April 2021 was declared the winner and returned as parliamentary leader of his THE Party.

the only way out of the impasse. In the early months of 2012, however, Namah began calling for the postponement of the election and in April secured the support of a parliamentary vote (even though parliament had no constitutional authority to make such a decision). In the parliamentary vote, O'Neill supported postponement. But the electoral commissioner stood firm and with most of the country already in electoral mode the election went ahead.

The 2012 national election was contested by 3,435 candidates, of whom 64 per cent stood as independents, and 46 parties. Somare had said earlier that he would not recontest in 2012, but in protest against his dismissal he stood and was re-elected in the East Sepik seat he had held since 1968. However, the NA won only seven seats. O'Neill was one of a small number of candidates returned on first preference votes and his PNC won 27 seats. As leader of the party with the most MPs elected he was invited to form government and was elected prime minister by 94 votes to 12 (with five seats still to be decided). Namah and O'Neill had made a pre-election pact but had a falling-out on the eve of the election, and Namah emerged as leader of the opposition.

The O'Neill government of 2012–2017 became the second government in Papua New Guinea's history to survive a full parliamentary term (the 2010 changes to the OLIPPAC notwithstanding). But O'Neill's tenure was marred by a series of incidents, beginning with an arrest warrant against him over charges of corruption, and growing demands for him to step down (see Chapter 14). In 2014 Polye, as finance minister, refused to sign a loan agreement negotiated by O'Neill and lost his portfolio. He subsequently resigned from the government, precipitating a split in the THE party. O'Neill also sacked his attorney-general, Kerenga Kua. Kua had been elected in 2012 as an independent but had joined the NA; he subsequently resigned from the NA and became leader of the Papua New Guinea National Party, which had not won any seats in 2012. Somare, despite pre-election threats, aligned himself with O'Neill after the election but later joined those calling for O'Neill to step down (among them, Morauta, Chan, Wingti, Polye and Kua). O'Neill succeeded in holding off his arrest by a series of legal manoeuvres and avoided four votes of no confidence by the well-used tactics of having the Parliamentary Private Business Committee reject proposed motions, and adjournment of parliament. However, in July 2016 the Supreme Court intervened, describing O'Neill's actions as 'a real threat to parliamentary democracy' (ABC News 12 July 2016), and ordered parliament to

reconvene and debate a no confidence motion. After a brief debate the motion was defeated by 85 votes to 21. From around 2016, however, there was some drift of MPs (including the PPP) to the opposition, and with a national election looming in mid-2017 NA leader Pruaitch became a critic of O'Neill and was dropped from cabinet.

In the 2017 election there were 3,337 candidates, including 2,147 (64.3 per cent) independents, and 44 parties.<sup>15</sup> Despite the turmoil of the preceding five years, O'Neill's PNC again gained the most seats (28 of the 111), and O'Neill was re-elected prime minister by 60 votes to 46. He led a coalition that included the PPP, a faction of the URP and several independents and single-member parties. The NA, with 15 seats, and a revived Pangu Pati under Sam Basil with nine seats (subsequently augmented by six independents or minor party amalgamations), initially formed the core of the opposition and Pruaitch became leader of the opposition. The following month, however, Basil and 12 of his Pangu MPs crossed the floor to join the government; Basil said he was tired of being in opposition and having to fight for District Services Improvement Program funds, and that he had 'to respect the Prime Minister's mandate' (ABC News 11 September 2017). Several other MPs also moved to the government benches, once again giving an O'Neill-led coalition a substantial majority. O'Neill also benefited from judicial decisions that resulted in the quashing of the arrest warrant against him and of a proposed referral to the public prosecutor (see Chapter 15). But notwithstanding this, O'Neill came under continuing criticism and, amid rumours of growing tensions within the coalition, several members moved (back) to the opposition; in late 2018 the opposition gave notice it would submit a motion of no confidence.

Following a well-trodden path, when parliament met in February 2019 the House voted to adjourn for three months. The motion to adjourn was moved by the leader of government business, James Marape. Marape, a close associate of O'Neill since 2011 and a member of the PNC, was at the time minister of finance. In April Marape and O'Neill clashed over O'Neill's signing of a US\$16 billion agreement for the expansion of liquefied natural gas (LNG) operations, and Marape defected to the opposition. By early May he had been followed by 24 coalition MPs.

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15 In a pre-election statement, the electoral commissioner revealed that only eight parties had signed a code of conduct drawn up by the Electoral Commission as a guide to candidates and their supporters during the election (*The National* 11 May 2017).

Marape, supported by several senior PNC MPs, challenged O’Neill to let the party caucus vote on the leadership, but O’Neill refused. An attempted vote of no confidence against O’Neill was blocked when parliament again voted, by 59 votes to 50, to adjourn.

Basil opted to stay with O’Neill but Pangu Pati’s non-parliamentary executive and its Morobe branch (to which eight of its MPs belonged) supported the opposition, and the party split. Basil was expelled from the party and said he would create a new party (Our Party) with eight of his Pangu-elected supporters, but instead announced they had joined the Melanesian Alliance—which in 2017 had returned only one candidate. The Melanesian Alliance rejected Basil’s claim, however, and threatened him with legal action for ‘stealing our party’ (EMTV 25 May 2019). In November 2019 Basil founded a new, nine-person party, United Labour Party—his fifth party affiliation in nine years. Around the same time, the leader of the pro-opposition faction of Pangu offered Marape a home with Pangu, which Marape accepted, bringing with him 14 MPs from the PNC.

Over the next few weeks O’Neill fought to retain his position while the opposition group, calling itself the Alternative Government, sought to put together the numbers for a successful no confidence motion (first naming Marape and later Pruaitch as alternative prime ministers). Finally, facing the prospect of losing a vote of no confidence after 12 MPs from Duma’s URP joined the opposition, O’Neill resigned, triggering a parliamentary vote for prime minister. Following O’Neill’s resignation, Marape and his renegade supporters crossed back to the government and Marape became the government nominee for prime minister. In an extraordinary sequence of events, Pruaitch nominated O’Neill (who accepted nomination but then withdrew); the remaining opposition members nominated Morauta (who had returned to parliament in 2017), and Pruaitch and his NA voted for Marape, who won the vote by 101 to 8. [For a more detailed account of these moves see Chapter 15.] Despite having voted for Marape, Pruaitch and the NA remained in opposition, with Pruaitch as opposition leader.

In the following months Marape appeared to consolidate his position. He appointed a cabinet that included 21 ministers who had served under O’Neill but also two opposition MPs (Kua and Bryan Kramer) who had been among O’Neill’s strongest critics and had not voted for Marape in the election for prime minister. In later cabinet reshuffles he added then opposition NA MP Ian Ling-Stuckey as treasurer and recruited Morauta



to assist in the country's economic recovery plan, and dropped several PNC members. In October 2019 Marape accepted the parliamentary leadership of the Pangu Pati.

O'Neill continued to sit on the government benches with his PNC loyalists, but criticised decisions taken by the Marape government. In September, accusing O'Neill of trying to undermine his government, Marape asked O'Neill to leave the government benches and join the opposition, but O'Neill refused to identify with the opposition, later declaring that he would remain part of any government that continued the work he had initiated (*The National* 2 January 2020). In what I have described elsewhere as 'an interesting (if somewhat confusing) statement' (see Chapter 15), Marape was reported as saying:

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

However, in June 2020 Marape took a firmer stand, announcing, 'the PNC leader continues to play politics, so unfortunately his members will have to move tomorrow to the opposition benches' (EMTV 2 June 2020). The speaker, Job Pomat, a PNC member, resigned from the party 'to maintain the neutrality of the office' (EMTV 22 June 2020) and remained as speaker.

Meanwhile, a number of MPs who had gravitated to the PNC after the 2017 election shifted back to their earlier affiliations or to Pangu, and even some of the more staunch opposition MPs had joined the government, such that by the end of 2019 the Marape government appeared to have 101 of the 110 MPs (one seat being vacant due the death of an MP).

During the course of 2020, however, there was growing criticism of Marape and even talk of a vote of no confidence when Marape's grace period expired in November. In October a cabinet reshuffle saw Deputy Prime Minister Davis Steven replaced by Sam Basil but in a surprise move shortly after this, more than 40 MPs, led by Basil and including Steven, Pruaitch and Duma, crossed to the opposition, which filed a no confidence motion naming Pruaitch as alternative prime minister. In another surprise move, before a no confidence vote could be taken, 17 MPs, again led

by Basil, crossed back to the government in December, giving Marape a clear majority that he used to adjourn parliament until April 2021. When parliament reconvened in April a new motion was filed, naming O'Neill as alternative prime minister, but before the motion could be moved the House voted to extend the adjournment by four months, taking it into the final 12 months of the parliamentary term, when a successful no confidence vote results in the dissolution of the House—thus virtually ensuring that Marape will remain as prime minister till the next national election scheduled for 2022.

With MPs coming and going between parties, and party factions moving between government and opposition, even the registrar of political parties has had difficulty assessing the state of play with regard to political parties, but figures from the Registry of Political Parties as at 24 May 2021 listed Pangu, led by Marape, with 30 MPs; PNC (O'Neill) 14; NA (Pruaitch) 10; URP (Duma) 8; United Labour Party (Basil) 9; People's Party (William Tongamp) 4; PPP (Chan) 4; Our Development Party (Charles Abel) 3; Papua New Guinea National Party (Kua) 2; Triumph Heritage Empowerment Party (Polye) 2; Social Democratic Party (Powes Parkop) 2; 14 one-member parties—PNG Country Party (Chris Haiveta), People's Labour Party (Peter Yama), PNG Party (Namah), Melanesian Liberal Party (Allan Marat), Coalition for Reform Party (Joseph Lelang), People's Movement for Change Party (Gary Juffa), People's Democratic Movement (Paias Wingti), United Party (Rimbink Pato), PNG One Nation Party (Peter Numu), Allegiance Party (Kramer), Melanesian Alliance (Joseph Yopyyopy), People's Action Party (James Donald); People's First Party (Pipol First Party; a party recently founded by former PNC member Richard Maru), PNG Greens Party (Richard Masere; Masere was formerly affiliated with Our Development Party, but switched to the Greens Party, which till then had no MP); seven independents (including Pomat and Steven), with two seats vacant. The registrar noted, however, that he was aware of members resigning from their respective parties but had not received documents effecting their resignations.

## **Explaining the failure of party development**

In an earlier paper (see Chapter 4) I attempted to answer the question of why a coherent party system has failed to develop in Papua New Guinea. Three factors were suggested.

First, that the lines of social cleavage that had typically provided bases for differentiating political parties and defining party attachment in most developed party systems—class, ideology, religion, ethnicity and region—have not (with the possible exception of region) been salient in Papua New Guinea's national politics. While there is a growing gap between rich and poor, class has not emerged as a major division in a country where over 80 per cent of the population is largely dependent on subsistence agriculture and even the urban elite tends to value its links to the village; ideology and religion have played almost no role in differentiating parties from one another, and though regionalism, and a largely geographically defined ethnicity (particularly a sense of Papuan regional identity), have been evident in party organisation and support, they have not provided a continuing basis for party alignment.<sup>16</sup> In the absence of such social and geographic cleavages, parties and coalitions of parties have developed primarily around personal networks—which have persistently proved fragile.

Second, while I have argued elsewhere (see Chapter 6) that the common depiction of electoral outcomes in Papua New Guinea as being determined by clan or 'tribal' loyalties is oversimplified, electoral success is nevertheless determined primarily by local factors—local reputation, local perceptions of a candidate's ability to deliver goods and services to his or her electorate, and the effectiveness of electoral campaigning, as well as some degree of clan or group loyalty (especially in the highlands). Successive studies of Papua New Guinea's national elections have provided little evidence of a party vote.<sup>17</sup>

Third, with high costs of contesting elections and a high turnover of MPs at every election (over 50 per cent in all elections and almost 80 per cent in 2002), MPs are driven less by commitment to a particular policy agenda than by a desire to maximise the returns, to themselves and their constituents, from being in office, in all probability for a short

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16 As an example: in 1981 an NP-aligned Papuan Action Party (PAP) was formed as a regional party drawing on Papuan separatist and anti-highlander sentiments; the following year, former defence force commander Ted Diro was elected and became leader of a mostly Papuan 'Independent Group' of MPs, and before the 1987 election these two groups became the basis of a new People's Action Party (also PAP); the new PAP subsequently broadened its geographic support base and in 1997 and 2002 had substantial support in the highlands. In 2007 it won six seats, four in Momase and two in Highlands, but none in Papua.

17 The 2017 Election Observation Report by The Australian National University's Department of Pacific Affairs observed that of 3,740 citizens surveyed post-election only 21 (0.6 per cent) cited political party affiliation as the primary factor driving voter choice (Haley and Zubrinich 2018:41).

time. An unbroken record of coalition governments, frequent votes of no confidence, and recurring changes of government in mid-parliamentary term have created a political environment in which there is a strong tendency for individual interest to outweigh party loyalty. And it seems that most constituents will support a party shift by their MP if it improves their access to government. A statement by opposition MPs in 1990 explaining why they had defected to the governing coalition—‘we are elected to parliament to be in government’—was quoted in the earlier paper; it is echoed in MP Tony Aimo’s justification for his PAP’s switch to the government in 2011, that he ‘did not want the people of East Sepik to be marginalized’ (quoted above), and in Sam Basil’s accounting for his move to government in 2017, that he was tired of being in opposition and having to fight for District Services Improvement Program funds.

It was widely hoped that the OLIPPAC would strengthen parties and discourage party hopping. In support of these objectives both the National Research Institute and The Australian National University’s Centre for Democratic Institutions offered to assist parties in developing party constitutions and party platforms. But even before the Supreme Court ruled against sections of the OLIPPAC, it was clear from the proceedings of the 2002–2007 parliament, that this exercise in social engineering was falling well short of its engineers’ expectations, with parties splitting and coalition partners changing, and this has been a continuing pattern since 2007. After July 2010 most of the major parties split again and in 2012 a record number of parties contested the upcoming election.

## Where to now?

It is commonly argued that strong political parties are necessary for viable democracies (see, for example, Diamond et al. 1995:34). But, at least till 2011, Papua New Guinea has maintained what might be described as a robust democratic system despite the lack of strong parties—prompting Ben Reilly (1999) to describe Papua New Guinea as a ‘deviant case’.

The functions traditionally associated with political parties in liberal democracies—the provision of alternative policy options, the raising of voter awareness, the recruitment of capable candidates, and the organisation and discipline of elected party members in parliament—have been poorly developed in Papua New Guinea, and there is little evidence that this is changing. But what are the costs of a weak party system?

## Providing policy options

Where parties in Papua New Guinea do have policy platforms they tend to converge on much the same issues—prominently, rural development, improved service delivery (especially in health and education) and anti-corruption. Gelu (2011:118–20) has suggested that in 2007 there were some differences in party policies, and noted the initiatives of the National Research Institute to encourage parties to develop policy platforms, but acknowledged that ‘many of the parties tend to agree on what they would do if they were in government’.

Given the absence of significant social cleavages at the national level, and the strong political focus on local issues, the scope for parties in Papua New Guinea articulating alternative policies to attract prospective voters is probably limited. When candidates go out to campaign in their electorates they seldom press their claims for election on the basis of party policies; rather, they tend to focus on local issues and utilise personalised political networks.

In contrast, in developed party systems, voters mostly identify with and vote for a particular party on the basis of class, ideology, religion or region—lines of cleavage that are taken to be indicators of policy orientation. Sometimes, however, even in developed party systems, party labels are a poor indicator of where parties will stand on particular issues. The tendency for parties ranged along a broad left–right political spectrum to converge on the centre has long been noted (see, for example, Downs 1957:Chapter 8), and in Australia, Labor Party supporters have lamented that the party’s shift towards the centre has meant that the policies of the Australian Labor Party and the Liberal–National Party coalition have become increasingly less differentiated, while Geoffrey Luck (2000:282) has said of Italy, ‘Italian politics has always been run on ideology, not on policies; programs were something to be developed after the election, so a party could be safe from any audit of promises’. Moreover, because most voters maintain their party allegiance throughout their lives, and many single-member constituencies are seen as ‘safe seats’ for a particular party, voters in developed party systems can often predict with a high degree of probability which candidate will win regardless of how they vote, and overall national electoral outcomes are mostly determined by a relatively small number of ‘swinging voters’ in ‘marginal’ seats. Strong parties, in other words, do not guarantee that voters have a good range of policy options.

Further, because they regularly vote along party lines, and parties select the candidates, voters in developed party systems seldom know much about the candidates from whom they choose. In Papua New Guinea, on the other hand, voters generally have a good knowledge of the candidates who are contesting—where they are from, what they have done, whether they have party endorsement (or covert party support), and whether they are ‘grassroots’ people or ‘fly-ins’ who have spent most of their lives in Port Moresby or elsewhere outside the province. It might thus be argued that even without strong political parties, Papua New Guinea’s voters are well placed to decide who to vote for (though in some parts of the country, especially in the highlands, individual choice is inhibited by the practice of communal bloc voting for a locally favoured candidate) and to ensure greater accountability of MPs to their electorates; certainly the turnover of MPs at elections in Papua New Guinea is unusually high.

### **Raising awareness**

Where there are developed party systems, political parties generally play a role in raising popular awareness about significant policy issues and mobilising support for, or opposition to, alternative policy options. In Papua New Guinea, political parties play only a minor role in raising political awareness and stimulating debate on salient issues at election time, and in recent years ‘executive dominance’ by an inner cabinet has even undermined the debate of policy issues in the national parliament. However, raising awareness of issues has been undertaken to some extent by individual politicians and, increasingly, by civil society organisations, including a lively press.

### **Recruitment of candidates**

Lacking mass bases, political parties in Papua New Guinea do little to nurture and select prospective candidates; rather, as elections approach they endorse sitting party members and recruit candidates they think can win. For their part, prospective candidates frequently ‘shop around’ for a party that will back their candidature by contributing to campaign expenses, and their commitment to party platforms, if they exist, is correspondingly tenuous. Many stand as independents, joining a party—usually the one that makes them the best offer for their support—after being elected. But there is no necessary reason why this should make for a poorer quality of candidate—indeed by recruiting likely winners rather than selecting from party loyalists they may come up with stronger candidates.

A downside of the poorly developed party system, however, is the large number of candidates who nominate for election (on average 25 per seat in 2007, 31 per seat in 2012 and 30 per seat in 2017), which increases the chances that a candidate can win solely on the basis of mobilising their local support base. This encourages communal bloc voting, restricting the rights of individual voters (especially women) to choose their preferred candidate and sometimes leading to violence against ‘outside’ candidates campaigning within another candidate’s support base.

### **Organisation and discipline of elected party members**

Perhaps the most important function of political parties, especially in a personalised and fractious political system like that of Papua New Guinea’s, is that of creating a cohesive, organised group of parliamentary members who will maintain their support for the party’s parliamentary leader and for policy initiatives put forward by the party. It has been the lack of such party loyalty and discipline that has produced the party hopping and *yo-yo politiks*, and the consequent political instability, which the OLIPPAC sought—with limited success—to rectify. While there are arguments to be made against locking MPs into the membership of the party that endorsed them as candidates, and restricting their right to vote other than as the party resolves (see Chapter 2), so long as there is no strong disincentive for MPs to change their allegiance, and parties are free to shift from one coalition to another, *yo-yo politiks* will continue, to the detriment of effective policymaking and implementation, and parliamentary democracy generally.

This is not to say that all candidates, or all MPs, should be members of a political party. There is a place for independent candidates and independent MPs, and insistence that all candidates should be endorsed by a political party would simply lead to a proliferation of small parties, most of which would merge with larger parties or fade away after elections.

In sum, stronger political parties do not provide all the answers to the problems of Papua New Guinea’s somewhat chaotic elections and poorly performing parliament, but stronger parties might reduce the dysfunctionally high number of candidates contesting elections and make for a more effective legislature.





# 6

## The 'clan vote' in Papua New Guinea open electorates: Data from Angoram

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The prevailing orthodoxy of electoral politics in Papua New Guinea, and to a large extent in Melanesia generally, is that, in the absence of significant ideological cleavages and established party allegiances, electors vote along clan or kin lines.<sup>1</sup> Thus, for example, Ben Reilly (1997:5) asserts that under Papua New Guinea's first-past-the-post electoral system 'candidates rely, sometimes exclusively, on their own clan base for support'<sup>2</sup> and Ben Scott (2005:73) states, 'until recently it was possible for a candidate to succeed with the support of only a fraction of their electorate, usually their kin'.<sup>3</sup> This is undoubtedly largely true, especially in the highlands of Papua New Guinea, where there are generally more candidates (the average per electorate across the 34 open electorates in 2002 being 28)<sup>4</sup>

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1 In what follows I use 'clan' as a shorthand term for kin, *lain* or whatever local group is seen as providing a candidate with support based on personal or group loyalty.

2 After the 2002 national election, Papua New Guinea changed from a first-past-the-post to a limited preferential voting system.

3 Similarly, see Premdas (1989:246), Reilly (2002a:705) and Reilly and Phillipot (2002:919, 923–24).

4 There are currently 109 seats in Papua New Guinea's national parliament: 20 are provincial (previously regional) seats, which prior to independence were restricted to candidates with a minimal education qualification; the other 89 are open seats, geographically defined, which may be contested by candidates who meet the residential requirements. Each seat returns one member (prior to 2002 on a first-past-the-post vote).

and winning votes tend to be smaller.<sup>5</sup> In extreme cases, some candidates or their local supporters in recent elections have forcibly taken bundles of ballot papers initialled by returning officers and marked them in their candidate's favour.

But 'clan voting' is not a sufficient explanation for electoral outcomes in general. For one thing, clans often put up more than one candidate—brother has been known to stand against brother, and spouse against spouse.<sup>6</sup> Indeed, 'vote splitting'—in which a candidate sponsors a member of a rival candidate's clan to stand for election, in the hope of drawing clan votes away from the rival candidate—is common. For another, elections are sometimes won by outsiders—that is, candidates who have migrated into the area from another district, another province or even another country; such candidates, of necessity, must appeal to something other than loyalties deriving from common lineage. There is also evidence that in some situations the quality of a candidate's campaign or the amount spent on buying votes can swing an election result. It is even possible that in some instances party support might have an influence on election outcomes, though there seems to be little statistical support for this view.

To date, there has been little attempt to assess, statistically, the importance of the clan or local vote in Papua New Guinea elections.<sup>7</sup> In the absence of a coherent party system, clear social cleavages within electorates, and published data identifying voters by place of residence, it has been virtually impossible to undertake the sort of statistical analysis of voting figures undertaken in more developed polities. There is the possibility for some such analysis, however, because figures are recorded for each ballot box.

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5 On the particular circumstances of the highlands see, for example, Standish (1992, 1994, 2002), Ketan (2004) and Burton (1989).

6 Note, however, John Burton's comment in relation to the highlands: 'If candidates stand from the same tribe, or from the same section of a tribe, that tribe or section will predictably split down the middle along structural lines' (1989:273).

7 The major exceptions are Burton's study of Hagen Open in 1987 (Burton 1989) and Orlegge's study of the Goroka Open election in 1997 (Orlegge 2002), both of which use ballot box figures. For more general discussions of the importance of the local vote see Hegarty (1983:Chapters 1, 7), Oliver (1989:Chapters 1, 2, 4, 16), Saffu (1996:Chapters 1, 9, 11) and May and Anere (2002:Chapters 5, 9). Yaw Saffu notes that the candidate's 'ascribed relationship with the relevant ethnic/language groups in the electorate' is a primary consideration in electoral choice, but warns that "'primary' is not the same as 'exclusive'" (1996:4) and rejects 'monocausal explanations of the vote' (1989:30). Burton proposes a model of 'segmentary enclavement' but with modifications (1989:277–78).

In this paper I have attempted to test for the evidence of a clan vote by a rough analysis of ballot box results (using ballot boxes as a proxy for clan) for an electorate with which I am familiar, namely Angoram Open in East Sepik Province—recognising, however, that Angoram is not representative of the 89 open electorates nationally and that its relevance to electoral behaviour in the highlands (where, as noted, the number of candidates is generally higher and clan voting more pronounced) may be limited. That said, the data do suggest that clan voting has less value as an explanation of electoral outcomes than the statements quoted above would lead us to expect.

## The data

Although there is some variation across the country, ballot boxes usually contain a few hundred ballots from specific polling places. Typically, one ballot box contains the votes of anything from a portion of a large village to two or three villages visited by officials during an electoral patrol. In the words of John Burton, analysis of ballot box figures is, in practice, 'extremely difficult' (1989:254–55). For one thing, the figures are not published and have usually been made available only at the discretion of the Papua New Guinea Electoral Commission, on the condition that the locality of each box remain confidential (since with small numbers of votes in some boxes the identification of the source could breach the confidentiality of the vote, and in some cases even invite reprisal from candidates who did not receive the vote they expected). Second, even with fairly small numbers of votes, a single box may contain ballot papers from several communities, cutting across clan and other divisions.

Notwithstanding these difficulties, I have used ballot box data for Angoram Open for three consecutive national elections: 1987, 1992 and 1997.<sup>8</sup> In 1987 there were 38 ballot boxes, containing, on average, almost 500 ballots;<sup>9</sup> in 1992 there were 59 boxes with an average of just over 300 ballots; and in 1997 there were 75 boxes, again with just over 300 ballots on average. In other words, each box contained the votes of

8 At the time of writing, in 2004, I had not been able to obtain similar figures for the 2002 election.

9 One ballot box contained only 14 votes (of which, two candidates, Sane and Laki, together got 12), and because of its small size has been excluded from the calculations.

about a third to a half of a large village or several small villages,<sup>10</sup> and thus provides a means of measuring the degree of localisation or concentration of support for candidates.

For each year I have provided two crude calculations: first, the percentages of votes received in each ballot box by the top-scoring candidate, and the top-scoring candidate plus the runner-up—this provides a measure of the degree of concentration of voting at the location of the ballot box; and second, the percentage of votes candidates received in the boxes in which they scored most votes (for 1987 I measured the best two and the best four ballot box results; for 1992 I used the best three and best six, and for 1997 the best four and best eight)—this indicates the degree of the candidate's dependence on concentrated local support (the clan vote or local 'vote bank').<sup>11</sup> Data from the first set of calculations are summarised in Table 6.1 and in the text below; full data may be found in the original electoral studies (May 1989b, 1996, 2002b). Data from the second set of calculations are summarised in Tables 6.2–6.4. Because the Angoram data also include instances of the same candidate standing for different parties in different elections, and candidates either switching from party-endorsed to independent or from non-endorsed (and challenging an endorsed candidate) to endorsed, there is also an opportunity to see what difference, if any, party status makes to electoral outcomes. Given the large size and low population density of the Angoram electorate, and the fact that East Sepik during the 1980s and early 1990s was a stronghold of the Pangu Pati—the party that, under Michael Somare's leadership, led Papua New Guinea at independence and with which many Sepik voters identified—one might expect that party affiliation, and Pangu endorsement in particular, would have given candidates a significant advantage.

And, finally, since Angoram produced two strong outside candidates in the period reviewed (one from another district of East Sepik and one from another province),<sup>12</sup> there is scope for looking at how candidates without a kin-based vote bank garner voter support (though that question is not pursued in detail here).

10 In 1990 village populations ranged from 23 to 1,640. To preserve the confidentiality of the voting data, the ballot boxes are identified by number only.

11 The term 'vote bank' is being used increasingly by candidates in and commentators on Papua New Guinea elections. As the name suggests, it refers to places in which a candidate can count on getting fairly solid support—usually a clan or segment of a clan, but sometimes also a spouse's clan, a place where the candidate has previously worked, or a group of people who are indebted to the candidate.

12 Prior to this, Angoram returned an expatriate candidate, Peter Johnson.

## The electorate

Angoram, one of East Sepik's six open electorates, is geographically one of the largest electorates in the country, stretching some 135 kilometres north to south from the coast to the border with Enga Province and 190 kilometres east to west from the border with Madang Province to the Ambunti district boundary, an area of over 15,000 square kilometres. Much of the electorate is thinly populated, the population being concentrated along the Sepik River and its major southern tributaries, the Keram, the Yuat and the Karawari. The electorate (whose boundaries coincide with Angoram District) contains a number of language groups divided between 14 census divisions, but in terms of self-identification the bulk of the population can be roughly divided into three geographical zones: the middle Sepik, which includes a number of large river villages (mostly Iatmul speakers); the grass country south of the river, including the Keram and Yuat villages; and the lower Sepik, including the Murik Lakes and the scattered population between the river and the coast in the eastern corner of the province. Of a total district population of 48,454 in 1990, about 38 per cent were in the Grass Country, Yuat and Banaro census divisions and 21 per cent in the Middle Sepik and Korosameri census divisions. Angoram town, a minor administrative and commercial centre, had a population in 1990 of 1,400, including a shifting population of people from up and down the river, and the Gavien Resettlement Scheme, a few kilometres outside Angoram, contained 2,533 people, drawn from various parts of the province.

The Angoram District is one of the poorer districts of Papua New Guinea, being ranked 59th out of 87 districts in a 1985 study of district-level inequalities and 65th out of 85 districts according to an index of disadvantage calculated in 2001 (de Albuquerque and D'Sa 1985; Hanson et al. 2001:310). Two traditional mainstays of the cash economy, crocodile skins and artefacts, have provided only a small and irregular source of income, artefact sales having been adversely affected by a decline in tourism (itself a minor source of income) and official discouragement in the 1980s of private—mostly foreign—artefact dealers. With the development of the Gavien Resettlement Scheme, cocoa, robusta coffee and rubber production have become the major sources of income, along with small quantities of copra and vegetables. The Wewak–Angoram Land Development Scheme, formulated by the provincial government, was under consideration in the mid-1980s. It was planned to cover some

90,000 hectares in Angoram and Wewak districts and involved logging, plantation and smallholder production of coffee, cocoa and copra, and subsistence agriculture, but the scheme did not materialise.

Angoram town has become something of a backwater, although a small group of local businessmen, constituting the Angoram Development Association, had some local influence in the 1980s and 1990s. During the 1987 elections voters complained that although the Pangu Pati, which till then had exercised a dominant influence in East Sepik's electoral politics, had held office for long periods, other provinces had prospered (*ol i bin kisim mit*—others have been getting the meat) while the Sepik had been left with the scraps (*mipela I gat bun tasol*—we just get the bones).

The construction, by the Somare government in the 1980s, of a road between Wewak and Angoram considerably improved land communication, but transportation in the electorate is still mainly by motorised canoe, and is difficult and expensive.

## A brief electoral history<sup>13</sup>

Between 1972 and 1982 the Angoram seat was held for Pangu by Bill Eichorn, a mixed-race former schoolteacher, who had a crocodile farm and cattle smallholding on the Keram River. On the eve of the 1982 election Eichorn looked vulnerable and, though endorsed by Pangu, he was opposed by seven candidates, including two strong pro-Pangu candidates, John Maiben and Philip Laki Yua. The last-minute candidacy of Laki, a local businessman from Timbunke village in the Middle Sepik, who had been a member of the provincial assembly since 1979, was not universally popular: many Middle Sepik villagers resented the fact that the man they had elected to represent them in the provincial assembly had resigned, without consulting them, to contest the national seat, and many Pangu Pati officials, who had seen Maiben as a likely successor to Eichorn, feared that a three-way split of the Pangu vote might let a rival candidate through. Laki was supported, however, by the Angoram Development Association and, in the event, he won the contest by a clear margin over Maiben. Eichorn came third, the three Pangu candidates

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13 For more detailed accounts of the national elections in Angoram Open, see Wandau (1976) and May (1989a, 1989b, 1996, 2002b). This paper draws on material previously published in May (1989b, 1996, 2002b).

together collecting 73 per cent of the vote. The endorsed National Party (NP) candidate, Teddy Sane, came fourth with 12 per cent of the vote, and the endorsed Melanesian Alliance (MA) candidate received less than 200 votes (May 1989a).

Sane, a former naval cadet officer, merchant seaman and then stevedore instructor in Lae, had returned to the province in 1977 to contest the national election as a People's Progress Party (PPP) candidate. Failing to get elected, Sane set himself up in Angoram, operating a trade store and dealing in crocodile skins. In 1981 he founded a local branch of the NP and the following year stood as the endorsed NP candidate in Angoram, with support not only from colourful NP leader Iambakey Okuk but also from the MA (May 1989a).

In the lead-up to the 1987 election there were suggestions (as there had been in 1982) that Sir Michael Somare, the East Sepik regional member, whose home village is in the Murik Lakes area at the mouth of the Sepik River, might stand for Angoram, leaving MA national chairman Bernard Narokobi to contest the provincial seat rather than his home electorate of Wewak Open, thereby avoiding a confrontation between Narokobi and the sitting Pangu member for Wewak, Tony Bais. But nothing came of this.

In the event, 12 candidates stood. Laki, as the sitting member, was reindorsed as the official Pangu candidate. In 1987 Pangu policy ruled against candidates standing as 'pro-Pangu'. None of the other parties that had endorsed candidates in 1982—the NP, MA and PPP—endorsed candidates in Angoram in 1987 (though one candidate, Benny Simbi, who had been the endorsed PPP candidate in 1982, claimed affiliation with the PPP and another, Elias Kainor, with the MA). Sane was again a candidate, this time—having lost interest in the NP following the death of Okuk—as an *independen kendidet i sapotim gras rut pipol bilong ples* (independent candidate supporting grassroots village people), though he appears to have had some contact with Paias Wingti's People's Democratic Movement.

Another prominent candidate in 1987 was Leo Unumba. From Biwat (Yuat census division) but resident in Angoram, Unumba had unsuccessfully contested the national elections in 1977 as an independent. Two years later he was successful in the provincial elections, winning the Yuat seat and subsequently becoming deputy premier and treasurer of the province. He was re-elected to the provincial assembly in 1983, but

resigned to contest the 1987 national election. Although standing as an independent, and having served in a predominantly Pangu provincial government, Unumba was said to have PPP links.

Sari Wimban was also seen by some as a strong candidate. Wimban, born in Mindimbit (Middle Sepik census division) but living on the Gavien settlement, had served for 10 years as provincial health extension officer and had stood for the national parliament unsuccessfully in 1977 as the endorsed United Party candidate. In 1987 Wimban stood with the support of the Public Employees Association. He did not declare any party attachment, but was widely believed to be a People's Democratic Movement supporter and admitted having 'had talks' with Wingti.

Most people with an opinion in 1987 seemed to think that the winner would be either Laki or Unumba. Both were well known and had firm bases in the populous Grass Country and Middle Sepik areas. Reports from the Middle Sepik, however, suggested that a longstanding antipathy between the big Iatmul villages of Tambanum (1990 population 896) and Timbunke (1990 population 915) had resurfaced and that the Tambanum people were therefore likely to support Unumba against Laki (who is from Timbunke), splitting the Middle Sepik vote and thereby giving an advantage to Wimban, who, himself a Middle Sepik, was believed to have strong support in the Grass Country as well as in Angoram town and Gavien. There was also some suggestion that people in Yuat were angry with Unumba for abandoning his provincial seat to contest the election, but similar comments had been made about Laki in 1982, and it had done him no obvious harm. Opinions differed as to Sane's prospects. Sane himself was confident (as he had been in 1982), claiming strong support in the Grass Country and Lower Sepik, but only a small number of the people with whom I spoke gave him much chance, counting against him the fact that he had stood for three different parties in three elections.

When the votes were tallied, the victor was Laki, with 32 per cent of the vote, over Sane (21 per cent) and Unumba (13 per cent). Wimban (6 per cent) finished fifth, behind little-known candidate Victor Terenfop (8 per cent), a former community schoolteacher from the Yuat census division, who had not stood previously and had no party attachment.

In 1992 Laki, as sitting member, was again the endorsed Pangu candidate. Twelve other candidates contested the Angoram electorate. Three of the candidates from 1987, apart from Laki, recontested in 1992: Terenfop,



Wimban and Sami Januarius (who had come tenth in 1987). In 1992 Terenfop stood for the MA; Wimban and Sami were said to have 'undercover' support from the People's Democratic Movement. The other candidates included Maiben, a pro-Pangu candidate in 1982 who did not stand in 1987, and Ludwig Schulze (or Schultz), originally from New Ireland Province but for several years a businessman in Angoram town (dealing mostly in crocodile skins). Schulze had also stood in 1982 but not in 1987 and was believed to have PPP support (through his New Ireland links to PPP leader Sir Julius Chan). Another was Joe Kenny (or Kenni), a prominent businessman in Angoram town. Kenny was born outside the electorate, in nearby Yangoru, but was a long-time resident of Angoram and president of the Angoram Development Association. In 1972 Kenny had stood as the endorsed Pangu candidate, but was defeated by Eichorn and had not contested again (Wandau 1976).

On the eve of polling the general feeling seemed to be that the real contest was between Laki, Schulze and Kenny, and so it proved to be: Laki was returned with 25 per cent of the vote, Kenny was second with 19 per cent, and Schulze was third with 17 per cent, ahead of Terenfop (10 per cent) and Wimban (8 per cent).

In March 1994 a tribunal found Laki guilty of 25 counts of misconduct in office and misappropriation of public monies, and he was dismissed from office. In the ensuing by-election 17 candidates stood, including Kenny, Schulze, Unumba and Januarius. Victory went to Schulze, who stood as the endorsed PPP candidate, breaking Pangu's 22-year hold on the Angoram seat. Schulze received 20 per cent of the vote. Unumba, the former provincial deputy premier, who resigned to contest in 1987 but did not stand in 1992, came second with 18 per cent of the vote, and Kenny, to the disappointment of his supporters, came third with 11 per cent.

Between the by-election of 1994 and the next national election in 1997 a split occurred within the Pangu Pati, and in 1996 Pangu figurehead and independence prime minister Sir Michael Somare was expelled from the party. Somare joined the recently formed National Alliance (NA), a group that included some Pangu colleagues, members of the MA, and several other progressive politicians (May 2002a). In 1997 Somare went to the polls as leader of the NA.

In 1997, 10 candidates contested the Angoram Open election. They included the sitting member, Schulze (PPP); Kenny, who was endorsed by Pangu (but said to be pro-Somare); Luimek Pandima Johnson, who had stood in 1992 and 1994, coming ninth on both occasions; and Stanley Lumbia, who had come fourth in the 1994 by-election. Also standing were two first-time candidates, Paul Bengo and Arthur Somare. Bengo had had a distinguished public service career, including appointments as East Sepik Provincial secretary in the late 1970s and early 1980s, and secretary for defence, but had not spent much time in his home place, Korogopa, south of the river. Somare, the son of Sir Michael Somare, recently returned from Australia, had been working in the electorate as consultant/manager of a timber project at Kaup Base Camp prior to the election.

In the lead-up to voting, there was no clear favourite. Schulze, the sitting member, was said to be campaigning fairly vigorously, both personally and through a network of *komiti* (campaign team leaders), and was thought by many to be the likely winner. Kenny was expected to pick up votes in town and around the resettlement scheme at Gavien, and to gain something from Pangu endorsement, but many people suggested that his slipping from second in 1992 to third in the 1994 by-election had diminished his chances of gaining election. Johnson, who stood as the endorsed People's Action Party candidate, was also said to be running a well-organised campaign, focused on the Yuat and Grass Country. Arthur Somare was the unknown. A bright, well-educated young man (27 years old in 1997), he was carrying out an extensive campaign and might have been expected to gain from the family connection given the widespread deference accorded his father. But many people, including villagers from the Somares' home area of Murik, expressed to me their reservations about having two members of the family contesting in the same election—a common phrase was *nogat tupela wantaim* (not two [Somares] at the same time). Arthur Somare stood as an independent, though he was known to be aligned with his father and was generally perceived as NA.

In the event, the young Somare was victorious, winning 25 per cent of the vote, ahead of Schulze (20 per cent), Johnson (16 per cent) and Kenny (14 per cent).

## Analysing the vote

### Vote spread

In a series of studies of the national elections in the East Sepik electorates I have provided more detail on the candidates, their campaigns and the role of parties (May 1989a, 1989b, 1996, 2002b). In the following sections I will focus solely on what the ballot box figures tell about the composition of the vote.

Table 6.1 shows the number of ballot boxes in which candidates secured the most votes at the 1987, 1992 and 1997 elections. While losing candidates tended to get most of their votes locally, stronger candidates achieved a substantially wider spread—though not an even one. Party endorsement or affiliation does not explain that spread. The figures also reveal that being an outsider is not necessarily a barrier to election (see the discussion below).

**Table 6.1 Number of Angoram ballot boxes in which candidates scored top and second position, 1987–1997**

Election year	Number of ballot boxes	Final position of candidates					
		1st	2nd	3rd	4th	5th	6th
		<b>Number of ballot boxes in which top position was achieved</b>					
1987	38*	13	11	5	2	0	2
1992	59	15	18	9	6	2	2
1997	75	23	21	11	7	7	4
		<b>Number of ballot boxes in which second position was achieved<sup>†</sup></b>					
1987	38*	9	7	11	3	3	0
1992	59	14	11	17	1	8	0
1997	75	13	21	16	10	3	3

\* One of these ballot boxes was excluded from the calculations (see footnote 9).

† In some cases, two candidates were tied for second place and both are included in the table.

In 1987 Laki, the sitting member and endorsed Pangu candidate, achieved the best spread of votes, placing first in 13 of the 37 ballot box counts analysed and second in another 9—that is, gaining the largest or second-largest vote in just under 60 per cent of all ballot boxes (Table 6.2).

Nevertheless, Laki derived 31 per cent of his vote from only four of these 37 ballot boxes; in 12 ballot boxes he scored less than 50 votes and in 5 boxes 10 votes or less. Surprisingly, second placegetter Sane achieved a comparable spread: first in 11 ballot boxes, second in 7, with 32 per cent of his vote in 4 boxes but scoring less than 50 votes in 15 boxes and 10 or less in 8 boxes. Unumba, who came third, recorded only 5 first placings and 11 second placings and his vote was more concentrated: 42 per cent from 4 boxes and 10 or fewer votes in 13 boxes. Other candidates' votes tended, as might be expected, to be more highly concentrated: Terenfop, who came fourth, received more than half his votes from two ballot boxes; Wimban (fifth) received 40 per cent of his vote from two boxes; and the next-ranked candidate, Tamoane, received a high 74 per cent from two boxes (apparently defeating Laki on the Lower Sepik) but no votes at all in 19. Only three candidates—Wimban, Januarius and Dambui—failed to win a single ballot box (though Wimban scored three seconds).

**Table 6.2 Candidate performance, 1987**

	Best two ballot box results % candidate's total vote	Best four ballot box results % candidate's total vote	Candidate's total vote	% all votes	Placing
Nime	66.9	87.8	502	2.7	9
Wimban	40.1	56.0	1,157	6.3	5
Sane	16.7	32.0	3,835	21.0	2
Terenfop	50.2	65.5	1,423	7.8	4
Unumba	26.8	41.8	2,435	13.3	3
Simbi	80.0	84.0	150	0.8	12
Januarius	32.1	44.3	246	1.3	10
Tamoane	74.0	90.2	1,116	6.3	6
Maika	52.0	75.8	788	4.3	7
Laki	17.0	31.0	5,851	32.0	1
Kainor	36.2	54.9	621	3.4	8
Dambui	35.4	55.1	158	0.9	11

In 1992, when campaigning seems to have been more restricted than in 1987 and parties at least nominally more in evidence in Angoram, the pattern of voting seems remarkably similar (Table 6.3). Laki's votes were again fairly well spread, placing him first in 15 of the 59 ballot boxes and second in another 14 (that is, first or second in 49 per cent of all boxes),

though he nevertheless received 32 per cent of his vote from six ballot boxes (compared to 31 per cent from four in 1987) and scored less than 30 votes in 17 of the boxes. In 1992 the third-placed candidate, Schulze, standing as an independent, recorded a comparable spread—he placed first in 9 ballot boxes and second in 17 (that is, first or second in 44 per cent of all boxes) but 31 per cent of his votes came from 6 ballot boxes—while the second-placed candidate, Kenny, had a more concentrated vote (58 per cent of votes coming from six boxes) but actually outscored Laki in the number of first placings (18) and matched Laki's performance in combined first- and second-placings.

Voting for the minor candidates was again, predictably, more highly concentrated. Terenfop, who stood as an independent in 1987 and received 50 per cent and 66 per cent of his votes from two and four boxes, respectively, was the endorsed MA candidate in 1992 but nevertheless recorded a very similar spread—46 per cent and 66 per cent from three and six boxes. Four candidates failed to win a single ballot box, though three of them came second in at least one.

**Table 6.3 Candidate performance, 1992**

	Best three ballot box results % candidate's total vote	Best six ballot box results % candidate's total vote	Candidate's total vote	% all votes	Placing
Anmokm	64.9	88.6	687	3.8	7
Januarius	57.0	67.5	249	1.4	12
Laki	18.4	32.0	4,541	24.9	1
Anskar	63.7	82.7	364	2.0	11
Schulze	18.3	31.4	3,156	17.3	3
Johnson	72.7	89.3	440	2.4	9
Ali	52.2	69.9	655	3.6	8
Terenfop	46.1	65.7	1,822	10.0	4
Japhlom	44.0	65.1	771	4.2	6
Kaur	63.2	76.4	174	0.9	13
Wimban	26.0	42.2	1,506	8.2	5
Maiben	38.5	50.4	385	2.1	10
Kenny	15.5	57.7	3,488	19.1	2

I did not obtain ballot box figures for the 1994 by-election, in which Schulze was elected. In 1997, ballot box figures again revealed that the top three candidates all had a fairly broad spread of votes (Table 6.4). Arthur Somare, standing for the first time, was ranked first in 24 boxes and second in 12—that is, he gained the largest or second-largest vote in just under half the ballot boxes; Schulze was ranked first in 21 and second in 21 (actually getting more top-two rankings than Somare); and the corresponding figures for Johnson were 10 and 16, and for Kenny 6 and 11.

**Table 6.4 Candidate performance, 1997**

	Best four ballot box results % candidate's total vote	Best eight ballot box results % candidate's total vote	Candidate's total vote	% all votes	Placing
Kenny	34.9	52.1	3,314	14.4	4
Lumbia	43.7	62.2	2,009	8.7	5
Bengo	42.3	59.7	1,516	6.6	6
Paita	33.4	49.1	966	4.2	7
Bukka	62.2	89.2	767	3.3	8
Waike	64.9	86.0	57	0.3	9
Somare	22.4	38.6	5,731	24.9	1
Schulze	17.4	30.6	4,685	20.4	2
Johnson	29.3	43.2	3,711	16.1	3
Koni	44.4	61.1	54	0.2	10

Somare's vote was concentrated in the Lower Sepik and Angoram; he received only 68 votes in the Middle Sepik, and 41 of those came from one ballot box (he received no votes in five ballot boxes). But he also picked up a significant number of votes in the Keram, Yuat, Banaro, Karawari, Grass Country and Ajirab census divisions. He received only 22 per cent of his votes from four ballot boxes and 39 per cent from eight. Schulze had a somewhat broader spread, with a relatively low 17 per cent of his vote from four boxes and 31 per cent from eight. He polled well in the Lower Sepik, which is also a Somare stronghold, and scored well in the Grass Country, Kanda, and parts of the Middle Sepik and Yuat. He received some votes in every ballot box. But whereas Somare received more than 240 votes in each of five ballot boxes, Schulze did not score as many as that in any box. The third-ranking candidate, Johnson, had a reasonable spread of votes (29 per cent from four boxes and 43 per cent from eight)

but (coming from Kambaramba—according to 1990 census figures, the largest village in the electorate) received a marked concentration of votes from the Yuat and Grass Country.

Considering his past record and the fact that he was in 1997 the Pangu-endorsed candidate, Kenny's result was disappointing. He achieved a narrower spread of votes than Somare, Schulze, Johnson or the seventh placegetter, Paita, with support concentrated in the Middle Sepik and Kanda (which includes the Gavien Resettlement Scheme). Bengo's reputation and record as former provincial secretary did little for him either, with 60 per cent of his votes coming from eight ballot boxes and most of those from his home area in Banaro census division. At the other end of the scale, Bukka and Waike, ranked eighth and ninth, received, respectively, 62 and 65 per cent of their votes from four boxes and 89 and 86 per cent from eight, though the last-ranked Koni's meagre 54 votes were spread more widely.

Thus, over three elections the strongest few candidates managed to secure a fairly broad, though by no means an even, spread of votes across the electorate, while the weaker candidates, for the most part, garnered their support locally.

## The impact of party

As noted above, East Sepik, and Angoram specifically, was till 1997 a stronghold of the Pangu Pati. It is therefore tempting to infer from the size and spread of his winning vote in 1987 that Laki, as the endorsed Pangu candidate, received a party vote (in 1987 Pangu was the only party with an endorsed candidate in Angoram). The uncomfortable facts are, however, that Laki received the same percentage of the vote in 1987, as Pangu-endorsed candidate and sitting member, as he did in 1982, as an unendorsed challenger,<sup>14</sup> and that Sane, the endorsed NP candidate in 1982, supported by Okuk and the MA, improved his share of the vote (from 12 to 21 per cent) in 1987 as an independent, and achieved a geographical spread comparable to that of Laki's (as also, to a lesser extent, did the independent Unumba).

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14 Eichorn, who was defeated by Laki in 1982, similarly had become the sitting member in 1972 by defeating the endorsed Pangu candidate, Kenny.

Standing again as the endorsed Pangu sitting member in 1992 Laki received much the same spread and concentration of the vote as he did in 1987. Moreover, Schulze, an independent, received a similar spread. As noted above, Terenop was in 1992 the endorsed candidate of the MA, a party with an established presence in East Sepik Province; notwithstanding this, his spread of votes in 1992 was almost identical with that he received in 1987 when he stood as an independent.

Although I did not have access to ballot box figures for the 1994 by-election, it is notable that Schulze, standing as an independent in 1992 captured 17 per cent of the vote, yet in 1994, as the endorsed PPP candidate and winner in the absence of Laki, could manage only 20 per cent, suggesting again that party endorsement brought little advantage.

In 1997 Pangu Pati endorsement appears to have done little for Kenny, nor is there evidence that Johnson gained from having the endorsement of the People's Action Party. Analysis of the vote for Arthur Somare (formally an independent but associated with his father's NA), in conjunction with interviews I conducted in the electorate in 1997, provides nothing to suggest that there was an NA vote in Angoram in 1997, though it is tempting to conclude that the family name, on balance, was a valuable asset (May 2002b).

## **Outsider status**

In Angoram being an outsider does not seem to have been a major obstacle to garnering electoral backing. Kenny, as noted, was originally from Yangoru, to the north of the Angoram electorate, but was well accepted in Angoram, having been chairman of the Angoram Development Association, a prominent local member of the Pangu Pati, and the endorsed (but unsuccessful) Pangu candidate in 1972. He stood again in 1992, coming second to Laki, and in 1994, when he was seen by many as a likely winner but came third. In 1997 he stood again as the endorsed Pangu candidate but slipped to fourth place.

Schulze was even more of an outsider: he came from New Ireland Province, and in an electorate generally loyal to Pangu and to Sir Michael Somare specifically, he was seen as associated with the PPP and Sir Julius Chan, who had split with Somare in 1980 and replaced him as prime minister.



However, this did not prevent Schulze from being a serious candidate in 1992 (coming third behind Laki and Kenny), winner in 1994 and runner-up in 1997.

Sane, too, was something of an outsider: his father, a pastor, had come to Angoram from the Yangoru area to the north and married locally, and young Sane had spent much of his life outside the province. He was, however, a strong candidate in 1982 (coming fourth) and 1987 (coming second), before being elected to the provincial assembly.

## Conclusion

Contrary to accepted wisdom, the figures above suggest that the leading candidates in the Angoram Open elections of 1987–1997 drew their votes from quite a broad spectrum of the electorate: in 1987 the three leading candidates were placed first or second in, respectively, 59, 49 and 43 per cent of all ballot boxes; in 1992 the corresponding figures were 49, 44 and 49 per cent; and in 1997 they were 48, 56 and 48 per cent. But the pattern of votes each received was lumpy, in that the distribution of votes received outside the candidates' home areas or vote banks was very uneven. This lumpiness is consistent with the view that endorsement by, or attachment to, a political party did not yield significant generalised party support—notwithstanding the fact that Angoram was till 1997 a Pangu Pati stronghold. The data also suggest that being an outsider was not a major obstacle to election, provided that a candidate could establish some basis for a vote bank.

The obvious question following from these conclusions is how does a candidate establish these lumpy pockets of voter support beyond his or her clan (or in the case of outsiders how does a candidate establish a vote bank without a clan base)? This question can be answered only by detailed studies of election campaigns, of the sort contained in the volumes of constituency studies put together for each of Papua New Guinea's national elections since 1964 (Bettison et al. 1965; Epstein et al. 1971; Stone 1976; Hegarty 1983; King 1989; Oliver 1989; Saffu 1996; May and Anere 2002). These suggest a variety of explanations, including effective campaigning (travelling throughout the electorate, or at least strategic parts of it, and sitting down and talking with villagers); being known—for example, as the sitting member (though this can be a double-edged attribute, since being perceived as a poor member can be fatal), a provincial government

member (again, a double-edged attribute) or the son of a former prime minister; establishing networks of people (*komiti*) who will campaign on behalf of the candidate in areas where they can draw support; and establishing client relationships either through prior occupational roles (for example, Wimban's role as a provincial health extension officer) or by providing cash, credit or other benefits to potential voters (Schulze, for example, was known to many people as a crocodile skin buyer and as an agent who might extend credit for purchases of benzene for outboard motors). What is sometimes remarkable to the outside observer talking to local people in the field is how widely candidates and their deeds are known across the electorate—even, as in Angoram, where distances are great and communications apparently poor.

The demonstration that strong candidates have a fairly broad spread of votes also challenges one of the arguments used widely to justify the switch, after 2002, from first-past-the-post to limited preferential voting, namely that it was necessary in order to break down voting along clan lines and promote cooperation between candidates.

This study, of course, draws on a very limited data set. Its principal purpose is to underline the dangers of simple generalisations. There is some evidence, however, that the conclusions from the Angoram case have a wider relevance for the study of Papua New Guinea elections—even in the highlands,<sup>15</sup> particularly insofar as they highlight the need both for more careful statistical analysis of electoral outcomes and for observation of electoral processes on the ground.

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15 See, for example, the recent study of Koroba-Lake Kapiago Open electorate by Nicole Haley (2004).

# 7

## Assessing the shift to limited preferential voting in the 2007 national election

Authored with Katherine Wheen and Nicole Haley<sup>1</sup>

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### A brief background to limited preferential voting

As part of a package of economic and political reforms, the Morauta government of 1999–2002 amended the Organic Law on National and Local-Level Government Elections to replace the existing first-past-the-post (FPTP) voting system to one of limited preferential voting (LPV).<sup>2</sup> This did not come into effect in the national election of 2002, but was used in 10 by-elections between 2002 and 2007.

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1 The authors gratefully acknowledge Bill Standish's comments on a draft of this paper.

2 Prior to independence in 1975 there had been an optional preferential voting system, though most voters had opted not to exercise their preferences beyond the primary vote.

Under the new LPV system voters were required to express three preferences.<sup>3</sup> Once transferred, second and third preferences carried the same weight as a first preference. Failure to express three preferences constituted an invalidate vote.

A number of reasons were given for the decision to change to LPV.<sup>4</sup> First and foremost, there had been growing concern that, with increasing numbers of candidates contesting successive elections (in 2002 the average number of candidates per electorate had risen to 26, with a record of 62 in Oro Provincial), and a weak party vote, members were being elected with increasingly small shares of the vote. In 2002, 22 members of parliament (MPs) (20 per cent) were elected with less than 10 per cent of the vote and 62 MPs (57 per cent) with less than 20 per cent, the lowest winning vote being 6 per cent in Oro Provincial; the average winning vote was 19.7 per cent.<sup>5</sup> This meant that MPs could be said to have only a ‘small mandate’; Sir Michael Somare once referred to the national parliament as a ‘house of rejects’ (quoted in *Post-Courier* 7 September 1999). Because LPV would produce what was commonly referred to as an ‘absolute majority’, and thus ‘promote the election of more broadly supported candidates’ (Reilly 2006:189), it was argued that LPV would yield better MPs with a ‘stronger mandate’.<sup>6</sup> (It was not generally made clear, however, that what LPV produced was a majority—50 per cent + 1—of live votes at the final count after eliminations, which, as will be seen below, may be well below 50 per cent of the total number of valid votes cast.)

Second, in many electorates, especially in highlands open electorates, the distribution of votes among a large number of candidates meant that a candidate who could hold together a relatively small clan or ‘base’ vote

3 In the 10 by-elections, candidates were required to mark their ballot papers, which listed all candidates with accompanying photographs, with the numbers 1, 2 and 3 alongside their preferred candidates. In 2007 the format of the ballot paper was changed; posters showing the list of numbered candidates were displayed in all polling booths and voters were given ballot papers with three spaces, numbered 1, 2, 3, against which they had to write the numbers and/or names of their preferred candidates.

4 For a more detailed discussion see Standish (2006). A major proponent of this ‘social engineering’ was Australian National University academic Ben Reilly (see Reilly 1996, 2001a, 2002b, 2004, 2006). More sceptical views were expressed by May (Chapter 2, this volume) and Standish (2002), as well as by the former electoral commissioner, Reuben Kaiulo (Kaiulo 2002:179).

5 Calculated from the official results of the 2002 election, released by the Papua New Guinea Electoral Commission. Results were available for 103 seats only, with six failed election results excluded.

6 As May (2003) has pointed out, however, the largest mandate ever received by a Papua New Guinean MP—83 per cent of the vote—was that received by Matias Yaliwan in Yangoru-Saussia in 1972, but Yaliwan subsequently lost his seat for not attending parliament—scarcely an endorsement for large mandates.

could have enough votes to win.<sup>7</sup> This encouraged such malpractices as voter intimidation, enforced bloc voting and discouraging outsiders from campaigning in a candidate's home area—which in turn resulted in confrontational and often violent behaviour. LPV, it was widely believed, would lead to more accommodative behaviour, partly through preference-swapping alliances between candidates, particularly candidates from across regional, clan or 'ethnic' boundaries, and thus more orderly and peaceful elections.

Third, the fact that voters could express a preference for three candidates meant that voters who were under pressure from family, clan or others to vote for a candidate not of their choosing might be able to meet this obligation but allocate their second and third preferences to candidates of their choice. This was particularly relevant for women, who were often obliged to vote as their husbands or male relatives dictated, and was seen as likely to benefit women candidates. Some people suggested that LPV would bring about a reduction in the number of candidates—though it was never explained why that would happen—and that it would strengthen political parties by encouraging electoral alliances between parties. In short, in the words of Electoral Commissioner Andrew Trawen, 'LPV voting, we hope, will change the mindset of our people' (Trawen 2006:3).

Between 2003 and 2006 10 by-elections under LPV were held, in Abau (2003), Angalimp-South Wahgi, Chimbu Provincial, Yangoru-Saussia, Moresby Northeast, Wabag (all 2004), Bougainville Provincial, NCD Provincial, Koroba-Lake Kopiago and Chuave (all 2006). An audit of three by-elections in mid-2004 (Angalimp-South Wahgi, Chimbu Provincial and Yangoru-Saussia) concluded that, despite some problems, particularly due to inflated electoral rolls, the by-elections were generally peaceful, though this may have had more to do with heavy security than with the new voting procedures (Institute of Policy Studies et al. 2004). A subsequent analysis by Bill Standish of the first six by-elections (these three plus Abau, Moresby Northeast and Wabag) sought to identify 'some early lessons' from the LPV experience. Among Standish's (2006) conclusions were:

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7 For example, in an electorate of say 30,000 voters with say 40 candidates, a contest could theoretically be won with as few as 751 votes.

- ‘many candidates had limited understanding of the significance of preferences, and most only campaigned locally, just as they had under FPTP’
- ‘not all candidates had the ability to direct preferences towards allies ... some candidates directed their supporters to give their preferences to minor candidates’
- ‘campaigning was much more relaxed and accommodative’
- the ‘polls were less violent ... [and] the levels of intimidation were greatly reduced compared with 2002’ (noting, however, ‘the strong police presence’ and that, as mid-term by-elections, ‘the stakes [were] not as high’)
- voters spoke ‘enthusiastically about having a “free” second and third choice’ (though ‘in certain areas the primary vote was filled out by the presiding polling official’)
- ‘for women, voting is more free under LPV, at least for second and third preferences’, though in Abau women said ‘they had followed family decisions on how to allocate preferences’, and the primary vote for women candidates remained very low
- the ‘overall mandates’ (primary votes plus preferences as a percentage of total valid votes in the initial count) of the new MPs were nearly doubled; nonetheless, in four cases the mandates ranged from 22 to 29 per cent—the count being drawn out till the third-last candidate was eliminated—and in the other two were ‘around 50 per cent’.

Standish also noted that there were fewer candidates in the by-elections (though still, on average, more than 20) but that this was normal for by-elections, and that there was little sign the Organic Law on the Integrity of Political Parties and Candidates had changed people’s voting behaviour towards political parties. Overall, his evaluation was that ‘LPV has had some real success ... [but] has not achieved the exaggerated hopes of its proponents’ (Standish 2006).

## LPV in 2007

### Awareness and training of polling and counting officials

Apart from those electorates in which by-elections were held under LPV, there were relatively few voters who would have retained a memory of preferential voting before 1975. Thus, in the lead-up to the election, electoral awareness campaigns were mounted, by both the Papua New Guinea Electoral Commission and civil society organisations, to prepare voters, and candidates, for the introduction of the new voting system in 2007. While these campaigns gave some attention to broader aspects of the election, such as the need for voters to choose candidates who possessed good leadership qualities, they were directed essentially at the more technical aspects of LPV, specifically how to cast a valid vote. And for the most part their coverage seldom reached to the more remote parts of electorates. Subsequently, during campaigning most candidates helped to educate voters about LPV, but again the focus was on making sure that potential supporters' votes counted rather than on how preferences might be effectively used. Notwithstanding this, some candidates seem to have had a poor understanding of how LPV worked: observers reported cases in which candidates were under the apparent impression that all three preferences of all voters were totalled to give a final vote, and one candidate who should have known better complained, 'as the rule had it, elimination began immediately after the conclusion of the count on first preferences. This immediately rendered the secondary and third preferences of the eliminated candidates useless—exhausted votes' (Digim'Rina 2007:34).

Training was also conducted for polling officials and counting officials to familiarise them with LPV procedures. The reports of observers involved in the Domestic Monitoring exercise suggest that in a few instances this training was not adequate, but in general there seems to have been a good understanding of the technical aspects of the poll, and in most electorates the distribution of preferences seems to have proceeded fairly smoothly. Some commentators have cited, as an indicator of the administrative success in introducing LPV, the generally low informal vote (for the 105 electorates for which data were available at December 2009, the national average was 2.1 per cent); as others have pointed out, however, low informal voting might also be explained by the prevalence,

especially in highlands electorates, of bloc voting (or ‘controlled voting’) and assisted voting. While assistance was often needed to enable illiterate or confused voters to cast their vote, candidate supporters (including, in some instances, polling officials) sometimes used this to deprive voters of their free choice. Thus, informal voting was lowest in the Kandep and Jimi open electorates (0.3 per cent) and averaged 1.3 per cent in the Highlands Region, but was 3.3 per cent in the relatively well-educated Islands Region and highest in the National Capital District electorate (5.7 per cent).<sup>8</sup>

## LPV and candidate strategies

One of the most common arguments put forward in support of LPV was that, because candidates would need to secure preferences outside their base support areas, it would encourage cooperative behaviour among candidates, and thereby reduce tensions associated with electoral competition. FPTP voting, it was argued, was a highly competitive process and encouraged behaviour of the type that had characterised earlier elections in some parts of Papua New Guinea, particularly in the highlands, where candidates or their supporters had blocked roads, fired on helicopters and taken other extreme measures to prevent rival candidates from entering the candidate’s ‘support base’, not to mention hijacking ballot boxes from the home areas of rival candidates. In fact, under FPTP it was not uncommon for stronger candidates to put up ‘dummy candidates’ in the home areas of rival candidates to split their vote—which might be described as a form of ‘cooperative’ behaviour, albeit a negative one. The expectation was, however, that with the introduction of LPV, candidates would form cooperative alliances to exchange preferences with other candidates of similar interests but (usually) different support bases, and in this way reduce confrontational behaviour and promote more peaceful elections.

Reporting on Abau in 2007, Anere observed that ‘candidates saw the need to exchange second and third preferences and in some instances campaigned for each other in areas that were not their strongholds’, though ‘most ran their campaigns independently of each other’ (May et al. 2011:Chapter 14). Generally, however, there was not much evidence

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8 These aspects of the election are discussed in more detail in May et al. (2011) and in the *Domestic Observation Report* (Haley and Anere 2009:33–36).



of cooperative preference swapping. In Oro (where there was a strong ‘Oro for Oro’ campaign) and Madang there were reports of ‘ethnic’ alliances among local groups seeking to resist the influence of candidates whose origins lay outside the province (‘outsiders’) (see chapters by Susub and Matbob in May et al. 2011), and there may have been similar ethnic cooperation among candidates in parts of several other electorates (see, for example, chapters in May et al. [2011] by Sepoe on inland versus coastal voting in Kerema Open, and by Kinkin on Baining versus Tolai voting in Gazelle Open) and among ‘outsider’ groups in provinces like Madang and Oro. There were also instances (including East Sepik and East New Britain provincial electorates) in which several candidates ‘ganged up’ against a sitting member (as occurred in elections prior to the introduction of LPV). But where such cooperation did take place it appears to have been mostly unorganised and informal, and did not involve formal exchanges of preferences (over which candidates had little control anyhow).

In Australia’s preferential voting system it is customary for most parties to hand out to voters a ‘how-to-vote card’, which indicates where the candidate—who generally represents a party—recommends preferences should go, in accordance with (party) strategy. But in Papua New Guinea this would be a dangerous strategy. Since the party system is poorly developed and voting is significantly localised and personalised, and given that in most electorates there is a large number of candidates, candidates are unlikely to risk alienating voters by telling them how they should allocate their preferences. Rather, if candidates are campaigning in a place (typically a village or settlement) where they expect to get strong support they will usually ask for the first preference but not presume to tell voters where their other preference should go; if they are campaigning in a place where they know that voters are likely to vote for another candidate, they will generally acknowledge that, and modestly ask for voters’ second or third preferences. The candidate’s strategy will thus vary according to the local situation; a generalised how-to-vote approach is not appropriate.<sup>9</sup> This was evidenced in the candidates’ posters that were on display on buildings and trees in villages and towns: the great majority urged voters to ‘Vote 1’ for the candidate, but indicated no second or third preferences. Even in an electorate like East Sepik Provincial, where coalition partners had resolved not to endorse candidates against Prime Minister Sir Michael

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9 Indeed, there have been instances in Australian elections in which parties have distributed different how-to-vote cards in different parts of an electorate.

Somare and the 10 other candidates were all broadly ‘anti-Somare’, there was some collaboration between candidates opposing the sitting member, and a natural flow of preferences among the 10, but no coherent strategy of preference swapping.

In most electorates, indeed, observers reported that when pressed on the question of preference strategies most candidates with an expectation of election told voters to give them the first preference (or second if there was a favoured local son or daughter) and give the other preferences to minor candidates (or *rabis* candidates) who were not likely to threaten the candidate’s chance of election. (This was, of course, more of a ‘spoiling tactic’ than a rational strategy, since so long as the candidate remained in contention their second and third preferences were irrelevant.)

There were suggestions, however, that in those electorates that had experienced by-elections under LPV, voters tended to act more ‘strategically’, directing their votes to candidates with a broader support base. The evidence for this was a lower proportion of exhausted ballots.

## **The impact of LPV on the election**

It is difficult to say how the impact of LPV should be measured.

One obvious approach is to look at the candidates who were leading on first preferences—and who might therefore have won under FPTP voting—and see how many of these were eventually successful when preferences had been distributed. As at December 2010, complete results were not available, but for the 102 electorates for which data were available, 80 candidates who were in front on first preferences maintained their lead to become eventual winners. Of these, 40 (that is, half) were sitting members. Of the remaining 22 candidates who gained the largest share of first preference votes but subsequently lost on preferences, seven were sitting members. They included former prime minister and Pangu Pati leader in 2007 Sir Rabbie Namaliu, who lost his seat in Kokopo, and former prime minister and People’s Democratic Movement leader Paias Wingti, who had lost his seat in 1997 but had been re-elected in 2002. Wingti was leading the count till the last distribution of preferences but lost by a narrow margin when his rival, Tom Olga, received the bulk of the preferences. This result was subsequently challenged, and was not resolved until after a second recount in 2010, which confirmed Olga’s victory.

In several other instances, sitting members who were leading on the primary count held on to win, but saw a strong movement of preferences against them. For example, Prime Minister Sir Michael Somare received a healthy 36 per cent of the primary vote in East Sepik Provincial, well ahead of his nearest rival, who received 16 per cent, but facing a virtual 'anti-Somare' coalition received only 14 per cent of preferences compared to the runner-up, Moses Murray, who received 39 per cent. In Moresby South, Dame Carol Kidu saw her lead of 1,877 on first preferences whittled away by Pangu Pati challenger Justin Tkatchenko as preferences were tallied, but held on to win.

According to preliminary figures supplied to the National Research Institute by the Electoral Commission, only four candidates (William Duma, Hagen Open; Don Polye, Kandep Open; Patrick Pruaitch, Aitape-Lumi Open; and Peter O'Neill, Ialibu-Pangia Open) won an absolute majority of first preferences. In Kandep, Polye, the sitting member, was declared winner with 69 per cent of the primary vote, but soon after the declaration an electoral official in Kandep was charged with offences under the organic law, and the election result was disputed by the runner-up, Alfred Manase. A by-election was held in November 2009 but in the face of local violence voting did not take place in three polling places and counting was moved out of Enga Province due to security concerns. Polye was eventually returned, winning 53 per cent of the first preference vote.

Perhaps the strongest reason given in support of LPV was that it would 'increase the mandate' of elected MPs. Much was made, over the period 2002–2007, of the claim that under LPV all elected MPs would have at least '50 per cent + 1' of the vote. This claim, made by the Electoral Commission among others, was, of course, misleading. While it is true that under LPV successful candidates must receive a majority of the 'live votes', with only three preferences and a large number of candidates it was inevitable that a proportion of the ballot papers would become 'exhausted' before a final result emerged, that is, there would be ballot papers with votes for three candidates all of whom had been eliminated relatively early in the count. A more meaningful measure of a successful candidate's 'mandate' is the total of first, second and third preferences received by the candidate, expressed as a percentage of the total allowable ballots cast. When these figures are examined, it becomes clear that while a majority of candidates won with 20–40 per cent of the total votes, and some with less, the national average mandate (for the 102 seats for which data were available) was 33 per cent. Given that LPV is bound to give

a larger ‘mandate’ than an FPTP simple majority, this result was seen as a marked improvement on 2002 outcomes under FPTP—though still well short of 50 per cent.

Interestingly, figures of primary votes also show fewer candidates leading with small first preference totals in 2007 compared to the totals of winning candidates under FPTP in 2002: 10 per cent won the primary vote in their seats with less than 10 per cent of the primary vote in 2007 compared to 21 per cent winning with less than 10 per cent in 2002, and 54 per cent won the primary vote with less than 20 per cent in 2007 compared to 60 per cent in 2002.<sup>10</sup>

Analysis of ‘mandates’ and percentages of exhausted ballot papers by electorate and region reveals some variation across the country. For the 102 electorates for which data were available, the regional average mandate was, perhaps predictably, highest in the Islands Region (40 per cent) but surprisingly uniform in the other three regions (31 per cent in Momase and Highlands and 32 per cent in Southern Region). The average proportion of exhausted ballot papers was high throughout the Highlands, Southern and Momase regions (44, 43 and 42 per cent, respectively) and lowest in the Islands (26 per cent).<sup>11</sup> These rankings roughly correlated with the regional average numbers of candidates: 28 in Highlands, 29 in Southern, 25 in Momase and a relatively low 14 in the Islands. Further evidence of a link between the number of candidates and the number of exhausted ballots was shown in the fact that in the 22 electorates with more than 60 per cent of exhausted ballot papers there were on average 41 candidates, whereas in the 22 electorates with less than 20 per cent of exhausted ballots the average number of candidates was 13. Mandates were higher and exhausted ballots lower in provincial seats (41 per cent and 26 per cent, respectively) than in open seats (30 per cent and 43 per cent). There is some evidence that those electorates that had experienced by-elections under LPV produced winners with larger mandates (and larger proportions of the primary vote) and fewer candidates than those which had not (Table 7.1), but the evidence is weak: six of the 10 did; four did not.

10 The average share of the primary vote of those leading on the primary vote (but not necessarily winning the seat) in 2007 was 22.5 per cent; the average share of the primary vote of the eventual winners (some of whom were behind on the first preference count) was slightly less at 21.9 per cent. This compares with the average winning vote in 2002 of 20.5 per cent.

11 Sixteen electorates recorded in excess of 50 per cent exhausted ballot papers; half of these were in the Highlands Region.

**Table 7.1 Limited preferential voting comparison between by-elections and 2007 general election**

Electorate	LPV by-election			2007 general election		
	No. of candidates	% of primary vote <sup>a</sup>	Mandate <sup>b</sup> (%)	No. of candidates	% of primary vote <sup>a</sup>	Mandate <sup>b</sup> (%)
Chimbu Provincial	31	13 (1st)	21	19	18 (1st)	39
NCD Provincial	23	23 (1st)	38	7	41 (1st)	49
Bougainville Provincial	6	38 (1st)	55	8	27 (1st)	46
Chuave Open	24	13 (2nd)	20	29	16 (1st)	32
Koroba-Lake Kapiago Open	20	12 (3rd)	30	17	18 (1st)	37
Wabag Open	19	38 (1st)	48	19	34 (1st)	45
Angalimp-South Wahgi Open	30	n.a.		24	n.a.	
Moresby Northeast Open	22	16 (1st)	28	31	13 (1st)	24
Yangoru-Saussia Open	18	19 (1st)	30	15	25 (1st)	33
Abau Open	6	49 (1st)	50	12	43 (1st)	49

<sup>a</sup> 1st, 2nd or 3rd in parentheses refers to the candidate's placing after the primary vote.

<sup>b</sup> 'Mandate' refers to winning candidate's per cent of allowable papers.

n.a. = not available

Source: adapted from Haley and Anere (2009:71-77) with additional data from Electoral Commission results tables.

A particular question raised by the shift to LPV was whether the new system would benefit women candidates, since women voters who were constrained by customary obligation or intimidation to vote for a male candidate might be expected to give second or third preference to a female candidate. The data are inconclusive. In East Sepik Provincial, Elizabeth Simogun Bade secured a good preference vote, almost certainly reflecting preferences from women voters, but did not poll strongly enough in the primary count to take advantage of this (a pattern already seen in the earlier by-elections in Angalimp-South Wahgi and Yangoru-Saussia). On the other hand, in Moresby South Dame Carol Kidu, who had a clear lead on

first preferences, received significantly fewer second and third preferences than her nearest, male, rival. In Kerema, where three women candidates stood, there was no evidence that women candidates attempted to direct preferences towards the other women candidates, or even that women voters supported women candidates (see, for example, chapters in May et al. [2011] by Sepoe, Zimmer-Tamakoshi and Dalsgaard).

Overall, a number of candidates, voters and observers did express the view that the 2007 election under LPV was a ‘more friendly election’ than those of 2002 and 1997, that candidates felt more free to move around the electorate without harassment and on occasion share a platform with rival candidates, and that LPV gave electors ‘more choice’, particularly significant in places where voters (especially women voters) were under pressure to support a communally chosen candidate.<sup>12</sup> There appears to have been less election-related violence in 2007 than there was in 2002—especially in Southern Highlands, where elections in six electorates were declared null and void in 2002 but things went relatively peacefully in 2007—but this was almost certainly due in large part to the heavy and well-coordinated presence of security forces in 2007 (see chapters in May et al. (2011) by Diro, Fafungian, and Kenny and Haley). Nevertheless, in Chimbu there were at least three polling-day murders and almost as many post-election deaths as in 2002—19 compared with about 25 (Bill Standish, personal communication, September 2009).

With regard to other hoped-for benefits from the shift to LPV, there was little evidence that LPV reduced the number of candidates (which was slightly smaller in 2007 than in 2002, but still high, at 2,759), or that it did anything to strengthen parties.

## Conclusion

To the extent that almost a quarter of candidates winning on first preferences subsequently lost, it appears that LPV did produce different outcomes from what would have been produced by a FPTP contest. This was the aim of the shift to LPV, but it was not overwhelmingly welcomed, particularly after Namaliu lost his seat on the preference count,

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12 Bill Standish, however, suggests that in the highlands most people followed group decisions about preferences as well as primary votes, and that ballots were frequently checked or ‘controlled’ at the polling booths (personal communication, September 2009).

prompting some observers to question the assumption that LPV, with its 'stronger mandate', necessarily produced 'better' MPs. In 2008, the then registrar for political parties, Paul Bengo, voiced some disappointment at the outcomes in some seats, and suggested that perhaps thought should be given to a weighted preference system, in which second and, *a fortiori*, third preferences should count for less than a first preference vote.<sup>13</sup>

The general consensus seems to be that LPV has been a qualified success, though it has not, at this stage, done much to change deeply rooted patterns of behaviour in much of the country. LPV offered more choice, though this was frequently compromised by the lack of a genuinely secret ballot. Campaigning was generally more accommodative—but with 'no distinctive evidence of any successful strategic alliances' (Anere and When 2009:21)—and less violent, though this may be due more to the more extensive security operation than to the new voting system. Mandates increased, as was to be expected of the new electoral arithmetic, though it remains to be seen whether this will yield better MPs. Otherwise, there was slight evidence that LPV had benefited women (at least 10 received 10 per cent of the primary vote, compared to one in 2002), and little to support the belief that it would reduce the number of candidates or strengthen political parties. Undoubtedly, as former electoral commissioner Reuben Kaiulo observed in 1997 (Kaiulo 2002:179), preferential voting is more complex than FPTP, and poor understanding of the system in some electorates resulted in errors in counting and delays in finalising results.

More dramatic improvements in electoral performance will require not just changes in electoral procedures, important though these may be, but radical shifts in deeply rooted patterns of behaviour. But, as Standish warned in 2006, 'we should not expect revolutionary changes overnight' (Standish 2006:202). In its analysis of LPV in 2007, a National Research Institute report concluded, 'electoral engineering is not a silver bullet to governance problems. The system alone is only going to have a limited impact on improving the quality of candidates, the reasons why voters make their choices, and the quality of the MPs who are elected, in the context of the high-stakes political culture in PNG' (Anere and When 2009:20).

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13 Such a system—the Borda count, named after the eighteenth-century French mathematician Jean-Charles de Borda, who first proposed it—has been used in Nauru (Reilly 2001b).





# 8

## Harmonising linguistic diversity in Papua New Guinea

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Papua New Guinea is the most linguistically diverse country on earth. Its roughly 4 million people [in 2001] speak more than 850 separate languages, around 15 per cent of the world's stock. In the words of linguist Stephen Wurm (1979), this makes Papua New Guinea something of a 'sociolinguistics laboratory'. It is also a country characterised by a fairly high level of social tension. For some time the country has been plagued by urban and rural lawlessness, including intergroup fighting in the highlands, and, since 1988, a rebellion on the island of Bougainville. Yet despite Papua New Guinea's linguistic fragmentation, language has not been a fault line in the country's social unrest, and it has never been a significant point of political contention. Indeed, Papua New Guinea is unusual in that its constitution barely mentions language, and it has never elaborated a coherent language policy.

Paradoxically, the explanation for the absence of conflict along linguistic lines may be found in the fact of Papua New Guinea's extreme linguistic diversity. In precolonial times there was only limited contact among the typically small Melanesian societies, which tended to differentiate themselves from their neighbours through language. With European

contact, pidgin languages developed, separately in New Guinea (initially a German colony and later a mandated territory under Australian administration) and Papua (a British and then an Australian colony), as a means of communication both between Europeans and Papua New Guineans and, more important, among Papua New Guineans themselves. When both territories came under a single (Australian) administration during and after World War II, the two lingua francas—Tok Pisin and Police/Hiri Motu—were officially maintained, although English was the dominant language of government, education and commerce. Tok Pisin, however, was widely adopted as the language of daily exchange, even in Papua. On the eve of independence in 1975, some advocated the adoption of Tok Pisin as Papua New Guinea's national language.

In effectively deciding against the creation of a national-language policy at independence, Papua New Guineans implicitly acknowledged the potential for conflict if one lingua franca were chosen over another. At the same time, they recognised the value of maintaining English as an international language, and they specifically endorsed the value that Papua New Guinean communities placed on maintaining the diversity of their vernacular (*tokples*) languages, which are now widely used in early education and adult literacy programs.

This 'non-policy' provided an opening for the continued natural spread of Tok Pisin, and virtually ensured that language never became an issue of political dispute. Tok Pisin is now spoken by around three-quarters of the population of Papua New Guinea, some 85 per cent of whom are predominantly subsistence agriculturalists, and among whom the national print literacy rate in 1990 was 45 per cent.

## The social and historical context

Until the latter part of the nineteenth century, Papua New Guinea's fragmented small societies were characterised by endemic intergroup fighting. Individual societies were linked by relations of exchange (including intermarriage) and temporary military alliances. Trading relations generally extended along attenuated 'chains' (the Tok Pisin word *rop* [rope] is commonly used in relation to trade links), with one village or group of villages exchanging goods with the next village or group on the chain, often unaware of the ultimate origin (or destination) of the goods

traded.<sup>1</sup> At each link along the chain at least some villagers were bilingual, speaking their own language and that (or at least a simplified version) of their trading partners. In some cases, young boys were sent to live in the villages of these trading partners to learn other languages. Venturing beyond established chains was extremely hazardous.

In a few, more extensive and usually maritime, trading networks, ‘the language of one of the trading groups, sometimes in a somewhat simplified version, was used as a *lingua franca* throughout the whole circuit in question’ (Sankoff 1977:270). One of the more celebrated of such trading relationships was that between the Motu-speaking people of what is now Central Province and the National Capital District (Port Moresby) and the Elema and Koriki people of the Papuan Gulf. Every couple of years, the Motu people set off in their distinctive ocean-going canoes, carrying clay pots that they traded for sago and canoe logs with the people of the Gulf in what was known as the Hiri trade. Another was the Kula trade of the Milne Bay islands. Along the north coast, trade networks linked the peoples of what is now Papua New Guinea with those of (West) Papua (Irian Jaya) and the Indonesian archipelago, in the process introducing Malay words into trade languages.

Although intergroup fighting was endemic, language was not always the marker that distinguished friend from foe. Frequently, fighting took place (and still does) among clans or lineages of the same language group, and sometimes alliances were formed across language divides. Language groups, in other words, were not necessarily political units.

In the latter part of the nineteenth century, limited European settlement began in eastern New Guinea,<sup>2</sup> particularly on the islands of New Britain and New Ireland, where copra plantations were established. In 1884 Germany annexed the north-eastern segment of New Guinea, along with its offshore islands. Under pressure from the Australian colony

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1 The linguist Donald C. Laycock described the situation in one province: ‘In the Sepik area the main social unit was the village, and even trading with other villages of the same linguistic community was fraught with suspicion. Trading was carried across linguistic groups—often in the form of “silent trading”, where, for example, hills natives would lay down their yams and sweet potato against the fish from the river, until an agreement was reached—but the more normal social interaction was warfare, where a knowledge of the other language was not necessary’ (Laycock 1966:44). Thomas G. Harding (1967:63–64) describes similar ‘silent trading’ on the Rai Coast. Also see Reed (1943:45) and Sankoff (1977:285).

2 Western New Guinea was colonised at this time by the Dutch and eventually became part of the Republic of Indonesia: it is therefore beyond the scope of this chapter.

of Queensland, Britain annexed the south-eastern segment. In 1906 British New Guinea (Papua) was transferred to Australia and became an Australian protectorate. In 1914 an Australian expeditionary force ‘captured’ German New Guinea, which subsequently became a League of Nations trust territory under Australia’s mandate. Although both parts of eastern New Guinea were formally put under Australian jurisdiction, the two territories initially maintained separate administrations and distinct administrative cultures. During World War II, both territories came under a single Australian military administration. After the war the joint administration continued, though some elements of the separate administrative cultures lingered on. From the end of World War II until the latter part of the 1960s, a ‘Pax Australiana’ was gradually extended—if sometimes tenuously—throughout Papua New Guinea, particularly into the populous highlands of the interior, where prewar European contact had been fleeting. In 1975 Papua New Guinea became an independent state.

## Linguistic diversity and lingua francas

Until the 1980s Papua New Guinea was generally described as having ‘over 700’ vernacular languages. Although, even then, some of the less popular languages were heading for extinction, more recent research has set the number at around 850.<sup>3</sup> Of these, the largest language group is Enga, a non-Austronesian (or ‘Papuan’) language spoken in the highlands, which has around 250,000 speakers, who speak several dialects. The next largest are Melpa, with about 150,000 speakers, and Kuman, with approximately 75,000; both are non-Austronesian languages of the highlands. There are probably another eight languages with more than 50,000 speakers each: seven are non-Austronesian highlands languages, and one (Kuanua) is an Austronesian language of the New Guinea islands (Table 8.1). Not surprisingly, estimates of the numbers of speakers of these languages come from different sources and relate to different time periods; thus reliable comparative figures are unavailable. Such linguistic diversity reflected and reinforced the fragmentation of traditional societies. It also posed an obvious problem for the Europeans who came to trade, convert and colonise.

3 Linguist Barbara Grimes has given a figure of 854, which the government of Papua New Guinea seems to have adopted. Grimes’s data, however, are very much a ‘best estimate’.

**Table 8.1 Vernacular (*tokples*) languages in Papua New Guinea**

Number of speakers	Number of vernacular languages
Fewer than 100	50
101–500	226
501–1,000	135
1,001–10,000	331
10,001 or more	73
Unknown	25
Total	840

Source: Nekitel (1998:Chapter 7). Nekitel draws substantially on Grimes, *Ethnologue: Languages of the World*, 12th ed., 1992, which itself draws on earlier data.

## New Guinea

In New Guinea a pidgin language had developed before the establishment of the German colonial regime in 1884.<sup>4</sup> Melanesian pidgin (or neo-Melanesian or, later, Tok Pisin) originated in the Pacific islands labour trade of the late nineteenth century and was probably brought back to New Guinea by indentured labourers who had worked on plantations in Queensland and Samoa.<sup>5</sup> The language had a simplified grammatical structure and a vocabulary based on English but also drawing on German, Malay and local vernacular sources (especially that of the dominant Kuanua-speaking Tolai group of East New Britain). By the 1880s Tok Pisin was well established in the islands and north coast of New Guinea, and was being spread by the movement of indentured labourers and promoted through the trading activities of the German New Guinea Company. When Catholic missionaries of the Society of the Divine Word (SVD) arrived in northern New Guinea in 1896, the mission's founder, Father Eberhard Limbrock, reported: 'there is a kind of English around that is already fairly well established along our coast ... It is going to be hard to supplant ... this kanaka [native] English is more widely spoken than German' (quoted in Mihalic 1999:287).

4 For a useful survey of administration and language policy under both the German and Australian colonial regimes, see Johnson (1977).

5 For a detailed account of the development of Tok Pisin, see Reed (1943:appendix 1), Wurm (1972), Muhlhausler (1977) and Wurm and Muhlhausler (1985).

The government's official policy was to promote the use of the German language, and colonial governors in New Guinea were ordered to encourage adherence to this policy. In practice, the policy was not effectively pursued (the first German administration school, opened in 1908, began its German language program in 1911 and closed in 1914). Indeed, mission-run schools taught mostly in Tok Pisin, which was also the language of commerce and that commonly used by administration officers. By 1909, despite the colonial governor's dislike of a language that many considered brutish, the German administration had established a Tok Pisin language school in Alexishafen (Madang) and was encouraging village leaders to learn Tok Pisin.

Meanwhile, the missions used both Tok Pisin and local languages in their evangelical work. In East New Britain, both the Marist Catholics and the Methodists employed Kuanua. On the New Guinea mainland, missionaries in the latter part of the nineteenth century, and later pastors, frequently used the languages of coastal groups with whom they had first contact (and who often served as their guides), as they ventured further inland. On the north coast, between the Catholic mission's headquarters at Alexishafen and the Dutch New Guinea border (a distance of some 350 miles), there were reported to be 45 local languages. In 1904 pioneer missionary Father Andreas Puff wrote that of the mission's 17 stations, only three shared a common language with the station next to them (Mihalic 1999:287).

The SVD mission initially adopted Boiken, the language of the people living on the coast and islands around what is now Wewak, East Sepik, as the language of evangelisation. In 1931, however, the mission decided to adopt Tok Pisin as the language of communication and evangelisation. Mission leader Father Francis Kirschbaum observed that although neither the German government nor the mission had done anything to promote Tok Pisin, the people themselves had adopted it: 'Pidgin is today the medium of communication between Whites and Blacks, and between Blacks and Blacks everywhere. No power on earth will ever stamp it out. Pidgin is modern and liked!' (quoted in Mihalic 1999:290).

The Evangelical Lutheran Church, which arrived in New Guinea in 1886, initially rejected Tok Pisin—the mission's founder describing it as 'worthless gibberish unworthy of communicating the word of God' (Mihalic 1999:293). The church used local languages instead, particularly Jabem (Yabim), the language of the villages around its headquarters at Finschhafen; Kate (Kote), the language of a small group in the mountains

of the Huon Peninsula in Morobe Province; and the Graged (Bel) and Amele languages in the Alexishafen area.<sup>6</sup> Later, Kate was used as a lingua franca when the Lutheran Church expanded into the New Guinea highlands. The church maintained this policy until 1956, when it officially recognised Tok Pisin—though it continued to use ‘church languages’ until well into the 1970s.<sup>7</sup>

In 1921 Australia officially took over the administration of former German New Guinea (New Guinea). In the same year, it adopted the already well-established Tok Pisin as its principal (unofficial) language.

SVD historian Father James Noss recalls that in 1931 Father Kirschbaum established a committee to standardise and systematise Tok Pisin; the committee produced a Tok Pisin primer, several textbooks and a monthly magazine. There were at this stage three main streams of Tok Pisin: administration pidgin (used by government officers and others and containing more English words);<sup>8</sup> Alexishafen Catholic Mission pidgin (used by the SVD mission and drawing on transliterated Latin vocabulary); and Rabaul Catholic Mission pidgin, or ‘Tok Boi’ (used by the Marist order in Rabaul, East New Britain, and drawing on the local Kuanua language) (Mihalic 1999:290–91). In 1957 SVD Father Francis Mihalic, in collaboration with the Papua New Guinea Department of Education, produced the first official dictionary and grammar of Tok Pisin; it was based on the Alexishafen (Madang/Sepik) stream.<sup>9</sup> Twelve years later Mihalic collaborated with the Lutheran Church in producing a Tok Pisin *Nupela Testamen* (New Testament), 32,000 copies of which were sold within six months.

## Papua

In British New Guinea, or Papua, where missionary and commercial contacts began in the 1870s, ‘broken’ English was the first ‘unofficial language’, spread by miners and traders. The early missions and some

6 Jabem and Graged are Austronesian languages; Kate and Amele are non-Austronesian.

7 See Wagner and Reiner (1986). For an overview of ‘church languages’, see Taylor (1977).

8 After independence, this was often referred to as ‘urbanised pidgin’, and the content of the English words steadily increased.

9 Considering Mihalic’s important role in the propagation of Tok Pisin, it is interesting that in his preface to the dictionary he declared that he was ‘looking forward to the day when Neo-Melanesian and the book would be buried and forgotten, when standard English and the *Oxford Dictionary* will completely replace both’ (1971 ed., p. ix).

traders, however, also used local languages (particularly Suau, Wedau and Dobu [the language of the Kula trade] in the east, and Kiwai and Toaripi in the west). As the Germans had done in German New Guinea, the British and Australian administrations in Papua adopted English as the official language and sought to have mission schools teach in English. From an early stage, however, the administration (based in Port Moresby) adopted a pidginised form of Motu, the language of the people of the Port Moresby area. Thomas Dutton records that a ‘simplified Motu’, used in transactions between the Motu and visiting strangers, existed before the British administration came to Papua. Beginning in the 1880s, this ‘indigenous pidginized language’ was adopted by the administration and others, including the London Missionary Society, the dominant mission in Papua (Dutton 1985:x). Following the establishment of the Armed Native Constabulary in Papua in 1890, ‘Pidgin Motu’ effectively became the official language and ‘the principal instrument of the spread of law and order’ in Papua (Dutton 1985:1). Thereafter it became known as ‘Police Motu’, until 1970 when it was renamed ‘Hiri Motu’.<sup>10</sup> Police or Hiri Motu differed from ‘pure’ Motu in having a simpler grammar and a vocabulary less rich and containing words drawn from other Papuan and Torres Strait languages (for example, Suau, Koriki and Binandere), Polynesian languages (brought in by the Polynesian missionaries of the London Missionary Society) and ‘broken’ English. The 1906–1907 annual report of British New Guinea referred to Police/Hiri Motu as ‘a kind of dog Motu—hardly intelligible to those who speak Motu as their native language’.<sup>11</sup> In the same year, however, a royal commission noted that ‘Motuan ... has practically been constituted the official language, and ... Government Officials are supposed to be proficient in its use’ (quoted in Dutton 1985:80). The Australian lieutenant governor of Papua from 1909 to 1940, Sir Hubert Murray, was particularly antipathetic to pidgin English—describing it in 1924 as ‘vile gibberish’ (Murray 1924:10)—and fostered Police/Hiri Motu as an alternative. Nor did he see value in

10 Dutton notes, however, that contrary to popular belief, Police/Hiri Motu was probably not the language of the Hiri trade. Rather it was ‘most probably a continuation of the simplified form of Motu used by the Motu in trading with or talking to linguistically related and unrelated peoples in their immediate area, before the arrival of Europeans’ (Dutton 1985:1). Elsewhere he suggests that the Hiri trade employed two pidginised Gulf languages, which he calls Hiri Trading Language (Elema variety) and Hiri Trading Language (Koriki variety), and that the use of these languages rather than Motu ‘reflects the weak or inferior position of the Motu vis-à-vis their hosts’ (Dutton 1982:70).

11 *Annual Report of British New Guinea, 1906–07*, p. 21. See Wurm (1964:33). According to Wurm, ‘the level of mutual intelligibility between Motu and Police Motu [is] predominantly low to very low’.



preserving the ‘native languages’. However, even though Police/Hiri Motu became the unofficial official language of the administration and most missions in Papua, English remained the official language and the official medium of instruction in schools.

## The combined administration of Papua and New Guinea

As noted above, when the two territories came under Australian administration, they retained their separate administrative cultures—and this included language. Thus, at the outbreak of World War II, the language policies of Papua and New Guinea were broadly similar: English was the official language in both territories; however, Tok Pisin remained the lingua franca and language of field administration in New Guinea, while Police/Hiri Motu continued as the administrative lingua franca of Papua.<sup>12</sup> Indeed, to a substantial extent, Tok Pisin was part of a New Guinean identity and Police/Hiri Motu part of a Papuan identity. Education in both territories was left largely to the missions, which determined their own policies on language (see below). However, while Tok Pisin was widely spoken in New Guinea (especially among those—primarily from the Sepik [in the north] and the relatively recently contacted central highlands—who had migrated temporarily to other parts of the country as indentured labourers),<sup>13</sup> Police/Hiri Motu had much more restricted usage in Papua, having limited currency in wide areas of inland and eastern and western Papua.

World War II boosted the use of both Police/Hiri Motu and Tok Pisin, when large numbers of Papuans and New Guineans, serving mostly as carriers, adopted them as lingua francas. Also during this period, radio broadcasting commenced in both Tok Pisin and Police/Hiri Motu. In the postwar period, however, Tok Pisin became increasingly widespread (even in Papua) as in-country migration—especially from the highlands to the national capital, Port Moresby—grew during the late 1960s and 1970s.

12 Southern Highlands Province is a special case. Although administratively part of Papua (and in the 1970s a source of some support for Papuan separatism), it is culturally part of the New Guinea highlands. Moreover, large parts of the province had little contact with any administration until well into the 1950s. Consequently, it was exposed to both Police/Hiri Motu and Tok Pisin (but of all Papua New Guinea’s provinces, it has the highest proportion of people who speak neither).

13 In 1942 Reed estimated that one-fifth of the ‘native population’ spoke pidgin (Reed 1943:284).

Census figures for 1966 suggested that 37 per cent of the population spoke Tok Pisin, 8 per cent Police/Hiri Motu and 13 per cent English. Nationally, however, 55 per cent spoke none of these three languages (and this national figure ranged from 5 per cent in New Ireland to 91 per cent in Southern Highlands and 86 per cent in Western Highlands).

## The question of a national language

After World War II, the movement towards self-government and independence gradually accelerated in Papua and New Guinea. Local governments were established progressively across the Australian-controlled territory as part of the process of creating democratic institutions. In some areas—especially around Port Moresby—English was the principal working language. Tok Pisin, however, was the most common working language in New Guinea, and Police/Hiri Motu was often used in Papua. Records were normally kept in English.

When a representative (part-appointed, part-elected) Legislative Council was set up in 1961, English, Tok Pisin and Police/Hiri Motu were the common languages of debate, and simultaneous translation was provided. This remained the situation when Papua New Guinea's first predominately elected parliament was established in 1964. Of the 54 elected (38 indigenous and 16 'European') and 10 administration-appointed ('official') members, 15 indigenous and the 16 elected European and 10 official members spoke English; 37 indigenous, 14 elected European and 6 official members spoke Tok Pisin; and only 9 indigenous, 4 elected European and no official members spoke Police/Hiri Motu. One member, from the Southern Highlands, spoke only vernaculars (and so was provided with a simultaneous translator). In other words, 89 per cent of parliamentary members spoke Tok Pisin, 63 per cent spoke English and 20 per cent spoke Police/Hiri Motu.

In reporting these data, the senior interpreter of the House of Assembly observed:

certain members, both European and Indigenous, use English when they want a particular point to be given publicity ... Most Members use Pidgin to catch votes and sway opinion in the House ... There is more and more overt frustration with debates in English ... The Papuan Members very early in the life of the

House realized this National flavour of Pidgin and virtually dropped using Motu. They, as do the European members, always use Pidgin when they want support. (quoted in Hull 1968)

By the time the second House of Assembly convened in 1967, every member spoke at least English, Tok Pisin or Police/Hiri Motu, but Tok Pisin increasingly dominated parliamentary debate.

When a Pacific Islands Regiment (the forerunner of the post-independence Papua New Guinea Defence Force) was formed in 1951, Tok Pisin was adopted as its lingua franca and was used by both New Guineans and Papuans. Harry Bell (1977:672) has noted that Tok Pisin 'appears to have been speedily assimilated by the Papuans'. As the defence force expanded in the mid-1960s and a major education effort was mounted to train new recruits (many of whom were illiterate), the official policy became the promotion of English. Tok Pisin, however, was the language commonly spoken among soldiers. Bell has also observed that Papuan soldiers from different language groups used Tok Pisin among themselves even when no New Guinean was present, and that the percentage of fluent Police/Hiri Motu speakers was 'drastically dwindling' (Bell 1977:675).

Moreover, with the growth of nationalist sentiment in the late 1960s and early 1970s, Tok Pisin rose in status from an 'inferior' language of the colonial regime to an expression of Papua New Guinean nationalism. This was reflected in the 1970s in a corpus of Tok Pisin (and, to a minor extent, Police/Hiri Motu, hereafter Hiri Motu) writing (see, for example, May 1971). Bell observed that, for the Pacific Islands Regiment:

the educated soldier tends to resent being addressed in Pidgin by a strange European, presumably on grounds that as a black man, he is automatically assumed to be uneducated. The same man, however, when addressed by a trusted European in English is as often likely to reply in Pidgin. (Bell 1977:676)

His observation was equally applicable outside the Pacific Islands Regiment.

By the late 1960s, there was evidence of growing support for Tok Pisin as a national language. Two recently emerged political parties, the Christian Democrats and Pangu Pati, included this in their political platforms. In 1966 Wurm wrote a paper addressing the question of a national language, and though he stopped short of advocacy, his preference seemed to lie with Tok Pisin (Wurm 1966–1967). With the establishment of the

University of Papua New Guinea at this time, there was further discussion of a prospective language policy and even more evidence of support for Tok Pisin. In 1971, however, at a conference on the future of Hiri Motu arranged by the administration's Department of Information and Extension Services, prominent politician (and subsequently Papua New Guinea's first governor-general) John Guise warned that the use of Hiri Motu 'could become a political issue ... Police Motu had been rubbished for too long', Guise said, and 'if this continued there could be trouble' (*Post-Courier* 26 May 1971).

In 1973 a surge of Papuan ethnic identity—prompted in part by fears that the better-educated Papuans would be swamped by migrants from the highlands—resulted in the formation of a Papuan subnationalist movement, Papua Besena, headed by the parliamentary member for Central Province, Josephine Abaijah. On the eve of independence in 1975, Abaijah made a unilateral declaration of Papuan independence.<sup>14</sup> Newspaper reports on Papua Besena briefly mentioned concern about the decline of Hiri Motu (*Post-Courier*, 5, 7, 13 June 1973). But even though Papua Besena generally held its meetings in Hiri Motu, language was not a major issue in the politics of Papuan separatism (Abaijah herself advocating the use of English).<sup>15</sup> By the early 1980s, the Papua Besena movement had waned.

In the lead-up to independence, the country's Constitutional Planning Committee undertook extensive public consultation prior to the drafting of its final report. The subject of language did not feature in this discussion, except in the limited context of citizenship by naturalisation. The planning committee's comparatively brief comment on language appeared in a section on national goals and directive principles. In point 61, under the heading 'National Languages', the report stated:

We strongly recommend that the State clearly recognize Pidgin, Hiri Motu and English, as national languages. Literacy in these languages should be actively promoted to encourage better communication between many different groups of our people, and enable them to participate more fully in the affairs of the country.

14 For accounts of this movement see Daro (1976), McKillop (1982) and Abaijah (1991).

15 Abaijah's autobiography contains only one reference to language. In describing an incident in which a policeman took exception to her addressing him in English, she says, 'the police liked to make Papuans talk in Pidgin English, a colonial language used in ex-German New Guinea' (Abaijah 1991:47).

In point 62, under the same heading, it stated: ‘Literacy in local languages should not, however, be discouraged as they should be safeguarded from falling into disuse. Thus we envisage that as many as possible of our people will be multi-lingual’ (CPC 1974:2/8). In the section entitled ‘Papua New Guinean Ways’, it added: ‘we recognize our ethnic diversity and its varying forms of cultural expression as positive strengths’ (CPC 1974:2/14).

Reflecting this recognition, the constitution calls for ‘all persons and governmental bodies to endeavour to achieve universal literacy in *Pisin*, *Hiri Motu*, or English, and in “*tok ples*” or “*ita eda tano gado*” [the Tok Pisin and Motu terms for vernaculars]’. The constitution’s section on citizenship by naturalisation stipulates: ‘to be eligible for naturalization, a person must ... speak and understand Pisin or Hiri Motu, or a vernacular of the country, sufficiently for normal conversational purposes’. Apart from brief provisions requiring that a person who is arrested or detained be informed of the reasons ‘in a language that he understands’, these are the only references to language in an otherwise detailed constitution.

Significantly, there is no provision for a national language in either the constitution or the *National Identity Act* (passed before independence and substantially unchanged since). Nor is the question of language mentioned in the extensive provisions relating to the national parliament or in its standing orders. In practice, English, Tok Pisin and, rarely, Hiri Motu are the languages of parliamentary debate, though there is no formal restriction on language use. Much of the proceedings of parliament in fact take place in a mix of English and Tok Pisin. Simultaneous translation is provided, but the record of debate is published in English only.<sup>16</sup> In a 1988 sample of five 90-minute sessions of question time, covering 52 parliamentary ‘utterances’, 15 per cent were in English, 34 per cent in Tok Pisin and 51 per cent in a mixture of English and Tok Pisin; no use of Hiri Motu was recorded. The speaker began in Tok Pisin 79 per cent of the time (Nekitel 1998:Chapter 9).

Although language was not a significant issue in the lead-up to independence, it surfaced in a long-running public debate soon after. A newly appointed professor of linguistics, Thomas Dutton, prompted the debate in a public lecture at the University of Papua New Guinea in May 1976. He started with the observation that Papua New Guinea had no policy on national language and argued that ‘in practice English functions

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16 Bau (1981) provides a brief profile of the parliamentary interpretation service.

as national language’, complemented by Tok Pisin and Hiri Motu. He went on to advocate the adoption of Tok Pisin as the national language ‘for all internal communication and administrative purposes and for formal education at *all* levels—primary, secondary and tertiary’.<sup>17</sup> Dutton accused the more zealous supporters of English of ‘cultural and linguistic imperialism’ (quoted in McDonald 1976:9), and described attempts to make English a national language as ‘an expensive mistake’ (McDonald 1976:3). Although acknowledging the importance of language in fostering ‘group ties and unifying forces’, Dutton said:

it is not true that English is necessarily the best candidate ... It creates divisions while it supposedly unifies; it isolates people and separates them from their traditional societies; it creates elites who get further and further away from their relatives the higher they go and causes them to congregate in ugly unfriendly towns. And finally it does nothing for the self-respect of the nation for while it attempts to remain English-speaking it remains but a second-rate Western country without real identity. (McDonald 1976:9–10)

Looking at the alternatives to English as a national language, Dutton recognised the practical difficulties of using any of the local vernaculars (the largest of them, Enga, then having an estimated 150,000 speakers) or the village-based ‘church languages’. Comparing the two lingua francas, he argued that on the basis of 1971 census figures, Tok Pisin was much more widely spoken than Hiri Motu (750,000 speakers as opposed to 150,000—about the same as Enga). He also noted that Tok Pisin was gaining ground (Dutton claimed that in 1976 there were some 10,000 Papua New Guineans who spoke Tok Pisin as their mother tongue), and that it was the dominant language in parliamentary debate and on radio. To overcome the problem that ‘there is a lot of idiosyncratic variation which may interfere with communication between different speakers’, Dutton proposed the creation of a national-language planning committee to draw up an ‘improved variety’ of Tok Pisin, incorporating new vocabulary for new concepts. He suggested, however, that at the primary school level, the national language be introduced ‘after students have learned to read and write in their own language or mother tongue’, and that English and other foreign languages be introduced at a later stage of the education process, probably late secondary or early tertiary, ‘for those wishing to specialize

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17 Dutton’s lecture and a selection of media responses are reproduced in McDonald (1976) (emphasis in original). Some of Dutton’s argument had been anticipated in Lang (1976).

in certain careers' (McDonald 1976:24). English, Dutton maintained, should remain 'the language of external communication' (McDonald 1976:25).

Dutton anticipated resistance to his proposal (specifically, that 'the community will feel cheated out of a "real" education' and that teachers would 'resist') (McDonald 1976:29). He did not, however, foresee the extent to which his lecture would (to borrow the phrase of a contributor to an earlier debate) put a cat among the pidgins (Gunther 1969). For the next several weeks, the debate over Dutton's proposal was featured prominently in the national media. Many of the contributors supported the use of Tok Pisin as the national language or argued instead in support of English. A smaller proportion disputed the claims for Tok Pisin and argued for Hiri Motu, at least in Papua, or local vernaculars. The minister for primary industry, Boyamo Sali, objected that Tok Pisin 'was not spoken by the great grandfathers of the Papua New Guinea people' and pushed for 'one of the country's 700 dialects [sic]', specially recommending Motu, Kuanua, Kate or Jabem (reflecting, perhaps, his Morobe Lutheran allegiance). Sali, however, seems to have been a lone voice. More representative was Papua Besena leader Abaijah. Dismissing Tok Pisin as a 'mutilated foreign language' and 'the language of colonialism', and Dutton as a 'visiting foreigner', Abaijah argued that 'Motu should be the national language, in Papua at least' (*Post-Courier* 17 May 1976).

Another Papuan pointed out, however, that 'the Motu referred to was, in fact, not Motu, at all, but a colonial relic of the past [Hiri Motu] that ensured that our erstwhile masters were able to pass on their orders to us'. This commentator supported English as the national language (*Post-Courier* 14 July 1976). In a later letter, in which she described 'pidgin English' as 'a comic opera language', Abaijah also supported English, attacking Tok Pisin as a 'spoiler' that 'prevents the less privileged people from becoming fluent in our international language, which is English ... I look forward to the day', she said, 'when it will be official policy to stamp out pidgin English in Papua' (*Post-Courier* 25 June 1976). Percy Chatterton, an English-born long-time resident (of Papua), former missionary and member of parliament, was more circumspect. Chatterton believed that 'Pidgin, as it is now, is an inadequate medium for conducting the business of a modern nation'; and he described the attitude of Papuans towards Tok Pisin as 'one of tolerance rather than of acceptance'. His own preference was for English, but he warned:

the formal adoption of any one language would be premature at the present time and might provoke a strong reaction from those who disagreed with the choice. It seems to me far better to continue the three language policy and allow each language to find its own level and area of usage ... We don't want any language riots here.<sup>18</sup>

An editorial in the daily *Post-Courier* (17 May 1976) commented, 'in Papua New Guinea the idea of a national language is a utopian dream'.

In June 1976 the ongoing debate prompted a question in national parliament about the government's plans for creating a national-language policy. Prime Minister Michael Somare's response was statesmanlike: after acknowledging that there were difficulties in the selection of a national language, he said, 'I feel that Motu and Pidgin should be spoken by the people as a means of communication in this country, but English should be the language for education, commerce, and trade'.<sup>19</sup> The prime minister's answer was reportedly delivered in Tok Pisin (*Canberra Times* 21 July 1976).

The situation has changed little since independence: Papua New Guinea still has no explicit national-language policy. English remains the principal language of government, education and commerce, and it is becoming widely spoken. Tok Pisin and Hiri Motu are the popular lingua francas. As observed and predicted by some of the contributors to the national-language debate in 1976, however, there appears to have been a steady decline in the use of Hiri Motu, even among coastal Papuans, and a corresponding—and uncontested—rise in the use of Tok Pisin, which has become by far the most commonly spoken language. Papua New Guinean linguist Otto Nekitel (1998:82) estimated that in the late 1990s, three-quarters of the country's people spoke Tok Pisin. Although still widely spoken locally, 'church languages' and the less popular vernaculars appear to be declining in use (Table 8.2). Despite occasional calls since 1976 for an explicit language policy—mostly from academic linguists<sup>20</sup>—language has remained something of a non-issue in Papua New Guinea.

18 NBC 23 June 1976. Also see Percy Chatterton, '*Bipo tru Kila Kila Primary dekenai Dutton taught tok English* [Some time ago, Dutton taught English at Kila Kila primary school], *Post-Courier* (15 July 1976).

19 National Parliamentary Debates, First Parliament 1(10):1130 (18 June 1976).

20 In 1982 Nekitel called for an explicit statement on 'national and/or official language policy'—even if it were only an endorsement.



**Table 8.2 Speakers of major ‘church languages’ in Papua New Guinea**

Church language	First-language speakers	Second-language speakers
Dobu	8,000	10,000
Jabem	2,084	60,000
Kate	6,125	80,000
Kuanua	60,000	20,000
Suau	6,795	14,000

Source: Nekitel 1998:16.

Papua New Guinea currently has two daily newspapers—both in English—and two weekly newspapers—one in English and one in Tok Pisin<sup>21</sup>—though the latter (*Wantok*), originally published by the SVD mission press in Wewak, has only a small circulation (around 10,000). National radio and television use both English and Tok Pisin with some Hiri Motu. Government-run provincial radio stations (where they still operate—many have closed because of lack of funds) broadcast in English, Tok Pisin, Hiri Motu and local vernaculars, depending on their capacity and their audience.

As in public administration generally, English is the working language of the national judiciary, and court records are kept in English. At the provincial and district levels, however, court proceedings are usually held in Tok Pisin or Hiri Motu. The courts provide interpreters when necessary. There is also a less formal village court system, in which proceedings are usually in Tok Pisin, Hiri Motu or, most commonly, local vernaculars.

## Language at the subnational level

In most of Papua New Guinea’s 19 provinces [in 2012, with the creation of two new provinces, the number increased to 21 plus the National Capital District] the mix of languages is such that no single vernacular prevails. In a few provinces, however, the dominance of one language is noticeable. This is particularly true in Enga and East New Britain Provinces. In Enga the dominance of one language does not appear to

21 There is also at least one provincial paper, the *Milne Bay Star*, that employs a regional (‘church’) language (Dobu) as well as English and Police/Hiri Motu.

have posed a problem.<sup>22</sup> The predominance of the Kuanua-speaking Tolai in East New Britain politics and administration, however, has led to complaints of ‘Tolai imperialism’ by minority Bainings and Sulka people in that province.

A few other minor instances of language politics have arisen at the provincial level. When around 1980 it was proposed in East Sepik Province to establish a council of ‘chiefs’ (among societies that were regarded as generally being without hereditary leadership), the word chosen, *kokal* (a Boiken term), was regarded by most others in the province as a ‘foreign’ term. The proposal was not pursued. In Bougainville a declaration in 1990 by Francis Ona’s Bougainville Revolutionary Army (BRA) of the ‘Republic of Meekamui’ was a source of some contention within the BRA.<sup>23</sup> Meekamui was drawn from the Nasioi language, the language of those around a disputed gold and copper mine, but it was only one of Bougainville’s 21 languages. Even in these extremely minor incidents, language has not been a highly contentious issue.

At the district and village levels, Tok Pisin, Hiri Motu, ‘church languages’ and especially local vernaculars are widely used in community schools and village courts as well as in daily communication, though, as noted, all but Tok Pisin are declining in use. Nekitel observed that by 1980 there had been an ‘alarming shift’ from vernaculars to Tok Pisin in his Sepik (Abu’-speaking) village: ‘Tok Pisin is used in most situations for perhaps 60 to 70 per cent of the time’ (Nekitel 1998:52). Local government council and school board meetings, church services and religious instruction were all conducted in Tok Pisin. Nekitel suggested several reasons for this change: colonial attitudes towards Abu’, interethnic marriage, loss of language skills as a result of being away from the village, ease of articulation in Tok Pisin, consideration for others and parents’ failure to foster Abu’ (Nekitel 1998:Chapter 5; also see Nekitel 1992). There has been support for vernacular languages, however, especially in early education.

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22 Before 1975 Enga was part of Western Highlands District, and its separation was in part a recognition of demands by Enga speakers. In 1976, however, the Enga Area Authority (the precursor of provincial government) voted to adopt Tok Pisin as its official language (Lang 1976:13).

23 Anthony Regan, personal communication, 1999.

## Language, education and *tokples skuls*

At first, both the German and the British/Australian administrations used their own languages as the official languages of education in their territories. For the most part, however, education was in the hands of the missions, which used whatever language—principally Tok Pisin and local vernaculars or ‘church languages’—that would help them to achieve their primary objective: evangelisation.<sup>24</sup> Before World War II, the administrations of the two territories occasionally attempted to encourage the teaching of English in mission-run schools through education subsidies to missions fulfilling certain prescribed syllabus requirements. The amounts involved were too small, however, to provide sufficient incentives to persuade the missions to change their practices. In fact, the missions opposed moves to extend conditional education subsidies to their schools. Following the establishment of the New Guinean administration’s first school in 1922, a report to the Australian government by Colonel John Ainsworth recommended that classes be conducted in the vernacular, and that administration officers learn the vernacular of the areas in which they served. This never became official policy.

After World War II, a director of education for the joint territories was appointed; the first director, W.C. Groves, held the post until 1958. Groves promoted increased government involvement in education, and he emphasised the need for education to be attuned to local cultures.<sup>25</sup> A five-year plan for ‘native education’, circulated in 1948, suggested that the first few years of education should be provided primarily by mission-run schools using local vernaculars, but that English should be introduced progressively, equipping students to go on to district-level schools where English would be the medium of instruction. Expert opinion in education generally agreed with this position.<sup>26</sup>

24 On the eve of World War II, some 80,000 pupils attended mission schools in Papua New Guinea. At the same time, there were fewer than 600 indigenous pupils in government schools in New Guinea and no government schools for indigenous children in Papua (Ryan 1972:330).

25 Groves arrived in New Guinea in 1922, as the first European teacher in the colonial administration’s education system (Johnson 1977:436). He set out his views on language in education in a publication entitled *Native Education and Culture-Contact in New Guinea* (1936).

26 Notable examples include independent reports by anthropologist Camilla H. Wedgewood (‘Suggested Organization of Native Education in New Guinea’ [typescript 1945]) and linguist Arthur Capell (‘Papua New Guinea Report on Linguistics’ [typescript 1951]). Neither Wedgewood nor Capell saw much of a role for Tok Pisin or Police/Hiri Motu.

The Australian government and its administration in Papua New Guinea supported this policy until a change of government in Canberra in 1949 brought a change in policy. Although in 1952 an education ordinance was passed that empowered the director of education to determine language usage in schools, views in Australia on the use of languages other than English in the education system were mixed. The following year the United Nations Trusteeship Council urged the Australian administration to eliminate the use of pidgin English, which it saw as undemocratic and colonialist.<sup>27</sup> In 1955 an education policy directive was issued that listed as its first goal the teaching of all children in administration-controlled areas to read and write in English. The previous year an education ordinance had provided the basis for the administration's assuming responsibility for education in non-government schools; Tok Pisin was permitted in areas recently coming under administration influence, but not to the detriment of eventually teaching in English, which was seen as a 'unifying language' (Johnson 1977:445). By 1959—in the face of strong opposition from some churches—the administration had threatened to close down all schools teaching in a 'foreign vernacular' (essentially 'church languages') and effectively forced mission schools to accept English as the medium of instruction. Mihalic (1999:76) recalls that in the Sepik, 'pupils caught speaking Pidgin received demerits'. Nekitel remembers 'being belted' for violating the 'English only' regulation (Nekitel 1998:179). Vernacular broadcasts by the Education Services Division were also discontinued. By 1970 the mission schools—even the Lutheran schools—had joined the Territory education system and were shifting to English.

There has been much discussion about the 'failure' of vernacular education in Papua New Guinea in the 1950s and 1960s.<sup>28</sup> A lack of commitment by the Australian administration and the paucity of teaching materials in local languages were significant factors. Another important factor, however, appears to have been opposition from parents and teachers, who frequently saw education other than in English as inferior. A 1988 survey of teachers' attitudes reported that although the majority of teachers rated themselves more fluent in their mother tongue than in Tok

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27 See Johnson (1977:444). The Australian minister for territories at the time, Sir Paul Hasluck, recalled: 'A decision had been made that education should be in the English language. This decision had little to do with education theory. Indeed I conceded to mission schools, against the advice of my own experts, that they could use their vernacular as a transition to eventual teaching in English' (Hasluck 1976:89).

28 See, for example, McKinnon (1971). McKinnon was the last non-Papua New Guinean director of education.

Pisin, English or Hiri Motu, and agreed that the use of Tok Pisin would facilitate communication and improve student understanding, 91 per cent preferred to retain English as the medium of education.

In the 1960s, however, responding to increasing nationalist sentiments and a growing weight of evidence from research, education policy began to swing back towards the use of vernaculars and Tok Pisin in the early schooling and adult literacy programs. In 1973 a proposed five-year development plan recommended that the language of primary education should be 'selected by the community which the school serves', provided that instructors and teaching materials were available. English, however, should remain the language of instruction at the secondary and tertiary levels (Department of Education 1973). The education department's ensuing education plan of 1975, however, was rejected by the government, which directed that English be the sole language of instruction at all levels. A subsequent ministerial statement, though, did allow for the teaching of local languages, in addition to the normal syllabus, subject to approval by the provincial education boards (provincial government was being introduced in 1976) and the availability of adequate teaching and financial resources.

Following the establishment of provincial governments and the transfer of a large part of education policymaking to these governments, the use of vernaculars in early education gained widespread support. Several provinces, notably North Solomons (Bougainville) and East New Britain, introduced *viles tokples skul* (local vernacular school) programs.<sup>29</sup> Although their record was mixed, the idea of early education in vernaculars was widely endorsed. In 1989 the National Literacy Board passed a resolution calling for the teaching of initial literacy and numeracy in *tokples*. This was endorsed as government policy the following year. In 1991 the Department of Education issued its Education Sector Review Ministerial Brief, which stated: 'the policy that learners should acquire initial literacy in a language they speak and then transfer this literacy to English or any other of the national languages has been adopted'.<sup>30</sup> By 1993 there were provincial literacy programs in about 200 languages in 1,800

29 See, for example, papers in Brammall and May (1975:sec. 7), Delpit and Kemelfield (1985), Weeks and Waninara (1988), and papers by Ahai (1984) and Olsson (1984).

30 The use of the phrase 'any other of the national languages' is interesting. There is a widespread popular perception in Papua New Guinea that English, Tok Pisin and Hiri Motu are 'national languages', though there is no statutory basis for this. For an elaboration of the policy, see Department of Education (1991:169–70).

*tokples skuls*, reaching 27,300 pupils (Jonduo 1995). Subsequent policy documents have broadly repeated the substance of the 1991 statement. The Department of Education's Corporate Plan of 1998–2002, based on the National Education Plan of 1998–2002, for example, states that among its policies on elementary education: 'the language for instruction in elementary schools will be that which the children speak and will be determined by the community' (Department of Education 1998:9).

In September 1999 the minister for education, research, science and technology, John Waiko, announced a new language policy that he said would 'start making a significant contribution to literacy ... both in English and, importantly, in our many Papua New Guinean languages'.<sup>31</sup> Eight hundred and thirty-seven languages have since been declared official languages in the education system (*Post-Courier* 13 April 2000). These will be the basic languages of instruction in community schools from the elementary preparatory level to grade two, after which there will be a transition (grades three to five) to English.

In a country with an estimated 850 languages, some of which are spoken by small groups in remote areas, the more widespread use of vernaculars poses problems. In particular, it seems inevitable that in some community schools, small vernacular groups will not be given much attention and more frequently used vernaculars will triumph over less popular ones—as was the experience in the early days of mission expansion with the adoption of 'church languages'. To date, there is little evidence that such problems have arisen, but in East Sepik Province, Kwoma children in some community schools around Ambunti are receiving vernacular teaching in the language of the neighbouring Iatmul (a group with whom they have been traditional enemies); this is emerging as a source of grievance among the Kwoma.<sup>32</sup> It is possible that the well-intentioned policy of vernacular use in schools could give rise to low-level local tensions.

[In 2013 the vernacular education policy was dropped, largely in response to growing concerns over students' low levels of English-language literacy and poor performance at higher levels of education. See, for example, Temple et al. 2015.]

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31 'Education Reform and Language Policy in Schools', statement to the press by the minister for education, research, science and technology, the Hon. Professor John Waiko, 3 September 1999.

32 Angela Mande-Filer, personal communication, 2000.

## Conclusion

Given the great linguistic diversity in Papua New Guinea, language might have been expected to provide a source of ethnic cleavage and conflict. It has not.

Precolonial Papua New Guinean societies were marked by endemic warfare, and contemporary Papua New Guinean society has been plagued by intergroup fighting. Much of this fighting, however, takes place within the same language group (especially among the larger language groups of the highlands) over issues such as land, compensation claims (resulting, for example, from road accidents) and election outcomes. Some conflicts follow linguistic divisions, but there has been no instance since independence in which language per se has been a source of major disagreement. Similarly, the Bougainville conflict, which from at least as early as 1900 was associated with demands for Bougainville independence, has never been concerned with language—partly because the Bougainville Revolutionary Army itself drew supporters from almost all of Bougainville's 21 vernacular language groups (representing itself in Tok Pisin and English). 'Bougainville' identity, in other words, transcends linguistic boundaries.

It might be argued, more generally, that Papua New Guinea's extreme linguistic fragmentation—and, to the extent that linguistic boundaries define ethnicity, its extreme ethnic fragmentation—has dissipated the potential for ethnic conflict. Because Papua New Guinea has so many small ethnolinguistic groups, language does not provide an effective basis or political mobilisation except, on occasion, in local contexts.<sup>33</sup> Moreover, Papua New Guinea's small-scale societies have tended to differentiate themselves from their neighbours through language use, rather than seek to extend their linguistic domain (Laycock 1982). No vernacular language group, however, is large enough—even if it were imperially inclined—to push for the adoption of its language as a national language. Thus, as contact between different communities increased following European colonisation, lingua francas developed naturally as a means of intergroup communication.

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33 Even at the subnational level, ethnic tensions have tended to follow administrative/geographic rather than linguistic lines. Tensions, for example, between highlanders and 'coastals', New Guinea islanders and mainlanders, or Bougainvilleans and mainlanders, cut across linguistic divides. And at the subprovincial level, regional divisions (within and across linguistic boundaries) have been more salient than linguistic ones. See May et al. (1997).

Among the *lingua francas*, ‘church languages’ have declined in use since the Lutheran Church’s adoption of Tok Pisin. Even Hiri Motu, which was never comprehensively accepted as the *lingua franca* of Papua, appears to have given way to Tok Pisin and English. Tok Pisin has become by far the most widely spoken language, with growing numbers speaking Tok Pisin as a mother tongue. As Father Kirschbaum observed in 1931, the people themselves have chosen Tok Pisin as the language of communication.

By declining to formally choose a national language (or national languages), Papua New Guineans avoided the conflict that would almost certainly have occurred in 1975 if, say, Tok Pisin had been chosen over Hiri Motu, or if English had been given an official status above Tok Pisin or Hiri Motu. In the absence of an explicit national policy, Tok Pisin has naturally assumed its dominant position in popular communication (and, to a large extent, parliamentary debate). Meanwhile, English has been retained as the principal language of education, commerce and administration, and local vernaculars have been officially recognised with a view both to promoting literacy at the communal level and to acknowledging the cultural value of local languages in accordance with the constitution’s directive principles. In this way, Papua New Guinea has evolved as a special sort of multilingual society, and may have ensured that in a society marked by extreme linguistic diversity and two potentially competing *lingua francas*, language has not been a source of conflict.

Whether the Papua New Guinean experience contains lessons for other multilingual states is less easy to say. Clearly, Papua New Guinea is very unusual in several respects: first, it boasts extreme linguistic diversity; second, no vernacular language has much currency outside its local area; third, literacy rates are fairly low, and there is no great tradition of a vernacular literature; and further, English and Tok Pisin, to an increasing extent, are widely accepted as politically neutral languages. These factors have facilitated the spread of Tok Pisin as a *lingua franca* of the people and of English among a more restricted group.

One general lesson does emerge from the Papua New Guinean experience: in states where language has been a source of conflict, tension has frequently arisen because one numerically or culturally dominant group has imposed its language on minority groups through official national-language policies. The experience of Papua New Guinea suggests that in multilingual societies, it may be wiser not to elaborate a national-language policy but, in effect, to let market forces determine language use. A misguided language policy may create more problems than no policy at all.



# 9

## Formulating a strategy for research on corruption in Papua New Guinea

*This paper emerged from a workshop at the National Research Institute of Papua New Guinea in 2007 to launch a corruption research project. The proceedings of the workshop were published as Albert Ayius and R.J. May (eds), Corruption in Papua New Guinea: Towards an Understanding of Issues, Port Moresby: National Research Institute, 2007.*

Corruption has been widely identified as a substantial and growing problem in Papua New Guinea with serious impacts on economic development, service delivery and ultimately political stability. But definitions of what constitutes corrupt behaviour are sometimes contestable, and there appears to be some reluctance, on the part of politicians, public officials and even local communities, to fully enforce legal provisions against corruption, even when there is clear evidence that offences have been committed. And when legal provisions are enforced, the culprits often avoid conviction.

Moreover, while there has been a good deal of condemnation of corrupt actions by leaders—which have certainly been widespread and conspicuous—there is less overt recognition that corrupt leaders are frequently responding to the demands of their constituents, *wantok*, kin or family. There is ample evidence of corrupt electoral behaviour by political candidates and their supporters, sometimes involving public officials, who may be coerced into supporting the demands of candidates.

Mana suggested in 1999 that small-scale, ‘petty’ corruption was becoming more common, ‘having spread throughout the bureaucratic machinery’ (Mana 1999:3). Petty corruption—which involves misuse of government vehicles and telephones, the payment of gifts to access what should be freely available government services, the adding of ‘ghost’ names to payrolls, the appointment of friends, political allies and relatives to jobs for which they are not competitively qualified, the awarding of contracts to *wantok*, the acceptance of reimbursement for work not done properly, or not done at all, and so on—has perhaps attracted less attention but has greater impact than more high-profile instances of corruption.

It might well be argued that the features of corrupt behaviour are well known and that the legislative provisions to counter it already exist, and that therefore what is needed is not research but action. However, the fact that corruption is recognised and that legal sanctions against it exist but corruption continues to grow, suggests there is a need to understand what it is about Papua New Guinea’s social, political and economic environment that has allowed corruption to flourish.

## Defining corruption

In the discussion of corruption in Papua New Guinea it has sometimes been suggested that we need to define ‘corruption’.

There is in fact a vast literature on the definition of corruption. As early as 2000 BC the Indian scholar-administrator Kautilya identified some 40 forms of corrupt behaviour against which a ruler should guard, many of which continue to occur today (May and Ray 2006). Since then scholars and practitioners have distinguished various categories of corruption—economic, political and administrative; public-office centred, market centred and public-interest centred; and so on. Definitions of corruption are discussed by Alphonse Gelu (2007). In recent years definitions provided by international agencies such as the World Bank, and international non-government organisations such as Transparency International, have gained widespread currency. Transparency International’s handbook (Pope 2000:Chapter 2) also provides an extensive list of common forms of corrupt behaviour, from bribery and extortion to fraud and theft; from nepotism and influence peddling to failure to perform to one’s capacity or accept the responsibilities of one’s position. Within Papua New Guinea, the Law Reform Commission addressed the question of defining

corruption back in 1982 (LRC 1982:2), and the topic was revisited by the team appointed to draft an organic law for an Independent Commission against Corruption (ICAC) in the late 1990s. As Peter Donigi (2007:46) notes, ‘instead of defining corruption, the team members considered that there were already sufficient laws dealing with the issue of corruption ... the problem was in respect of the implementation of those laws’. They proposed that an ICAC be given authority to investigate five areas of offence: bribery of members of parliament (MPs), disclosure of official secrets, corruption and abuse of office, secret commissions, and corrupt and improper practices at elections.

Arguably, this topic has been well covered and there is ample material to draw upon without conducting further research on the question of definitions. More useful, perhaps, might be an attempt to summarise the main legislative provisions relevant to anti-corruption policies, from the Criminal Code, through the Leadership Code, to specific legislation such as the recently amended *Public Finances (Management) Act*, the *Public Service Management Act*, the *Proceeds of Crime Act* and the also recently amended Organic Law on National and Local-Level Government Elections.

## Corruption and cultural context

As Joe Kanekane (2007) argues, Papua New Guineans seem to display a high degree of tolerance towards corrupt behaviour by their leaders. Kanekane lists just some of the MPs who have been charged over corrupt behaviour, in several instances served gaol sentences, yet been voted back into office by their constituents. Both Kanekane and David Kombako (2007) explain this tolerance in terms of Papua New Guinea’s culture, specifically in Kombako’s analysis, the combination of the ‘bigman’ mentality, gift-giving and the *wantok* system.

The acceptance of what might be seen by others as corrupt behaviour within a cultural context that emphasises reciprocal behaviour and loyalty to the group or group leader, however, is not unique to Papua New Guinea; indeed it is quite widespread and has been documented for a number of African and Asian countries.

But the expectation of most people in Papua New Guinea that their MP, or ‘their man’ in the bureaucracy, should channel the benefits that come from the state to their group (for example, see Kombako 2007) does not

mean that they do not recognise as corrupt similar behaviour by a rival MP or a bureaucrat from another group. Behaviour that is defended as ‘cultural’ or *kastom* within the group, in other words, becomes corrupt when someone outside the group does it. Most politicians have been outspoken against corruption while campaigning for election but some of the most outspoken have embraced corrupt behaviour once elected. This perhaps explains why there was demand for legislation to create an ICAC, but little interest in parliament in passing the legislation.

Further research in this area might throw light on the extent of ‘corrupt’ practices (for example, in local government and village courts, and in accessing government services at local and national levels) and on the disjuncture between popular anti-corruption rhetoric and the widespread acceptance of corruption. Methodologies are available for standardised surveys to gauge popular attitudes to corruption. But it is doubtful whether such surveys tell us much we do not already know, namely that most respondents are against corruption in its many forms, but nevertheless happy to accept corrupt behaviour if it brings benefits to their group.

Donigi (2007:46), on the other hand, argues that ‘those who appeal to custom do so out of ignorance of our criminal justice system’, and suggests that *kastom* should not be accepted as an excuse for corrupt behaviour.

It should also be recognised that, to a significant extent, corrupt practices have been introduced and promoted by foreigners: in nearly all the major cases of alleged corruption—the ‘Diaries Affair’, issues raised by the forestry industry review of 1987–1989, the Poreporena Freeway, the Disciplined Forces Housing Project, the Cairns Conservatory inquiries, the ‘Sandline Affair’ and irregularities in respect of immigration—foreigners (including Australians) have been actively involved.

## **Investigations, follow-up and prosecution**

There has been a large number of commissions of inquiry, leadership tribunals and Ombudsman Commission reports into allegations of corruption (see Ayius 2007). This is in addition to reports of the parliamentary Public Accounts Committee, reports on the suspension of provincial governments, audit reports on national government departments and agencies and provincial governments, and a host of reports from internal audits and reviews. Recent public sector reform

initiatives, including amendments to the *Public Finances (Management) Act* and the Organic Law on National and Local-Level Government Elections, and calls for a review of the Organic Law on Provincial Governments and Local-Level Governments have drawn impetus from the findings of these investigations.

Arguably, however, the volume of inquiries and investigations has not been matched by the number of prosecutions of offenders, let alone by changes in behaviour. The 2003 audit report on the Southern Highlands provincial government is a case in point: the report (by a private auditor contracted by the national government) identified a wide range of financial irregularities involving the disappearance of large sums of money, but three years later no-one had been charged with an offence. With regard to investigations under the Leadership Code, Masi (2005:6) records that in the almost 30 years to April 2005, investigations under the code had resulted in 20 leaders being found guilty and dismissed, 11 being fined and five referred to the public prosecutor; against this, five were found not guilty, 16 resigned as leaders after a leadership tribunal was appointed and six leaders' terms expired after a tribunal was appointed. Masi notes that in 2002 'a lot' of leaders were being investigated, but more than 50 per cent of them lost office in the 2002 general election and the Ombudsman Commission thus lost jurisdiction over them.

Why has the prosecution rate not been higher? Part of the answer has to do with more-or-less technical problems—obtaining evidence, getting witnesses to testify and preparing the case for prosecution. (In the same week in September 2006, for example, a state prosecutor was charged with contempt of court after failing to appear at a circuit court hearing—allegedly due to lack of funds for travel, and two men charged with armed robbery were acquitted when a state lawyer failed to appear in court; *Post-Courier* 8, 14 September 2006.) Another part of the answer has to do with cultural factors (what Kanekane (2007) refers to under the heading of 'tolerance') and what is loosely described as 'political will' (though the real issue is usually less a 'lack of will' than the existence of distinct disincentives against taking action).

A possible research project would be to take several case studies—either by selecting a number of events that have been the subject of investigations and reports and seeing whether they were followed through to a satisfactory conclusion, or by selecting a few policy areas (for example, administration of lands policy, financial management, electoral malpractice or public

sector appointments) and documenting and explaining instances or allegations of corrupt behaviour and responses to them. Any such studies should examine data at national, provincial and local levels (and might seek to test the claim by Mana (1999:7) that ‘both political and petty corruption at the administrative level have increased after the [1995 provincial government] reform as more power and authority was vested in ministers of parliament and administrators’). This sort of research would involve sensitive data and would not be possible without some cooperation from the departments and agencies, as well as individuals, concerned.

Such research might highlight problems in public sector management relative to corruption, and in the capacity of the state to exercise sanctions against corrupt behaviour, but would it contribute to the combating of corruption?

## **Policies to combat corruption**

There has been, over recent years, a number of public sector anti-corruption initiatives, including promotion of a Public Services Code of Business Ethics and Conduct, and the creation of a national anti-corruption alliance. Another possible line of more action-oriented research might be to assess how effective these initiatives have been, and to examine a broad spectrum of other measures designed to counter corrupt behaviour—ranging from the mobilisation of civil society at the local level, through civic education, to the strengthening of internal audit provisions, the creation of institutions (like an ICAC) to specifically target corrupt practices, and the imposition of harsher penalties. As with definitions of corruption, there is already a substantial literature in this area and research might be more secondary than primary, but there may be virtue in studying comparative efforts to combat corruption and, in conjunction with those pursuing the public sector reform agenda, and advocacy groups such as Transparency International PNG, seeking to identify measures that might be effective in the Papua New Guinea context.

*Postscript:* In November 2020 the national parliament of Papua New Guinea voted to create an Independent Commission against Corruption.

# 10

## **Papua New Guinea: Issues of external and internal security**

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Australia and Papua New Guinea have long been linked by geographical proximity and by colonial history. Security concerns were a major element of Australia's early interest in the island of New Guinea and these concerns were reinforced by the Japanese invasion and occupation of New Guinea in 1942–1945 and Indonesian expansionism in the 1960s.<sup>1</sup>

Security issues are still an important element in relations between the two countries, but the interests of the two countries do not necessarily coincide and security priorities are subject to the changing external and internal environments in which the two countries operate. Maintenance of good relations requires continuous review of the issues and their relevance to the respective players.

### **Papua New Guinea's transition to independence**

In 1951 the Australian colonial administration revived the Pacific Islands Regiment (PIR), which had been formed in Papua New Guinea during World War II, but until 1964 the PIR formed part of the Australian

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1 For a detailed, recent account of this subject see Hunt (2017).

Army's Northern Command, whose headquarters were in Brisbane. Subsequently, headquarters were shifted to Port Moresby, though most of the PIR's officers were Australian and orders came from Canberra.

With the approach of independence, in the early 1970s there was debate about whether an independent Papua New Guinea should have a defence force—some commentators both within and outside Papua New Guinea seeing a well-organised defence force as a potential threat to the emerging democratic state. In the event, the PIR formed the core of the Papua New Guinea Defence Force (PNGDF), which was established in 1973, and just before independence in 1975 defence powers were transferred from Australia to Papua New Guinea and a Papua New Guinean, Brigadier-General Ted Diro, became commanding officer of the force (Sinclair 1992; May 1993:Chapter 3).

At independence, Papua New Guinea clearly expected a defence treaty with Australia (May 1993:36), but this was not forthcoming; instead in an exchange of letters and a joint statement in 1977 the two countries affirmed that their governments 'attached high importance to continuing the close co-operation between their two countries in defence matters' and declared their intent 'to consult ... about matters affecting their common security interests'. Australia also undertook to provide continuing assistance to the PNGDF through its Defence Cooperation Program.

Papua New Guinea's foreign policy at independence was one of 'universalism': 'friend to all, and enemy to none'. Subsequently this was modified to a policy of 'active and selective engagement', to which was added the elaboration of 'look North [to Asia] and work the Pacific'.<sup>2</sup> Central to the latter has been Papua New Guinea's prominent role in the Pacific Islands Forum and the Melanesian Spearhead Group.

## Papua New Guinea's external security environment

Papua New Guinea has continued to enjoy a generally benign external security environment, though not without some challenges. The principal issues for Papua New Guinea's external security have been in three main

2 For an overview of foreign policymaking in Papua New Guinea see Wolfers and Dihm (2009). A review of foreign policy, tabled in the Papua New Guinea national parliament in 1981, is reproduced in *Papua New Guinea Foreign Affairs Review* vol. 1, no. 4 (1982).



areas: the border with Indonesia to the west, the border with Solomon Islands to the east, and incursions by foreign fishing vessels in Papua New Guinea's territorial waters.

## The border with Indonesia

Papua New Guinea shares a border with the Indonesian provinces of West Papua and Papua (formerly the single province of Irian Jaya), in which Papuan nationalists, led by the Organisasi Papua Merdeka (OPM, Free Papua Movement) and more recently the Komite Nasional Papua Barat (KNPB, West Papua National Committee), have maintained a continuing campaign for West Papuan separatism and a review of the 1969 so-called 'Act of Free Choice' (in fact, an act free of choice, conducted in the presence of a United Nations special representative), by which West Papua moved from a United Nations Temporary Executive Authority to incorporation within the Indonesian Republic (see, for example, Ondawame 2010 and Saltford 2002).

In the early 1970s there was significant sympathy among Papua New Guinea's emerging leaders for the separatist ambitions of their Melanesian brothers in the former Dutch territory, but Papua New Guinea recognised Indonesian sovereignty in West Papua after 1969 (as did Australia) and within its capacity sought to deny the OPM access to Papua New Guinea. OPM camps were set up in the dense jungle on Papua New Guinea's side of the border, however, and this was a source of some tension in relations between Indonesia and Papua New Guinea. Regular crack-downs on West Papuan groups by Indonesia led to frequent border crossings by OPM supporters and ordinary villagers, and occasional incursions by Indonesian soldiers. In 1984 some 10,000 border crossers sought refuge in Papua New Guinea after the Indonesia military acted against Papuan nationalists who had sought to raise the West Papuan flag, and made unauthorised border incursions in pursuit of alleged OPM supporters who sought refuge in Papua New Guinea. In an escalation of tensions, Papua New Guinea took its grievances to the United Nations General Assembly.

By the late 1980s relations between the two countries had improved and the two had signed a Treaty of Mutual Respect, Friendship and Cooperation (May 1987), but the border remains a continuing irritant in Papua New Guinea – Indonesia relations. West Papuan separatism has not gone away, and the erosion of concessions made by the Indonesian government to West Papuans after the demise of President Suharto,

continued immigration from other parts of Indonesia, and sustained military repression and human rights abuses in West Papua, have fuelled Papuan nationalist sentiments and separatist demands and created a vicious cycle of repression and confrontation. Papua New Guinea has resisted Indonesian proposals for joint border patrols and with the PNGDF's capacity to patrol the border limited by its resources, the potential for future border 'incidents' is high (see, for example, Chauvel 2004; King 2004; ICG 2010a, 2010b; May 2021).

## **The border with Solomon Islands**

In the east, a somewhat arbitrary colonial boundary separates Papua New Guinea from Solomon Islands, though there has been continuing traditional movement across the island chain. During the Bougainville rebellion (see below), members of the Bougainville Revolutionary Army regularly crossed into Solomon Islands—for some time with the effective blessing of the Solomon Islands government—to escape the PNGDF, and weapons and medicines were imported into Bougainville through Solomon Islands. In a mirror image of what was happening on Papua New Guinea's western border, on more than one occasion PNGDF soldiers crossed illegally into Solomon Islands (in one instance attempting to annex a small island in Solomon Islands territory), drawing complaints from successive Solomon Islands governments.

Since the end of the Bougainville conflict, this issue has largely disappeared, though a reported continuing flow of weapons into Papua New Guinea through Solomon Islands still poses security concerns.

## **Illegal fishing**

The operation of illegal foreign fishing vessels in Papua New Guinea waters, particularly in the 'Dogleg' area to the west of the Papuan Gulf, has been a serious issue for Papua New Guinea, especially given its limited capacity to monitor, let alone control, what is going on in its extensive territorial waters. Some attempts have been made to address the problems of illegal fishing on a regional basis through the Forum Fisheries Agency and the Western and Central Pacific Fisheries Commission, and Australia has supported the efforts of Papua New Guinea and other Pacific island states to improve their maritime security and protect their fisheries through the Pacific Patrol Boat Program and assistance in aerial surveillance.

## Other concerns

In addition to these concerns, in more recent years a range of non-traditional security concerns has emerged—though arguably the issues identified have been mostly of greater relevance to Papua New Guinea’s allies, particularly Australia, than to Papua New Guinea itself.

Following 9/11 2001, international terrorism has been added to the list of external security threats, and, largely at the urging of Australia (which has provided some logistic assistance) and the United States, measures have been taken to upgrade maritime and airport security. While the threat of a terrorist strike cannot be entirely dismissed, the likelihood of terrorist activity in Papua New Guinea is slight: there are no terrorist groups in Papua New Guinea and no obvious constituency for them (there is a small group of foreign Muslims and Papua New Guinean converts, but the group has no apparent radical tendencies; Flower 2010) and in the small-scale nature of Papua New Guinea society, the activities of outsiders (and indeed of Papua New Guineans) tend to attract close scrutiny from neighbours, which would make terrorist activities difficult to sustain.<sup>3</sup>

For similar reasons, and given fairly tight border security, people smuggling, though sometimes listed as a security concern, is not a major issue for Papua New Guinea. Apart from the border crossers from West Papua, mentioned above, there has been some illegal migration to Papua New Guinea, in some cases of people (mistakenly) perceiving Papua New Guinea as an easy entry route to Australia; there has even been at least one boatload of prospective refugees who unintentionally made landfall in Papua New Guinea en route to Australia. And there has been a steady stream of illegal migrants from China. Some of this illegal migration (and some legal issuing of Papua New Guinea passports) seems to have been facilitated by corrupt officials in overseas diplomatic posts and in one disturbing incident the machine used to print Papua New Guinea passports was stolen. But stringent visa conditions, closer oversight of officials working overseas, and occasional raids to round up foreigners working without work permits (especially those working in occupations reserved for Papua New Guineans) have kept the number of unwanted foreigners within limits.<sup>4</sup>

3 For an interesting comparative critique of the ‘terrorist threat’ (to Australia) see Michaelsen (2012).

4 A report in *Islands Business*, July 2012, however, suggests that ‘between 15,000 and 20,000 foreigners, mostly Asian, are believed to be residing and working in Papua New Guinea’.

Perhaps more serious are reports of Papua New Guinean links to international crime.<sup>5</sup> From time to time there have been reports of ‘Chinese triads’ operating in the country and of a trade in drugs (marijuana) for guns across the Torres Strait border. Coupled with the reality of *raskol* gangs in Papua New Guinea (see below) and corruption within the public sector (including the police), these reports must be taken seriously, but the evidence of such activities is still modest. For most Papua New Guineans, vulnerability to the activities of foreign ‘carpet baggers’ and scam merchants, for example in forestry and in pyramid finance schemes, may be cause for greater concern.

For Australia, with its relative abundance of resources to address the issues, these non-traditional security threats occupy the minds of security planners. But for Papua New Guinea, external security threats, both traditional and non-traditional, are substantially outweighed by the challenges it faces with respect to internal security.

## Internal security

Before European contact, ‘tribal’ fighting between Papua New Guinea’s fragmented local groups was endemic across much of the country. Under the colonial administration intergroup fighting diminished, but it continued, especially in the highlands where the Australian administrative presence was not well established until the 1960s. ‘Law and order’ problems were still a major issue in the years preceding independence in 1975, and were probably exacerbated by forces set in train by the process of ‘modernisation’: increased competition for land due to the introduction of cash crops and a rapid increase in population, the impact of large-scale resource projects, the breakdown of traditional authority structures at the local level, intense competition for electoral office (in 2002 ‘failed elections’ were declared in six of the country’s electorates as a result of election-related intergroup fighting in Southern Highlands Province), and the introduction of motor vehicles (and hence motor vehicle accidents) and alcohol. Over the past two decades there has been a marked increase in the use of automatic weapons in intergroup fighting and in general criminality.

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5 A range of pertinent issues is addressed in Boeha and McFarlane (2000).

There are several dimensions to the law and order problem.<sup>6</sup>

Intergroup or ‘tribal’ fighting has deep historical and cultural roots, including mechanisms for at least temporary peace and reconciliation, but has evolved in new forms with the introduction of guns and the interplay of traditional rivalries and electoral competition.

*Raskolism*—essentially, criminal gangs—began to emerge both in towns and in rural areas in the 1970s largely among unemployed youth (especially in urban squatter settlements) and often based on localised ethnic group affiliation. Over time, *raskol* gangs have tended to become more heterogeneous, more sophisticated and probably more likely to be associated with prominent local political figures (for whom the term ‘warlord’ has come into common usage). The predatory behaviour of *raskols* in some rural areas, especially in the highlands, has curtailed economic activities such as coffee buying and led to the closure of banks and other businesses (for example, see Haley and May 2007:Chapter 1).

Within communities, violence against women is also a widespread problem.<sup>7</sup> Apart from the personal and communal costs of domestic violence, this helps explain the level of political participation by women in Papua New Guinea, which is one of the lowest in the region. To the extent that violence against women has made some parents reluctant to send their daughters to school, it also has far-reaching longer-term implications for the status of women.

Threats to resource projects, from disgruntled landowners and others impacted by mining or other resource-exploiting operations, have become another aspect of the law and order problem. The outstanding case here is Bougainville,<sup>8</sup> where what began essentially as a protest movement among the younger generation of landowners in the area adjacent to the Bougainville gold and copper mine escalated into a declaration of independence and a virtual civil war that lasted for over a decade, cost numerous lives and closed the mine, which at the time contributed around 40 per cent of Papua New Guinea’s exports and 17 per cent of its government revenue. Bougainville may be an extreme instance of the power that landowners can exercise over a big resource project, but

6 For early reviews of the law and order issue see Committee to Review Policy and Administration on Crime, Law and Order (1983) and Clifford et al. (1984). A more recent analysis is by Dinnen (2001).

7 For an overview of the subject see Amnesty International (2006).

8 For a comprehensive account of the Bougainville conflict and peace process see Regan (2010).

virtually all of Papua New Guinea's mining, gas and petroleum projects have run into confrontation with landowner groups, whose expectations of the benefits to be gained from such projects are often unrealistic and for whom formal agreements are infinitely negotiable.

Increased migration from Asia, especially illegal migration from China, and the expansion of Asian business interests have produced sporadic outbursts of 'anti-Chinese' sentiment, including protests against the largely Chinese-owned Ramu nickel mine and occasional attacks on 'Chinese' businesses. Though not on the scale witnessed in Solomon Islands in 2006, the potential exists for anti-Asian riots (Smith 2012).

Numerous measures have been taken to deal with law and order problems, from the passage of the *Inter-Group Fighting Act* in 1977, the creation of police mobile squads and the call-out of the PNGDF in states of emergency, to the creation of village court magistrates and provincial peace and good order committees. The PNGDF was first called out to assist police following the declaration of a state of emergency in response to rising urban crime in the national capital, Port Moresby in 1984. It was involved in several further operations with police during the 1980s and 1990s, including its heavy commitment to the Bougainville conflict. More recently the two disciplined forces collaborated during a state of emergency in Southern Highlands in 2006–2007. But fundamental problems remain.

A continuing issue in dealing with the problems of law and order is the capacity of the Royal Papua New Guinea Constabulary (RPNGC). Faced with daunting tasks of policing, the RPNGC is under-resourced in terms of pay, housing and transportation.<sup>9</sup> Police morale is generally low, and in recent times the RPNGC has been factionalised and politicised at senior levels. In 2002, when 'failed elections' were declared in six Southern Highlands electorates, the provincial police commander complained that his officers could not contain the violence because they were not only outnumbered but outgunned. Not surprisingly, under these conditions, police—especially the police mobile squads—have been frequently accused of human rights abuses (Human Rights Watch 2007) and the state has paid out substantial amounts of compensation for police actions in which property has been destroyed and civilians abused.

9 See Dinnen (2001:53–54). Dinnen notes that in 1975, when crime rates were relatively low, the ratio of police to population was 1:476; by the late 1990s, with rising crime rates, the ratio had fallen to 1:800; current estimates place the ratio at around 1:1,400.

With regard to the PNGDF, the post-independence military coup predicted by many in the early 1970s has not materialised, though there has been a number of relatively minor confrontations between the PNGDF and the government. These have included the ‘Sandline Affair’, in which the PNGDF commander intervened to abort a covert operation by the government in 1997 to use ‘military consultants’, in conjunction with the PNGDF, in an attempt to end the Bougainville conflict (Dinnen et al. 1997; Dorney 1998; O’Callaghan 1999); a mutiny at Moem Barracks in Wewak, where soldiers briefly occupied the barracks and destroyed some buildings in protest against conditions of service and proposals to downsize the force (May 2003a); and a recent (January 2012) short-lived mutiny by a group of soldiers supported by Sir Michael Somare to press for acceptance of a Supreme Court ruling in Somare’s favour during the political impasse that followed the parliamentary ousting of Somare as prime minister in 2011 (see Chapter 13). I have argued elsewhere that a military coup seems unlikely in Papua New Guinea, but the possibility of a coalition of disgruntled soldiers and opportunistic politicians challenging government decisions cannot be ruled out (May 2003a:6).

Deterioration in government service delivery also poses security risks for Papua New Guinea’s citizens. Apart from a high incidence of HIV/AIDS (Cullen 2006; Butt and Eves 2008), the poor state of Papua New Guinea’s health system has resulted in recent outbreaks of cholera and tuberculosis (leading to an influx of people from Papua New Guinea’s Western Province into Australia’s Torres Strait islands seeking treatment), and poor performance on most health indicators. A poorly performing health sector leaves the country vulnerable to imported viruses. Human health issues, and the potential spread of plant and animal diseases, pose external threats to Australia, which have been addressed in part by regular consultation between health and quarantine officials from the two countries.

Papua New Guinea’s geography and weather patterns raise further security risks in terms of susceptibility to earthquakes, tsunamis, volcanic eruptions, floods, mudslides and droughts, and the longer-term effects of climate change. The Carteret Islanders in the Autonomous Region of Bougainville are already reportedly threatened by rising sea levels and likely to become among the world’s first ‘climate change refugees’. Papua New Guinea’s capacity to respond to such natural disasters is limited.

## The challenges ahead

Papua New Guinea is commonly perceived as politically unstable, even though to the end of July 2012 the country had had only six prime ministers in 37 years, elections had been held regularly on schedule, and all changes of government had followed constitutional procedures. All governments to date, however, have been coalitions (since 2002, sometimes coalitions of more than 10 parties), coalitions have been unstable, and up to 2002 no government had survived a full parliamentary term (most losing office as a result of a vote of no confidence against the prime minister). In 2001 the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC) sought to create greater political stability by strengthening parties and providing sanctions against MPs who switched parties. Subsequently, the government of Sir Michael Somare (2002–2007) became the first to survive a full parliamentary term, though this owed less to the provisions of the OLIPPAC (which in 2003 proved to be largely ineffective in maintaining party cohesion; May and Anere 2011) than to the Somare coalition's large majority, which it used to avoid votes of no confidence by adjourning parliament and controlling parliamentary procedures.

Somare was re-elected as prime minister in 2007, heading another larger coalition, but tensions soon appeared within the coalition. Then in July 2010 the Supreme Court ruled against certain provisions of the OLIPPAC, leaving the way open for renewed 'party hopping'. Several coalition MPs crossed the floor.

In August 2011, while Somare was in Singapore receiving medical attention, the parliament, ignoring constitutional requirements, declared that the prime ministership was vacant and elected Peter O'Neill to replace Somare. The parliament's actions were challenged and in December 2011 the Supreme Court upheld the challenge, but O'Neill and his supporters (who formed a clear majority of the parliament) chose to ignore the court—having already attempted to block the challenge and dismiss the chief justice. From August 2011 to June 2012 this political impasse continued, though the public service and (after an initial division) the police fell into line behind O'Neill (see Chapter 13).

A scheduled national election in June 2012 promised a way out of the impasse, but in early 2012 attempts by O'Neill's erratic deputy prime minister, Belden Namah, to postpone the election, and an ambivalent



reaction by O'Neill, threatened to create a serious constitutional crisis. In the event, the Electoral Commission refused to back down from commitment to the election and with over 3,500 candidates having paid their candidate's fees and out campaigning there was no stopping the electoral process.

By late July results had been declared in nearly all electorates and it was apparent that O'Neill, as leader of the party with the largest number of seats, would be invited to form government. On 2 August 2012, a year after his controversial political coup against Somare, O'Neill was duly elected prime minister, heading another large coalition. In a particularly Papua New Guinean turn of events, Somare—who before the election had promised, if elected, to put O'Neill and his supporters behind bars—joined O'Neill as a coalition partner, and Namah, who had fallen out with O'Neill during the election, headed a small parliamentary opposition group.

Once again, Papua New Guinea has come back from the brink of what appeared to be a serious constitutional crisis, though it remains to be seen, first, whether permanent damage has been done to the relationship between the legislature and the judiciary and, second, whether the O'Neill-led coalition will prove stable or will give way to another period of what Papua New Guineans have referred to as '*yo-yo politik*'.

Achieving good governance will be particularly important on two counts. A major liquefied natural gas (LNG) project, based in Southern Highlands and expected to come on stream in 2014 and to produce revenue flows to government in 2018, is expected to double the size Papua New Guinea's GDP and fund a substantial rise in the provision of government services (ACIL Tasman 2009). Expectations are high, as is the potential for landowner discontent. Successful management of the prospective benefits of the LNG project will call for good governance. Second, under the terms of the Bougainville Agreement of 2001 that marked the end of the Bougainville conflict, a referendum on the future status of Bougainville—to include the option of independence—is to be held within the period 2015–2020. Whether Bougainvilleans decide to maintain their present autonomy or vote for independence may be determined largely by relations between the national government and Bougainville over the next few years. And if Bougainville decides to separate, it remains to be seen if the rest of Papua New Guinea will accept the decision. [In December 2019, in a non-binding referendum, Bougainvilleans voted by 98 per cent

for full independence from Papua New Guinea. Negotiations between the Government of Papua New Guinea and the Autonomous Bougainville Government over the outcome of the referendum began in early 2021.]

## Implications for Australia

Relations between Australia and Papua New Guinea since the latter's independence have been generally good. But the relationship is not symmetrical and there is always likely to be some resentment on Papua New Guinea's part of Australia's colonial past and its continuing role in Pacific affairs. Many Papua New Guineans perceive Australia as attempting to exert influence over Papua New Guinea and other Pacific island states (and over the Pacific Islands Forum and Melanesian Spearhead Group), and see Australia's substantial development assistance as 'boomerang aid' that benefits Australians more than it benefits Papua New Guinea. The chairman of Papua New Guinea's anti-corruption Taskforce Sweep has also described Australia as a 'Cayman Islands' in relation to the laundering and housing of proceeds of corruption in Papua New Guinea.<sup>10</sup> These attitudes partly account for the 'Look North' emphasis in Papua New Guinea's foreign policy, and the fostering of closer relations with China, Indonesia and Malaysia.

Following on from the exchange of letters in 1977, Papua New Guinea and Australia signed a Joint Declaration of Principles Guiding Relations between Papua New Guinea and Australia in 1987. The declaration reaffirmed the basic elements of the security relationship, though Papua New Guinea's prime minister at the time, Paias Wingti, saw it as 'an improvement' on the 1977 undertaking, and his defence secretary described it as 'an effective guarantee of Australian commitment', saying, 'Papua New Guinea considers Australia as a security guarantor in the event of uncertainty and threats' (May 1993:36). Subsequently, following reviews by Papua New Guinea of its security needs and by Australia of its security assistance programs with Papua New Guinea, an Agreed Statement on Security Cooperation was signed by Australia's Prime Minister Bob Hawke and Papua New Guinea's Prime Minister Rabbie Namaliu in 1991. A significant feature of this document was the agreement that 'internal security needs are to be given the highest priority'.

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10 Speech by Sam Koim to AUSTRAC Major Reporters Meeting, Sydney, 4 October 2012.

Security relations between Australia and Papua New Guinea were again reviewed as part of a wider examination of Australia's relations with the Pacific island states by the Senate Committee on Foreign Affairs, Defence and Trade in 2003<sup>11</sup> and 2009.<sup>12</sup> Both reports identified issues of concern—including threats from terrorism and transnational crime, border management capability (and specifically the porous nature of the border with Indonesia), and internal security issues, including vulnerability to natural disasters and climate change, outlined programs already in place to address common security concerns and made recommendations for further action.

Apart from the Defence Cooperation Program, Australia has supported a variety of joint initiatives, bilateral and regional, to support the law and justice sector, improve Papua New Guinea's border management and enforcement capabilities, combat transnational crime, and improve the country's capacity to respond to natural disasters. An Enhanced Cooperation Program (ECP) was launched in 2004 and involved some 60 public servants and 210 police from Australia to serve in line positions in Papua New Guinea at a cost of A\$1.1 billion over five years. However, the ECP had a mixed reception and was largely abandoned when the Papua New Guinea Supreme Court ruled against the enabling Papua New Guinea legislation; the Australian police contingent and some public servants were subsequently withdrawn.

Australia's development assistance and defence cooperation support for Papua New Guinea are likely to remain significant for both countries. Australia's bilateral aid program to Papua New Guinea, at A\$492 million in 2012–2013 is its second largest, behind Indonesia, and is Papua New Guinea's largest source of overseas development assistance; Papua New Guinea is the largest component (A\$21 million in 2012–2013) in Australia's Defence Cooperation Program. But this does not buy Australia more than a very limited, and changeable, influence over Papua New Guinea's security policies.

Relations between Papua New Guinea and Australia reached something of a nadir during an interventionist phase in the latter stages of the Howard government (Fry and Kabutaulaka 2008), but in March 2008

11 Senate Foreign Affairs, Defence and Trade References Committee, *A Pacific Engaged: Australia's Relations with Papua New Guinea and the Island States of the South-West Pacific* (Canberra 2003).

12 Senate Foreign Affairs, Defence and Trade References Committee, *Economic and Security Challenges Facing Papua New Guinea and the Island States of the Southwest Pacific* (Canberra 2009).

Australia's incoming prime minister, Kevin Rudd, and Papua New Guinea Prime Minister Somare co-signed a 'Port Moresby Declaration' that set down Australia's commitment to a new era of cooperation with the Pacific island nations. The following month at an Australia – Papua New Guinea ministerial forum Papua New Guinea's foreign minister welcomed the 'rebirth' of relations between the two countries and, in a joint statement, the two countries committed to negotiations on a new bilateral Partnership for Development to achieve improved development outcomes in Papua New Guinea. The ECP was subsequently revived, as the Strongim Gavman program, which was a somewhat less ambitious assistance package, and a renewed policing partnership between the Australian Federal Police and the RPNGC was endorsed. Other important recent initiatives have included the creation of a bilateral Health Issues Committee and a Papua New Guinea – Australia Forest Carbon Partnership.<sup>13</sup>

Australia's relations with the incoming government of Peter O'Neill are likely to remain sound, but, as always, maintaining good relations will require sensitivity on Australia's part. As ABC journalist Sean Dorney (1998:338) once said: 'one of the biggest problems Australia has in dealing with Papua New Guinea ... [is that] too many Australians who know too little about the country tend to believe they have the solutions for Papua New Guinea's problems'. Moreover, with the growing influence of China, and to a lesser extent Indonesia and Malaysia, and the changing dynamics of the Pacific Islands Forum and Melanesian Spearhead Group (May 2011), the context in which Australia conducts its relations with Papua New Guinea has become more complex.

To maintain good relations, Australia must improve its understanding of Papua New Guinea, through closer government-to-government and people-to-people relations, and resist the temptation to act as though it knows what is best for Papua New Guineans. For its part, Papua New Guinea must lift its standard of governance and demonstrate to Australian taxpayers that Australia's development assistance is being well used.

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13 For some reflections on Australia – Papua New Guinea relations in this period see May (2008).

# 11

## The Zurenuoc affair: The politics of religious fundamentalism

*This paper was published in an abbreviated form in R. Eves, N. Haley, R.J. May, J. Cox, P. Gibbs, F. Merlan and A. Rumsey, Purguing Parliament: A New Christian Politics in Papua New Guinea?, SSGM Discussion Paper No. 2014/1, pp. 3–9.*

In late November 2013 it was reported in the Papua New Guinea press that the speaker of the country's national parliament, Theodore Zurenuoc, had removed and destroyed a traditionally carved lintel from the facade of the iconic national parliament building and was in the process of removing a 4-tonne carved post from the Great Hall of the parliament. The speaker's actions were later described as a 'cleansing' exercise to remove all 'ungodly images and idols' from the parliament (*Post-Courier* 6 December 2013). It is not the first time that such sentiments have been voiced, but even in what Papua New Guineans seem to delight in referring to as 'the Land of the Unexpected', the speaker's conduct seemed somewhat bizarre.

There was immediate and widespread reaction against Zurenuoc's actions. In a modulated statement, the director of the National Museum and Art Gallery, Dr Andrew Moutu, (who had apparently tried to persuade the speaker not to proceed with the planned 'de-installation' of the 'cultural decorations') described the actions of the speaker as being 'as heinous as a sacrilege' and called on the speaker and clerk of the parliament to abandon their plans to remove the carvings and replace them with something more 'appropriate'. 'Culture and history provide the soul and

heart of any nation’, Moutu said, ‘and to desecrate cultural symbols in this manner is to subject our national identity to an alien self-image’ (as reported in *The National* 29 November 2013). Moutu subsequently laid a complaint with the National Capital District metropolitan superintendent of police, urging him to use his powers under the *National Cultural Property Preservation Act* to stop the desecration.<sup>1</sup> Former prime minister, Grand Chief Sir Michael Somare, who had presided over the opening of the new national parliament building in 1984, called for a halt to the removal of the cultural images that, he said, ‘represented the traditions of the country’ and took out a court injunction against the speaker to stop work on the removals (*Post-Courier* 13 December 2013). An online petition was quickly organised, attracting a large number of signatures from within Papua New Guinea and from admirers of Papua New Guinea art and culture overseas; it called on the prime minister to stop the speaker from destroying Papua New Guinea’s cultural heritage and requested the attorney-general ‘to investigate the legality of Mr Zurenuoc’s actions ... and lay criminal charges against Mr Zurenuoc if applicable’.<sup>2</sup> The Catholic Church (some of whose missionaries in the past had not always been sympathetic to Papua New Guinean cultures), through its Catholic Bishops Conference of Papua New Guinea and Solomon Islands added its condemnation, describing the actions of Zurenuoc as ‘really ridiculous’ and warning citizens ‘to be aware of the rising religious fundamentalism which sprouts from arrogance, insecurity and ignorance’. Conference President Archbishop John Ribat accused Zurenuoc of ‘lack of respect and disregard to the people, the Constitution and traditional identities of the nation’ (*The National* 12 December 2013). A professor at the Divine Word University in Madang accused Zurenuoc of ‘cultural terrorism’ comparable to the Taliban’s destruction of the Buddha statues of Bamiyan, Afghanistan, in 2001 (*Post-Courier* 10 December 2013).

On 10 December Prime Minister Peter O’Neill did intervene to stop the removals, but reports suggested that his orders were being ignored.<sup>3</sup> A group of members of parliament (MPs), including several government ministers, demanded that the speaker be sacked, and a former speaker,

1 Moutu’s letter is reported in the *Post-Courier* (13 December 2013).

2 See online petition: [secure.avaaz.org/community\\_petitions/en/The\\_Prime\\_Minister\\_of\\_Papua\\_New\\_Guinea\\_Stop\\_the\\_speaker\\_of\\_the\\_PNG\\_Parliamen\\_destroying\\_irreplacable\\_tribal\\_art/](https://secure.avaaz.org/community_petitions/en/The_Prime_Minister_of_Papua_New_Guinea_Stop_the_speaker_of_the_PNG_Parliamen_destroying_irreplacable_tribal_art/).

3 See, for example, ABC News, ‘PNG ministers demand sacking of parliament speaker over vandalism’, 13 December 2013: [www.abc.net.au/news/2013-12-13/an-png-ministers-demand-sacking-of-parliament-speaker-over-vand/5156196](http://www.abc.net.au/news/2013-12-13/an-png-ministers-demand-sacking-of-parliament-speaker-over-vand/5156196).

Timothy Bonga, described Zurenuoc's actions as 'totally unjustified' and predicted his demise as speaker (Radio Australia 17 December 2013). The Papua New Guinea Trade Union Congress (PNGTUC) called for the arrest of the speaker for destroying public property (*Post-Courier* 12 December 2013).<sup>4</sup>

But opinion was not all in the same direction. Zurenuoc clearly had some support from within the parliament, and in letters to the two daily newspapers, over the radio and in social media evangelical Christians voiced their support for Zurenuoc's actions. In an interview with Radio Australia, evangelical church leader Reverend Joseph Walters of the Assemblies of God said the speaker had done the right thing:

If you take a closer look at this big totem pole inside and the faces that have been carved, you will be surprised to find that they don't really resemble any Papua New Guinean face. Their faces are of Egyptian gods, they're faces of Mongoloids, the face of Buddha ... Maori like kind of appearance ... We believe they have connections to the spirit world.

He went on to suggest:

a lot of undesirable things like corruption and a lot of things that's going on in our country could be the result of the facts of this things being present in the Parliament House ... We as pastors, church leaders, we feel duty bound by the Almighty God to take some actions in that regard. (Radio Australia 16 December 2013; also see Walters 2013)

Similar sentiments were expressed by Pastor Wilson Mark of the Lutheran Renewal Church, who said the carvings 'depicted the devil' and that 'PNG was always facing leadership crisis because of the carvings and artworks in Parliament House' (*The National* 16 December 2013). Pastor John Bakri of the Komkui Council of Churches in Mount Hagen suggested that the carvings should be replaced by Bible verses and Christian images (*The National* 16 December 2013), while author Francis Sina Nii said, 'the entrance [to the parliament building] should have murals of archangels with swords in their hands guarding it and not all those fierce

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<sup>4</sup> Zurenuoc and his committee might also have been guilty of violating Section 45 of the constitution, which provides: '(3) No person is entitled to intervene unsolicited into the religious affairs of a person of a different belief, or to attempt to force his or any religion (or irreligion) on another, by harassment or otherwise ... (5) A reference in this section to religion includes a reference to the traditional religious beliefs and customs of the peoples of Papua New Guinea'.

and scary idols’ (Nii 2013). Morobe provincial governor Kelly Naru, a member of the parliamentary House Committee, supported his fellow Morobe MP, saying that the destruction was justified, and describing the ‘totem pole’ (which by then had been attacked with axe and chainsaw) as ‘criminal’, ‘grossly obscene’ (‘it depicts our genitals’) and ‘offending against our Christian principles’. Naru further suggested that the national constitution and pledge should be amended to remove reference to ‘cultural heritage’ (*Post-Courier* 12 December 2013).<sup>5</sup>

In the face of criticism, Zurenuoc told a meeting hosted by the Tertiary Student Christian Fellowship Graduates Network that he was determined to push ahead with his crusade and that parliament could only contribute to nation building if it was transformed: ‘There must be no traces of elements of cult and demonic worship in the national parliament of PNG’ (*Post-Courier* 6 December 2013). Zurenuoc subsequently told the *Post-Courier* (16 December 2013) that the five-member House Committee of the parliament, of which he was chair,<sup>6</sup> had initiated a special project aimed at uniting the country and that the ‘common denominator’ for such unity was ‘Christianity and faith in God’. The removal of the lintel and ‘totem pole’ (Zurenuoc’s term) and, it seems, carvings on the speaker’s chair and the large mosaic on the front facade of the building, were part of this project (*Post-Courier* 10 December 2013), and they were to be replaced by a new structure that would have a Bible at the base and a flame at the top.

On 12 December a *Post-Courier* report implicated one of Papua New Guinea’s three recently elected women MPs, the minister for community development, youth and religion, Loujaya Kouza, in the ‘cleansing’ of the parliament. In calling for the arrest of the speaker, PNGTUC general-secretary John Paska also suggested Kouza be stripped of her portfolio. Kouza reacted angrily, branding the *Post-Courier* report ‘a bunch of lies’, distancing herself from Zurenuoc’s actions and accusing the media of a smear campaign against her. At the same time, she said that in a recent visit to Israel:

5 The preamble to the constitution states: ‘We, the People of Papua New Guinea ... pay homage to the memory of our ancestors—the source of our strength and origin of our combined heritage ... acknowledge the worthy customs and traditional wisdoms of our people ... pledge ourselves to guard and pass on to those who come after us our noble traditions and the Christian principles that are ours now’.

6 The other members of the committee are Morobe governor Kelly Naru, Gulf governor Havila Kavo, Mul-Baiyer MP Koi Trappe and Tambul-Nebilyer MP Benjamin Poponawa.



she had consulted Jewish spiritual bodies ... about the country's ambition to have a covenant with Israel and to have the God of Israel as the God of PNG [and] was told by Jewish religious leaders [whom she referred to as 'prayer warriors'] that if the country wanted to officially declare that there was no other god and then embrace the God of Israel, then there should not be any recognition accorded to any other gods. (*The National* 12 December 2013; also see *Post-Courier* 12 December 2013)<sup>7</sup>

On her return she had communicated this message to Prime Minister O'Neill and Speaker Zurenuoc.

Kouza, the MP for Lae (like Zurenuoc's Finschhafen, a constituency of Morobe Province), went on to say:

The wealth of this nation we have seen but are circulating amongst the elites—the minorities. Our resources are spiritually hiding under the idol gods. Our wealth hidden under the mentor and covering of Sepik culture. Parliament belongs to Sepik, represent their culture and gods. Other cultures come under the Sepik culture in the Haus Tambaran. (*Post-Courier* 12 December 2013)<sup>8</sup>

The reference to the Sepik seems to have been largely directed at the leadership of Somare (though it is also notable that in his tirade against 'ungodly images and idols' on Radio Australia 17 December, Reverend Walters said, 'these things ... they're just from one or two provinces ... that are steeped in ... things of the dark ages or dark people'). While the external architecture of the national parliament was clearly inspired by Sepik *haus tambaran*, however, the offending carvings were very specifically aimed at incorporating all the country's (then 19) provinces: the lintel comprising 19 different heads (or masks); the pole incorporating carvings from different parts of the country, including prominently the Tami-Siassi area in Zurenuoc's electorate; the carvings on the speaker's chair being done by a Trobriand (Milne Bay Province) artist; and the components of

7 On National Covenant Day August 2013 Kouza spoke at a rally in Goroka. An extract from her speech, aired on the National Broadcasting Corporation's Kundu 2 and transcribed by Father Philip Gibbs, conveys something of the tone of her speech: 'the "kings" of the ninth parliament [of Papua New Guinea] ... will take the wealth of our nation and bless Israel and the world ... None of us in the ninth parliament will be removed until we have fulfilled the purpose for which we have been brought into this house ... until the King of Kings and Lord of Lords has come'.

8 The external architecture of the national parliament broadly follows the lines of a *haus tambaran* (roughly, spirit house) of the Abelam (East Sepik) people, and the building is consequently often referred to as the 'Haus Tambaran'. For an early discussion of the national parliament building as 'a contested national symbol', see Rosi (1991).

the facade mosaic being mostly generic. Ironically, in view of Zurenuoc's reference to the 'special project's' ideal of unity, the iconography of the national parliament had national unity firmly in mind.

Further, despite dissociating herself from the destruction of the lintel, Kouza reportedly 'vowed to press ahead' and said she would host a visit by the Israeli 'prayer warriors' in Port Moresby in March 2014 'to complete the cleansing exercise which Mr Zurenuoc started' and she 'thanked God for the Speaker Zurenuoc for the cleansing of the House' (*Post-Courier* 12 December 2013).

On 16 December the National Council of Churches (NCC) demanded an audience with Prime Minister O'Neill and sought a dialogue with Zurenuoc, Kouza and church groups linked to the 'cleansing' of the national parliament, but Zurenuoc refused to meet with the NCC, saying, 'I do not want to sit with them' because some of them had strong beliefs in some cultures that were not appropriate (as reported in the *Post-Courier* 18 December 2013). *Post-Courier* journalists were 'verbally attacked' by the speaker's staff at the national parliament. On 18 December the *National* newspaper carried a five-page advertisement containing a statement by Zurenuoc, a supporting statement signed by 15 evangelical church spokesmen,<sup>9</sup> and annotated pictures of 'the existing totem pole' and 'the approved pillar of national identity and unity'. Zurenuoc's statement referred to 'the Reformation, Restoration and Modernization program that is taking place at the National Parliament', repeated his attacks on the carvings, explained his 'approved pillar',<sup>10</sup> but

9 The signatories were from Christian Life Centre, Christian Outreach Centre, PNG Christian Centre, POM Ministers Fraternal, KB Ministry, Reaching Out Ministry, City Reformation Centre, Agape Inter-denominational Ministry, Christian Apostolic Fellowship, Shema Evangelism, Rhema Church, Citadel, and Assemblies of God.

10 The annotations on the 'totem pole' are particularly extraordinary. The three main elements are described as representing 'the god of witchcraft', 'the god of immorality' and 'the god of idolatry', and the components of the three elements are labelled with comments such as, 'This image appears to have an eastern origin', 'Gothic ugly figures that do not resemble correct human features—could this be of an African (voodoo) origin?', 'Witchcraft objects of all manner of shape and sizes', 'Carvings that look like cannibals', and 'Images with headdresses that appear to have eastern or African or foreign origin. This top part faces the speaker's seat "eye to eye" when the doors to the parliament chamber open'.

The 'approved pillar of national identity and unity', to be topped by an electric 'flame', has a base of four layers, marked as 'the Word of God', the constitution, 'the people' (the national pledge amended to exclude reference to cultural heritage) and 'the Covenant' (Somare's declaration in 2007) and is to be inscribed with the word 'unity' in Papua New Guinea's '840+ languages'.

mostly—notwithstanding Sir Michael Somare’s opposition to Zurenuoc’s actions—praised the leadership of Somare (and of Sir Julius Chan and other founding fathers):

Our Grand Chief Sir Michael Somare not only delivered us Independence, adopted for us a living Constitution, and averted the most explosive constitutional crisis we have experienced yet, but also made two decisions of far-reaching ramifications that cements the unity of this country.<sup>11</sup>

The first of these was the adoption of ‘Papua New Guinea Vision 2050’ in 2009. The second was Somare’s ‘dedication of PNG and covenant with God of the Holy Bible in 2007’.

On 26 August 2007 the then prime minister, Somare, himself a Roman Catholic, made a ‘New Covenant with God’ on behalf of the people of Papua New Guinea (26 August is now celebrated each year as National Repentance and Prayer Day, or Covenant Day).<sup>12</sup> Zurenuoc’s statement contains a copy of Somare’s declaration on this occasion; it includes the following words:

I the Prime Minister and Founding Father of Papua New Guinea on behalf of the People of Papua New Guinea repent our iniquities and transgressions, and rededicate our nation to your almighty God. I renounce the worship of all idols and all evil gods. I renounce all covenants with evil spirits and demonic powers ... we acknowledge you as the only God in whom Papua New Guinea stands.

It is from this declaration—specifically the renouncing of ‘all covenants with evil spirits and demonic powers’—that Zurenuoc claims his inspiration. And in their supporting statement the evangelical church leaders declare:

The battle line is being drawn ... This is our moment of truth. No more fence-sitting. It is good versus evil, light versus darkness, Jesus or Satan, Bible-based Christianity versus compromised religious structures and systems.

So, where does all this lead?

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<sup>11</sup> ‘The most explosive constitutional crisis’ refers to the ‘political coup’ against Somare in 2011 [see Chapter 13].

<sup>12</sup> Prime Minister O’Neill has endorsed the New Covenant, declaring, ‘National Repentance and Prayer Day now and in the future has one goal: that is the God of Israel who is the God of the Bible is the supreme God of PNG’ (*Post-Courier* 29 August 2013).

## The rise of Christian fundamentalism and the link to Israel

Recent decades have seen a pronounced expansion of evangelical and fundamentalist churches and ‘ministries’ in Papua New Guinea, many of them associated with Christian Zionism and generally espousing conservative—but often militant—social and political agendas. One aspect of this is the frequent occurrence in recent years of mass rallies organised by visiting (mostly American) evangelists, and the exposure of those who have access to television to ‘tele-evangelists’, many of whom preach a ‘Prosperity Theology’ message.<sup>13</sup>

The mainstream Christian churches have, on occasion, expressed concern about the spread of Christian fundamentalism and the impact it has on fostering discord among village communities. This was addressed by Archbishop Ribat in a Christmas pastoral letter dated 23 December 2013. Having referred, critically, to Christian Zionism, the archbishop wrote:

It is our understanding that when Grand Chief Somare signed the covenant he understood that he was restating what is already in the Preamble to the PNG Constitution, that PNG is a Christian country ... since then some people have interpreted this covenant, not just with God of Israel, but with the State of Israel ... Some groups go so far as to interpret the covenant signed by Chief Somare as opening the way for God’s blessings—understood with cargo-like overtones ... But we cannot support the identification of Israel with the State of Israel, or the cargo-like implications from some quarters. Surely we would all agree on the rejection of evil forces, but ... destruction of traditional images in Parliament has generated just the kind of conflict and division that Satan rejoices in!

He added:

We have also come to learn the values of a clear distinction between the task of the church or of religions and the task of the State. If the Church becomes too closely associated with the State, it can fail to challenge the State in the light of the Word of God

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13 The ‘Christian Zionism’ entry in Wikipedia provides an overview of the subject as well as listing references and additional reading. For discussions of Pentecostal and charismatic evangelical church activities in Papua New Guinea see Gibbs (2005), Sullivan (2007), Eves (2008) and references cited in Sullivan. McDougall (2013) provides some Solomon Islands comparisons.

... if the State involves itself in religious issues there is a danger of persecution of those who do not share the beliefs of the ruling group. (Ribat 2013)

Concern has also been expressed from a secular perspective, notably by former student activist and MP Gabriel Ramoi, who argues that ‘fear of the supernatural ... has reached a dangerous level’ and has made a call to ‘strengthen science in our schools to address religious bigotry’ (Ramoi 2014).

The heated controversy arising from the unilateral destruction of the parliamentary carvings by speaker Zurenuoc and his House Committee illustrate the potential for such fundamentalist views to generate conflict—ironically, considering Zurenuoc’s quest for national unity. More divisions might be expected to appear if supporters of the ‘New Covenant’ pursue their battle against ‘cultural heritage’. As one observer has commented, ‘if this is allowed to continue every cultural institution (national, provincial, village) is in danger’.<sup>14</sup> (Already, Christian fundamentalists have for some years been calling for the removal of the emblematic Nokondi spirit figure from the flag of Eastern Highlands Province, and along the Sepik Highway, where once in every Boiken and Abelam village one could see the spectacular *haus tambaran* on which the national parliament building was modelled, there are hardly any to be seen and villagers explain, ‘*nau, mipela gat lotu*’—‘now we have religion’.) It has also been suggested that the apparently growing incidence of violence against alleged ‘witches’ is associated with the preachings of fundamentalist pastors, and it underlies expressed opposition to the small but growing number of Muslims in Papua New Guinea (Flower 2012) and to the presence of the Australian-initiated refugee processing centre in Papua New Guinea. In Papua New Guinea elections, which are characterised by large numbers of candidates (and hence a small number of votes required to win),<sup>15</sup> little evidence of party voting, and a strong influence of local loyalties and bloc voting, the potential for locally based church groups to deliver electoral victory to a favoured candidate is perhaps greater than in many other places (see, for example, Susub 2011), raising the possibility that if Christian fundamentalism continues to grow we may see more fundamentalist sentiments among MPs.

14 Helen Dennett, email 11 December 2013.

15 This is less true since the introduction of limited preferential voting in 2007, but is still relevant. [See, for example, Chapter 7.]

At the core of Christian Zionism is the belief that the return of the Jews to the Holy Land, and the creation of the state of Israel in 1948, fulfils biblical prophecies and foreshadows the second coming of Christ. The state of Israel has given official encouragement to Christian Zionism and Israeli religious leaders have fostered the sorts of linkages that took Kouza and others to Israel in 2013. State-to-state linkages between Papua New Guinea and Israel have also been strengthened in recent years: a new honorary consul to Israel (former Bank of Papua New Guinea adviser, Jacob Weiss) was appointed in the early 2000s (apparently unaware that an honorary consul—Mary-Clare Adam—had been appointed some years earlier); in 2012 Papua New Guinea was (with Australia) one of 41 countries that abstained from the United Nations General Assembly vote on according Palestine non-member observer status in the United Nations (Solomon Islands, where Christian Zionism is also growing, was among the 138 voting in favour); and O'Neill led a delegation to Israel in October 2013, where he visited religious sites, signed a Joint Declaration of Co-operation (specific areas of prospective Israeli assistance include defence, security and intelligence capability, agriculture, and information technology and communications) and an agreement reciprocally waiving visa requirements, and proposed to establish a Papua New Guinea embassy in Israel. The government has since approved a joint venture partnership with an Israeli group to develop the agro-industry (*Post-Courier* 15 January 2014). Though there is not necessarily anything wrong with these ties to Israel, it seems likely that the spread of Christian Zionism may have implications for Papua New Guinea's foreign policy outlook (a point emphasised after the exposure of phone tapping by Australia in Papua New Guinea—see, for example, Armbruster 2013).<sup>16</sup>

According to some Christian Zionists, the second coming of Christ will be preceded by the gathering of the Jewish people in Israel, including the 10 'lost tribes' of the ancient Kingdom of Israel. Among the Gogodala people of Papua New Guinea's Western Province there are some who claim to be one of those lost tribes and have adopted Jewish customs.<sup>17</sup> Professor Tudor Parfitt ('known around the world as the "British Indiana Jones"')

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16 As reported in the *Post-Courier* (28 January 2014), Pastor Belinda Penali of Cherubim Prayer Tower (a ministry comprising women 'prayer warriors') claims 'many nations in Africa came under a curse [suffering 'serious economic crisis, natural shakings and judgments'] when they broke diplomatic relations with the state of Israel. Other nations in Africa were blessed when they had good relations with Israel and those nations developed very quickly'.

17 I am grateful to Tony Crawford for updates on the 'lost tribes' saga.

of the Center for Global Jewish Communities at the Florida International University (FIU) has visited the Gogodala on several occasions and taken DNA samples (which ‘didn’t [show] very much at all’); in 2013 he was accompanied by FIU students and two New York rabbis. The Gogodala have now become part of the ‘lost tribes’ literature.<sup>18</sup>

## Conclusion

It may be that religious fundamentalism in Papua New Guinea, largely fuelled by foreign evangelists, will prove to be the passing fad of a few minority groups. On the other hand, the Zurenuoc affair may provide evidence of some growing tendencies that should give cause for genuine concern. Francis Nii has suggested (somewhat unrealistically) that a referendum be held to resolve the issue of the parliamentary artwork, and has ventured the opinion that the majority in the rural areas would support the actions of the speaker.<sup>19</sup> While Prime Minister O’Neill and former prime minister Somare have both come out against the destruction of the parliamentary artwork (the latter perhaps more convincingly than the former), it is clear that there are a number of senior politicians who are sympathetic with the speaker’s actions. Religion is a sensitive topic, and many people—politicians and others—are reluctant to debate the issues that have been raised. But they are issues that need to be addressed.

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18 See, for example, *IsraelHayom* newsletter (24 April 2013), “‘Lost Tribe of Israel’ found in Papua New Guinea?”.

Dan Jorgensen (2005) has documented another ‘lost tribes’ story, in which in the 1990s American evangelist George Branson told people in the Telefomin area that they were descendants of the tribe of Benjamin (though in fact the tribe of Benjamin is not a ‘lost tribe’).

19 Nii’s comments are reported by Yegiora (2013).





# 12

## The sustainability of economic growth

*This paper was commissioned by the Institute of National Affairs, Papua New Guinea, for the PNG at 40 Symposium, 'Learning from the Past and Engaging with the Future', held in Alotau, Papua New Guinea, March 2016. It is reproduced by kind permission of the Institute of National Affairs.*

Back in 1972 the Club of Rome published a report titled *The Limits to Growth* (Meadows et al. 1972). Its basic argument was that natural resources were finite and that the exponential increase in exploitation of non-renewable resources—the result of rapidly growing global population and rising standards of consumption—was unsustainable. At the time, this argument was vigorously contested by critics, who pointed to flaws in the Club of Rome's estimates of resource stocks, and looked to continued growth in gross domestic product (GDP). More recently, in the face of growing pressures on resources from increased global population and rising levels of consumption, environmental degradation, climate change and a realisation that high rates of growth in GDP do not necessarily guarantee higher levels of overall wellbeing, there has been some shift in focus from GDP growth to levels of inclusive or comprehensive wealth and intergenerational wellbeing, in other words, sustainability of economic growth.

For countries like Papua New Guinea that have been heavily dependent on the export of non-renewable natural resources (mining, petroleum and, to an extent, forestry) and that have experienced high rates of population growth, questions of sustainable development are particularly salient, in

the short term and for the long term. If the current returns from extractive industries are not used wisely, and if population growth outstrips GDP growth, living standards will decline.

## **The situation in Papua New Guinea**

On attaining independence Papua New Guinea could boast a generally healthy economy, with a diversified export-agriculture sector, a large mine already in operation and further mining and petroleum prospects. It also had a framework of soundly based policymaking and financial institutions, and a commitment to increased local participation in business and to inter-provincial and inter-regional equity.

As against this, Papua New Guinea inherited an economy largely dependent on commodity prices over which it had no control, a workforce that was, relative to other countries in the region, low-skilled, a mostly inexperienced public service, high population growth, and an emerging law and order problem. Both agriculture, and mining and petroleum have suffered from market volatility and (especially mining) from landowner disputes. Moreover, mines, which in any case have a limited life span, can have negative environmental impacts, as has been amply demonstrated in Papua New Guinea.

Despite some pessimistic forecasts at independence, Papua New Guinea weathered its first decade fairly well. But from 1987 real GDP declined, precipitating a financial crisis in 1994–1995. Facing heavy demands for public expenditures, a weak tax base and declining real levels of development assistance, governments (and some communities) have been attracted by the immediate prospect of income from mineral and forestry projects, arguably without adequately weighing the returns (discounted by tax concessions and expenditures on associated infrastructure) against the longer-term costs (especially environmental impacts and the social effects of growing inequalities). Expectations, both of communities and governments, were often unrealistic, and disgruntled landowners have demonstrated a propensity, and a capability, to disrupt the operations of major resource extractive projects.

Since the mid-1990s economic performance has been erratic, with high GDP growth in recent years associated with mining and petroleum developments, especially liquefied natural gas (LNG). The agricultural

sector's contribution to growth has been patchy, with palm oil, briefly vanilla, betel nut (at least until the recent bans in Port Moresby) and vegetables for the domestic market being perhaps the most notable. (The successes of vanilla, betel nut and vegetables, it might be noted, have been achieved largely without support from government agricultural extension services.) But there seems to be a general consensus (supported by social indicators) that exploitation of the nation's resources has not yielded significant benefits to the mass of the population. Personal and regional income disparities appear to have widened, debt to GDP ratios appear to be rising, and it is doubtful (LNG notwithstanding) whether Papua New Guinea can be said to have achieved sustainable development.

## **Why has the record not been better?**

### **Poor policymaking?**

In Papua New Guinea, as in Australia and elsewhere, it is easy to point to poor policy decisions and failures to take account of predictable developments. In many policy areas, however, sound policies have been developed but there has been a serious gap between policymaking and policy implementation. In an extensive study of policymaking and implementation in Papua New Guinea (May 2009a), authors identified as major causes of failure to implement policies, high rates of turnover of ministers and senior line officials, and the politicisation of public service positions. Planning processes have also been deeply flawed. A review of the 2005–2010 Medium Term Development Strategy (MTDS), for example, reported that:

during discussions with stakeholders, much was said about lack of consultation and coordination between the central agencies and other departments and implementing agencies, and between the national government and sub-national governments. There seemed to be a general view that the CACC, PSRMU and DNPM had failed to provide leadership in policy coordination and planning. As the lead institution in overseeing the implementation of the MTDS, DNPM has been plagued by institutional instability and high turnover of responsible ministers and senior personnel. (Saneto and May 2010)

Often, stated policy objectives have been simply ignored. (The MTDS 2005–2010, for example, listed ‘rehabilitation and maintenance of transport infrastructure’ as its first expenditure priority, and a Transport Infrastructure Priority Study identified 16 ‘roads of national importance’ for priority funding; the 2010 budget, however, noted that a significant proportion of funds had been spent in non-priority areas—including the allocation of K20 million for a ‘missing link’ road between Angoram and Bogia!) The inability or reluctance to implement sound policies has been reflected in the failure to achieve sustainable development goals, even in periods of high GDP growth. There has also been a tendency to go for big new projects at the expense of maintenance and ongoing running costs of existing assets and activities. (Failure to maintain state assets—roads, schools, housing, vehicles and other equipment—I would argue, is a particular cause of infrastructure degradation in Papua New Guinea.)

## Corruption?

Despite constitutional provisions (such as the Ombudsman Commission and the Leadership Code) and copious legislative and regulatory provisions (as, for example, in the *Public Finances (Management) Act* and the *Fiscal Responsibility Act*) there is little doubt that corruption has become endemic in the public and private sectors and that funds are often diverted away from their designated purpose by corrupt politicians and officials or dishonest contractors. From 2011 Investigative Taskforce Sweep seemed to be having some success in reversing this trend, until attempts were made to disband the taskforce, retrench its staff and ultimately cut off its funding. But while it is relatively easy to identify such corrupt behaviour by politicians and officials it is not always acknowledged that the same citizens who accuse politicians and officials of corruption often place heavy demands on members of parliament (MPs) and *wantok* to gain benefits from public spending and financial support from MPs, and do not see this as potentially corrupt behaviour. It is also necessary to bear in mind that corruption is not confined to the public sector.

At least in part, both these problems have their roots in the political system: in the (predictable) absence of a developed party system, with electoral outcomes heavily dependent on parochial factors and turnover of MPs high, most politicians act, quite rationally, to maximise returns to their electoral supporters (if not to themselves), and political leaders reward the members of coalitions that support them. The public service has become increasingly politicised, from national to district level—especially since

the changes to the Organic Law on Provincial Governments and Local-Level Governments in 1995—and the discretionary funds available to national MPs have fostered an increase in political patronage.

## **Capacity and service delivery**

Apparent declines in service delivery, however, are not simply due to corruption. Arguably, the capacity of government, at national, provincial, district and local levels, to deliver services has deteriorated across large parts of the country. Papua New Guinea's rugged terrain and susceptibility to natural disasters contribute to this, but this does not explain why missions and private businesses (such as mining companies) can provide services where government cannot. Despite the skills and dedication of many government employees, low levels of education and training seem to be a significant factor in poor service delivery, along with poor infrastructure maintenance and lack of support services (including accommodation) for government employees in remote locations. (Issues of capacity are discussed in Howes et al. 2014.)

## **Education, training and entrepreneurship**

More generally, notwithstanding attempts to increase the number of children in schools, and recognising that a small number of Papua New Guineans have succeeded in high-level employment outside Papua New Guinea, there seems to have been some deterioration in standards of education and training across the country, notably evident in the present state of the University of Papua New Guinea. Sustainable development requires good levels of education, skills training and adaptability. Low levels of education and skills limit productivity and employment options available for young people, and make it difficult to compete economically with other countries.

In the late pre-independence and early post-independence years there was much discussion of the need to promote Papua New Guinean businesses but the country's small manufacturing sector remains largely under foreign management, and development of small and medium enterprises has been modest. Sustainable development would seem to require greater Papua New Guinean participation in these fields. Whether or not access to finance has constrained Papua New Guinean businesses I am not able to judge; there have been many institutional attempts to address this issue.

## **Law and order**

Problems of law and order (apart from those relating to corrupt behaviour) also affect the sustainability of development. Criminal activity has an impact on business, service delivery, foreign investment and development generally: people will not take their produce to markets if they fear they will be robbed or harassed; banks and other businesses will withdraw from provincial towns and district centres if they are threatened by criminal activity; teachers, doctors and nurses will not operate effectively if they cannot work in a safe environment; foreign investment will not flow if risks are deemed to be too high. And intergroup fighting has frequently destroyed or damaged state assets. In recent years there seems to have been something of a vicious circle involving law and order problems and the capacity and morale of the Royal Papua New Guinea Constabulary. If personal and regional disparities in income and wealth increase and urban unemployment remains high, law and order problems are likely to get worse.

## **Urbanisation**

Internal migration, particularly the movement of young men to towns, and urbanisation have been longstanding concerns in Papua New Guinea. People migrate to towns partly in the (often misplaced) expectation of gaining employment in the cash economy and/or better access to government services. Policies designed to counter these trends over a number of years have had little impact. Urbanisation is by now almost certainly irreversible. If sustainable improvements in national wellbeing are to be achieved, what is now needed are policies that balance service delivery in rural areas, where the bulk of the population still lives, and provision of basic services and housing to peri-urban migrant settlements. The private sector may have an important role to play in the commercial provision of housing and urban services, but anecdotal evidence (plus some first-hand observation) suggests that more effective regulatory frameworks and scrutiny of contracts may be needed.

## **Population**

Papua New Guinea has one of the world's highest rates of natural increase in population. Although this has been welcomed by the Catholic Bishops Conference, a very high rate of population growth puts pressures on

resources (including arable land) and public services (such as health and education). If population increase outstrips GDP growth, GDP per capita must fall. Recognising this, a national population policy has been formulated and endorsed (at least twice); but policy appears to have lapsed. The National Population Policy (NPP) 2000–2010 addressed the issues associated with population growth and targeted a reduction in population growth to 2.1 per cent per annum by 2010 and 2.0 per cent per annum by 2020. The MTDS 2005–2010 endorsed the NPP targets and listed as one of its key objectives strengthening implementation of the NPP. However, a review of the NPP in 2007 noted that the National Population Council, which came under the Department of National Planning and Monitoring (DNPM) and whose functions included policy monitoring, had not met since 2004 and had never been allocated a secretariat. The review noted widespread agreement that the NPP goals should be retained, but made no reference to growth targets. The same year an MTDS stocktake recorded that ‘the Government has taken a “pro-natalist” approach in addressing population’ and (contrary to the MTDS) ‘has given low priority to addressing population issues’. Population policy was also a notable omission from the Papua New Guinea Vision 2050, though the 2009 Progress Report on the Millennium Development Goals saw large average household and family size as ‘an impediment for future development’. Unfortunately, this lack of commitment to, and even ambivalence about, stated policy goals has been demonstrated in many areas of policy.

## **In a broader context ...**

Issues about sustainability and short time-horizons are not unique to Papua New Guinea. Arguably, short time-horizons, linked to electoral cycles, are endemic to democratic systems (though non-democratic systems are seldom long-sighted either). Consider, for example, the current Australian debate over coal mining versus prime agricultural land and the potential impact of coal processing facilities on the Great Barrier Reef, or the effects of China’s ‘economic miracle’ on the Chinese environment. But in at least some developed democracies there is a lively and sometimes informed debate over policy directions, and a degree of accountability and continuity in politics that encourages longer-term perspectives and discourages corruption. If Papua New Guinea is to achieve sustainable

development—which will be a challenge for an economy that has been so dependent on mining and forestry—it must achieve a better management of its natural resources and human resources than it has to date.

## **So, what is to be done?**

There is no easy answer to this question. Returns from mining and petroleum will decline over time, which implies a need to promote growth in other sectors—agriculture, sustainable forestry and fisheries, perhaps tourism, and maybe small-scale manufacturing and service delivery. The private sector has an important role to play in this, but private investment will not be forthcoming if risks and uncertainty are perceived as being too high.

I suggested above that a major problem in government policy has been non-implementation of basically sound policies. In reviewing the MTDS 2005–2010 my colleague Ilivi Saneto and I pointed to a lack of ongoing consultation between the DNPM and line agencies, and failure on the part of the Central Agencies Coordinating Committee and Public Sector Reform Management Unit to provide the necessary leadership in policy coordination and planning (Saneto and May 2010). Policy objectives are frequently ignored by ministers and public servants. There is clearly a need for more effective monitoring and accountability for policy implementation in virtually all areas of policy.

There is also a need for better financial management and accountability across the public sector. We have an auditor-general and a parliamentary Public Accounts Committee, but when they do report their recommendations are frequently ignored. Tendering processes are often questionable, and it is not uncommon for contractors to receive payment for work not done (as well as for suppliers and contractors to provide goods and services and not be paid).

For sustainable development, financial responsibility more generally and forward thinking are required. The passage (finally) of legislation to create a Sovereign Wealth Fund is a small step in this direction, but there are several outstanding issues where decisions have been made and resources committed without reference to proper financial procedures. Such actions may set dangerous precedents.



For effective planning and service delivery there is a need for better cooperation and coordination between national, provincial, district and local levels of government. There have been many reforms in decentralisation over the years, but the problems remain.

Private sector investment is essential for sustainable development, but it is important to ensure that the foreign investment brings long-term gains to Papua New Guinea, not just in terms of output and revenue but also in terms of building local capacity.



# 13

## **Papua New Guinea's 'political coup': The ousting of Sir Michael Somare**

*This chapter is an abbreviated version of State, Society and Governance in Melanesia Briefing Note No. 1/2011. I am grateful to the late Bill Standish for his comments on a draft of this paper.*

On 2 August 2011 it was announced that Papua New Guinea had a new prime minister. The election of former finance minister Peter O'Neill came after the speaker of Papua New Guinea's national parliament accepted opposition claims that the prime ministership was vacant, in view of the continuing absence of Sir Michael Somare, who had gone to Singapore in April for medical treatment but in August was still there recovering from heart surgery. O'Neill's election came as a surprise to many, and the events surrounding the move, like much in Papua New Guinea politics, were far from straightforward. This chapter looks at the background to and events of the 2011 'political coup'.

### **The lead-up to 2 August**

In the national election of 2002, Grand Chief Sir Michael Somare was re-elected to the East Sepik Provincial seat he had held since 1968, and the party he headed, the National Alliance (NA), won the largest

number of seats (19 out of a total of 103 seats declared).<sup>1</sup> Under the provisions of the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC), which had been engineered by the outgoing Morauta government primarily to promote the development of an effective party system, Somare, as leader of the largest party group in the parliament, was invited to form government. He successfully put together a coalition of 13 parties and was elected prime minister by 88 votes to nil (with 14 abstentions).

During the 2002–2007 parliament the hoped-for stability of political allegiances did not materialise, with attempted votes of no confidence against the government and splits in most major parties, but the Somare government nonetheless became the first since independence in 1975 to survive a full term in office. Somare's substantial majority and the existence, under the OLIPPAC, of sanctions against 'party hopping' contributed to this, but also relevant were the government's control of parliamentary procedures, through a less than impartial speaker (NA MP Jeffrey Nape), dominance of parliamentary committees and adjournment of sittings.

Despite growing complaints of 'executive dominance', Somare's success was repeated after the 2007 national election. The NA again won the largest number of seats (27 out of 109 in 2007) and Somare was returned as prime minister by 86 votes to 21. The NA, its numbers boosted by a number of MPs who joined the party after being elected as independents, headed a coalition of 14 parties.

As in 2002–2007, the new Somare government used its majority, and a compliant speaker, to dominate parliamentary procedures and adjourn parliament when threatened with a vote of no confidence. In July 2009, when the government adjourned parliament to avoid a vote of no confidence—a move that a *Post-Courier* editorial (30 July 2009) described as 'a shameless exercise in self-preservation'<sup>2</sup>—11 members of the governing coalition defected to the opposition.<sup>2</sup> One of those who crossed in 2009 later said, 'decisions were dictated and bulldozed down our throats. Arthur Somare used the position of his father to dictate to us. There was too much concentration of power in one family' (Jamie Maxtone-Graham,

1 In 2002 'failed elections' were declared in six of the nine electorates of Southern Highlands Province. New elections were held in those electorates in 2003.

2 In October 2009 the opposition withdrew the motion, saying it had no confidence in the integrity of the process (*Post-Courier* 22 October 2009).

PNG Country Party, Anglimp-South Wahgi, quoted in the *National* 29 August 2011; also see *Post-Courier* 30 July 2009). Senior members of the coalition government also exploited the legal system in an attempt to resist referrals to leadership tribunals over violations of the Leadership Code.

Then in July 2010, the Supreme Court handed down a decision with regard to a challenge to the OLIPPAC, which had been initiated by opposition MP Bob Danaya (leader of the PNG Labour Party and MP for Western Province Provincial).<sup>3</sup> In an important judgement the court ruled that several sections of the OLIPPAC were unconstitutional—in particular the provisions restricting MPs from changing their allegiances in parliament. This decision opened the way for a return to the party hopping and ‘yo-yo politics’ that had characterised parliamentary behaviour before 2001.

Shortly after the Supreme Court decision, in July 2010 Deputy Prime Minister Sir Puka Temu (NA, Abau) and 19 other members of the governing coalition crossed the floor. A motion of no confidence against Somare was drafted, naming Temu as alternative prime minister, but the following day a motion was passed to adjourn parliament until November. The motion was passed on voices, Speaker Nape refusing a formal vote. The opposition sought to have parliament recalled, and petitioned the Supreme Court to remove the speaker for acting contrary to the constitution, but the House remained adjourned and Nape retained his position. Subsequently some of those who had left the government drifted back.

In a cabinet reshuffle in July 2010, the NA deputy leader for the Highlands Region, Don Polye (Kandep), was made deputy prime minister (a move that was generally seen as a reward for Polye’s loyalty to Somare in the vote of no confidence) and the leader of the People’s National Congress, Peter O’Neill (Ialibu-Pangia), was promoted to the finance and treasury portfolio to replace Patrick Pruaitch (NA, Aitape-Lumi), who had been suspended in May when referred to a leadership tribunal over alleged misconduct.

When parliament reconvened in November 2010 the opposition revived the motion of no confidence, hoping to precipitate a further split in the governing coalition. There were suggestions that the opposition might nominate a highlands MP as alternative prime minister in order to attract support from the large highlands bloc. In the event, however,

3 SC1057. SC RefNo. 11 of 2008. Special Reference Pursuant to Constitution, Section 19. In the Matter of the Organic Law on the Integrity of Political Parties and Candidates.

the parliament met to pass the 2011 budget and 2010 supplementary budget, and promptly adjourned, the attorney-general declaring that there was no notice of a motion of no confidence before the parliament. (Reportedly, the notice of motion submitted in July had been rejected by the Permanent Parliamentary Committee on Private Business because four of the signatories had withdrawn their support after (re)joining the government.)

December 2010 saw another cabinet reshuffle. Polye was relieved of the deputy prime ministership and the works, transport and civil aviation portfolio, which were given to his Engan junior colleague and minister for foreign affairs and migration, Sam Abal (NA, Wabag); Polye took over from Abal as foreign affairs minister. Among other changes, Sir Arnold Amet (NA, Madang Provincial) was brought into cabinet to replace Ano Pala (NA, Rigo) as attorney-general and minister for justice.

Shortly after this, Somare ‘voluntarily stepped aside’ from office following his referral by the acting public prosecutor to a leadership tribunal over charges that he had failed to submit financial returns required of him under the Leadership Code, or had submitted late or incomplete returns. (Since 2008 Somare had sought, through a series of unsuccessful court challenges, to avoid being subjected to a leadership tribunal; these were still ongoing in December 2010.) Abal thus became acting prime minister. Polye—who had probably done his political career no immediate good when earlier in the year he had publicly voiced his aspiration to become prime minister—expressed his disappointment but confirmed his commitment to the NA and the government. Others, within and outside the NA, questioned the legality of the appointments within the terms of both the national constitution and the constitution of the NA. But while some saw Abal’s promotion as a move by Somare to forestall a leadership challenge (see, for example, *The National* 9 December 2010), others claimed that Somare had been ‘conned’ by prominent MPs outside the NA and that by demoting Polye the prime minister had caused a rift within the party that could destroy it (*Post-Courier* 3 January 2011). With a vote of no confidence foreshadowed when parliament was recalled to re-elect a governor-general in January 2011, there were predictions of a change of government, with Polye as the likely alternative prime minister. In full-page advertisements in the *Post-Courier* and *The National* (10 January 2011), however, Polye restated his loyalty to Somare and the NA.

In the event, parliament met briefly to elect a new governor-general, and the government then used its majority, and a compliant acting speaker, to adjourn the House until May, once again avoiding a no confidence vote. The adjournment meant that, for the third consecutive year, the national parliament would not meet for the constitutionally mandated 63 days. The following week, with the appointment of a leadership tribunal still pending as a result of ongoing legal challenges, Somare resumed office.

Finally, in March 2011 Somare came before a leadership tribunal. The tribunal, unusually comprising three distinguished foreign judges, from the United Kingdom, Australia and New Zealand, found the prime minister guilty of 13 charges (dismissing another nine) and penalised him by suspension from parliament for two weeks, though one judge favoured his dismissal from office. This penalty was in line with those handed down in similar cases, where MPs who had failed to submit returns had generally been fined and allowed to resume their seats; however, the dissenting judge accused Somare of 'a disregard bordering on disdain for his constitutional obligations' (*The National* 25 March 2011). Somare publicly apologised for his 'administrative oversight' but appeared to take his penalty lightly. Abal again stepped in as acting prime minister.

Shortly after his suspension Somare, accompanied by his Papua New Guinean physician, travelled to Singapore where he underwent heart surgery. There were complications and he had two further operations. In late June he was still recuperating under intensive care in Singapore and there was uncertainty about when he might return. In Papua New Guinea rumours circulated that the Grand Chief might not be able to resume office, and members of the parliamentary opposition called for the prime ministership to be declared vacant.

On 28 June Somare's son Arthur (the MP for Angoram Open and minister for public enterprises), announced that the family had decided that Sir Michael be retired—though Sir Michael had not been consulted at this stage (*Post-Courier* 29 June 2011). A group calling itself the East Sepik Council of Chiefs criticised the Somare family for announcing Sir Michael's 'retirement', claiming that such a decision should have been left to the Council of Chiefs.

In the meantime, Abal, as acting prime minister, was coming under increasing pressure. Within the NA, Abal was supported by the highlands MPs, but the executive committees of the party in the highlands provinces favoured Polye, the deputy party leader for the Highlands Region. In mid-

May it was reported that the NA was meeting to elect an acting party leader, with Polye, Abal and Pruaitch the major contenders, but the meeting did not eventuate. Weeks later Abal stripped Polye of the foreign affairs portfolio, accusing him of insubordination, and also sacked the United Resources Party (URP) leader, William Duma (the member for Hagen), as minister for petroleum and energy, citing mismanagement of the critical liquefied natural gas (LNG) project. The foreign affairs portfolio was given to former attorney-general Ano Pala. Duma was replaced by Francis Potape (URP, Komo-Margarima), and retaliated by expelling Potape and party founder Anderson Agiru (Southern Highlands Provincial), thus splitting the URP into two factions. Pruaitch was brought back into cabinet as minister for finance and treasury<sup>4</sup> and O'Neill relegated to works, transport and civil aviation. It was subsequently reported that the Enga branch of the NA had suspended Abal for 'actions not in the best interests of the party', and that a number of MPs, including Polye, Duma and O'Neill, were joining the opposition (*Post-Courier* 20 June 2011).

In July, pressures mounted to remove Somare from the prime ministership on medical grounds (as provided by the national constitution) and the Papua New Guinea Medical Board was approached to appoint two medical practitioners to report on the prime minister's medical status. With parliament due to meet again on 2 August, opposition leaders, including Belden Namah (Vanimo-Green River), Sam Basil (People's Progress Party, Bulolo), former prime minister Mekere Morauta (PNG Party, Moresby Northwest) and Allan Marat (Melanesian Liberal Party, Rabaul), met in Vanimo. Namah, who had been elected in 2007 as an NA candidate but defected to the PNG Party in July 2010 and taken over the party leadership from party founder Morauta, had replaced Morauta as opposition leader in May 2011.

When the national parliament met on 2 August, Namah declared that the office of prime minister was vacant; he asked that standing orders be suspended and that he be allowed to move a motion to elect a new prime minister. The speaker, Jeffrey Nape, accepted the motion and Namah nominated O'Neill. With Nape refusing to acknowledge calls for points of order and for divisions, a vote was taken and O'Neill, whose People's

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4 Pruaitch had been given the finance and treasury portfolio in 2007 but was suspended in May 2010 to face a leadership tribunal over charges of misconduct, including misuse of district support grants. In May 2011 the suspension was overturned by the Supreme Court, though the misconduct charges were still outstanding. With the 2012 election approaching, the NA was doubtless keen to reclaim control over finance and treasury.



National Congress party claimed only six MPs, was elected by a solid 70 votes to 24, with 48 MPs, including about half of the NA, crossing the floor. Later that afternoon the new prime minister was sworn in. Of the major parties in the Somare coalition government, the URP, Pangu Pati and People's Action Party, as well as the NA, split on the vote. Polye was said to be 'stunned' at O'Neill's successful takeover (though he had apparently accepted the nomination of O'Neill the previous night), while Abal, who was one of the 24 voting against O'Neill, accused the speaker of 'hijacking the process' and '[committing] an illegal act' (quoted in *The Age* 3 August 2011). Abal's view was endorsed by prominent constitutional lawyer John Nonggorr, who said, 'we, today, have an illegitimate government. The purported election is unconstitutional. Sir Michael remains the PM' (*Post-Courier* 5 August 2011).

A week later, O'Neill announced his cabinet. Namah was named as deputy prime minister and given the portfolio of forestry and climate change. Polye became minister for finance and treasury. Former deputy prime minister Sir Puka Temu, who had split with Somare in 2010, became minister for agriculture and livestock. Duma was brought back as minister for petroleum and energy, and Marat was named as attorney-general and justice minister.<sup>5</sup> Fifteen MPs who had been ministers in the Somare government remained in cabinet. The two elder statesmen of the former opposition, Morauta and Philemon, settled for the relatively minor portfolios of public enterprises and public service, respectively, and reportedly said they would not recontest in 2012 (*The National* 10 August 2011). Newcomers Sam Basil (who was deputy leader of the opposition) and Byron Chan were given the strategic portfolios of national planning and mining, respectively. Although O'Neill said he had tried his best to cover all provinces in his cabinet, East Sepik and West New Britain, which had been strongly represented in Somare's cabinet, were without representation in the new executive. The one woman MP, Dame Carol Kidu, who had been minister for community development in the Somare government and continued to support Somare, was dropped from cabinet.

The legality of what some described as a 'political coup' was questioned in several quarters and a formal challenge was issued by the East Sepik Provincial Government, which sought a Supreme Court special ruling

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5 Marat had been appointed attorney-general in 2007 but had been forced by Somare to resign in May 2010 when he spoke out against proposed legislation that was generally seen as diluting the powers of the Ombudsman Commission.

on the declaration of vacancy of the prime ministership. The new government, through the ministry of finance and treasury, responded by withdrawing financial powers from the provincial government—a move that was almost certainly illegal and was subsequently reversed by O’Neill when he was advised by the solicitor-general that there was no legal instrument in place to authorise the removal of powers. Outside East Sepik Province, however, there was little public outcry; indeed many welcomed the change.

Towards the end of August it was reported that Somare had been discharged from hospital but was still recuperating in Singapore. On 1 September he announced from Singapore, ‘I am ready, willing and able to complete my term as the only legally elected prime minister of Papua New Guinea’ (*Post-Courier* 1 September 2011). On 4 September Somare returned to Papua New Guinea and two days later, in a wheelchair, attended a sitting of parliament that had been called at short notice by the speaker in what was probably (as suggested by East Sepik governor Peter Wararu Waranaka) an attempt to have Somare disqualified as an MP for failing to attend three successive meetings of parliament.<sup>6</sup> Notwithstanding Somare’s presence, in a final act of political thuggery, he was ruled to have lost his seat—ironically by the speaker, Nape, who had been the main ‘enforcer’ of the Somare government’s executive dominance from 2004 to 2010. A *National* newspaper editorial (13 September 2011) described the move as ‘a most indecent thing’, and former prime minister Rabbie Namaliu said it was ‘undignified and unnecessary’ (Radio Australia 21 September 2011).

Somare sought a stay on the ruling, which was opposed by Nape, O’Neill, Marat and the clerk of the national parliament, Don Pandan; lawyers for the four defendants further claimed that Somare was of ‘unsound mind’ while hospitalised in Singapore, providing additional grounds for disqualification from office. The National Court declined to intervene, noting, on 20 September, that a challenge to the declaration of the vacancy of the prime ministership was already before the Supreme Court. Attempts by Attorney-General Marat to have the East Sepik challenge

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6 Under Section 104(2)(d) of the constitution, a member who, without leave, misses three consecutive sittings of parliament is disqualified from office. In fact, Somare was granted leave in May and missed only two sittings, in June and August. In any case, there is provision for a member so charged to provide an explanation for their absences, an opportunity that Somare was not given.

dismissed were rejected in October and on 27 October the Supreme Court began hearings; it was expected to hand down its judgement on 9 December.

In early November, Sir Arnold Amet, himself a former chief justice and attorney-general in the Somare government, claimed that the O'Neill–Namah government was planning to sack the chief justice, Sir Salamo Injia. The claim was denied by O'Neill, but a few days later, on 10 November, Namah, as acting prime minister, announced that the chief justice had been suspended to face a range of charges, some dating back to 2009, including contempt of court, mismanagement of court finances and conflict of interest. Whatever the basis for such charges, there was a widespread feeling that Injia's suspension was a payback for his rejection of the government's move to have the East Sepik challenge dismissed and an attempt to disrupt the Supreme Court's proceedings in the case. The PNG Law Society accused the government of undermining the judiciary and the office of the chief justice, and Amet described the government's action as 'a blatant and dangerous attempt to derail the Supreme Court challenge' (*Post-Courier* and *The National* 11 November 2011). The Supreme Court retaliated by ordering the arrest of Namah and Marat to face charges of contempt of court. On 14 November the government rescinded the decision to suspend Injia, but said the charges against him still stood. The same day Namah and Marat presented themselves for arrest and were released on bail.

With the NA split between government and opposition, the tussle for party leadership continued. In June the decision of the Enga branch of the NA to suspend Abal was endorsed by a meeting of provincial executives from the Highlands Region, but 12 of the 13 NA MPs from the highlands, who did not attend this meeting, supported Abal. At a caucus meeting in Goroka in July, attended by deputy party leaders from the Highlands, Southern and Islands regions (but not by Abal), Polye was reportedly elected as party leader, but this was rejected by the NA president, Simon Kaiwi. Abal convened a rival meeting of the parliamentary wing of the NA in Port Moresby but it lacked a quorum. Polye told a meeting in Goroka that he would 'strive to take the NA leadership despite all odds ... [and] ... to become the Prime Minister of this country', but Sani Rambai (NA member for Mul-Baiyer and a founding member of the NA) called on the two MPs to settle their differences, saying he was 'pissed off' with two MPs' display of 'Enga politics' (*The National* and *Post-Courier* 1 August 2011).

Following the election of O'Neill as prime minister on 2 August, it was announced that Polye was the leader of the NA in the new government, but Abal and his NA supporters refused to recognise Polye's claim to be leader of the party and declined to attend a party caucus meeting in Minj on 8 August, which, though attended by only 19 of the parliamentary party's 42 members, voted to appoint Polye as party leader, replacing Sir Michael Somare. Abal and former attorney-general Amet rejected the decision as not conforming to the party's constitution. In September it was reported that the 20 NA MPs, led by Polye, who had crossed to vote with the then opposition had been served with notice of expulsion from the party. Subsequent to this Polye claimed that another five NA MPs had joined the government. Polye petitioned the registrar of political parties for recognition as leader of the NA but his petition was rejected and the matter referred back to the party (the registrar's letter is reproduced in *The National* 23 September 2011). However, the speaker of parliament, true to his partisan form, accepted Polye's claim to leadership. Within the NA there were also calls for Kaiwi to resign, and on 19 October it was reported that a special general meeting of the NA had voted out party president Kaiwi and other members of the national executive. The party was divided, with 20 MPs in government and 21 in opposition and the leadership still contested.

Early in October it was reported that the People's Action Party (PAP), led by Gabriel Kapris (Maprik), had joined the O'Neill government, aligning itself with Namah's PNG Party (though assuring its supporters that it would field PAP candidates in 2012). The PAP had been a senior partner of Somare's NA in 2007, but PAP MP Tony Aimo (Ambunti-Dreikikir) said the party had switched to the new government because it 'did not want the people of East Sepik to be marginalized' (*The National* 4 October 2011).

[At the time this paper was written (mid-November 2011), the Supreme Court was yet to make a ruling on the challenge to the election of Peter O'Neill on 2 August. The paper concluded, however, that 'even if the Supreme Court were to rule that the election was not valid, it is not clear what would happen next: with the former coalition split, a clear majority of MPs behind O'Neill, and a vote of no confidence ruled out, Somare would at best head a minority of MPs in the dying days of the 2007–2012 parliament'.<sup>7</sup>]

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7 An editorial in the *Post-Courier* (5 August 2011), while condemning the speaker's action on 2 August, said: 'what happened on Tuesday may well be unconstitutional but the outcome of the vote on Tuesday speaks for itself. It would have been morally wrong for the former Government to continue to hold onto office'.

# 14

## **Papua New Guinea under the O’Neill government: Has there been a shift in political style?**

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In 2011–2012 Papua New Guinea suffered its most serious constitutional crisis since independence, when the incumbent prime minister, Grand Chief Sir Michael Somare, was effectively removed from office in a ‘political coup’ by members of parliament (MPs) whose actions were subsequently ruled unconstitutional by the Supreme Court. The political impasse of this period, in which two people laid claim to the office of prime minister, was finally resolved in mid-2012 following a scheduled national election. But it is arguable that the damage done in 2011 to the institutions of Papua New Guinea’s democratic system was not entirely undone in 2012 and that political developments since 2012 give some cause for concern. This paper briefly recounts the events of 2011–2012 and looks at political developments under the O’Neill government that came to power following the 2012 election.

## Background: The ‘impasse’ of 2011–2012<sup>1</sup>

In August 2011 the incumbent prime minister, Sir Michael Somare, was on extended parliamentary leave in Singapore, where he was recovering from heart surgery, when the national parliament convened, accepted a resolution that through Somare’s absence the prime ministership had become vacant and proceeded to elect a new prime minister, Peter O’Neill. Key players in this political coup, apart from O’Neill, were Belden Namah, the leader of the opposition who became deputy prime minister under O’Neill, and the speaker of parliament, Jeffrey Nape, who had previously managed parliamentary proceedings to stave off opposition to the Somare government. Both O’Neill and Namah had previously served in the Somare government. The election of O’Neill, by a majority of 70 votes to 24, saw a split in the governing coalition and a split within Somare’s National Alliance party; former deputy prime minister under Somare, Don Polye, was among those who joined the O’Neill camp. The move against Somare, however, clearly violated the country’s constitutional provisions and parliamentary procedures, and Somare’s supporters were quick to lodge a legal challenge with the Supreme Court. The O’Neill–Namah coalition sought to thwart their action—inter alia by (unsuccessfully) moving to withdraw the financial powers of the East Sepik Provincial Government, which had initiated the challenge; by attempting to remove the chief justice of the Supreme Court, Sir Salamo Injia, charging him with maladministration of court funds (Injia responded by having Namah—acting prime minister at the time—and the attorney-general, Allan Marat, charged with contempt of court); and having parliament rescind the leave granted earlier to Somare and legislate to retrospectively set a maximum age of eligibility to run for office at 70, thus depriving Somare not only of the office of prime minister but of his status as the MP for the East Sepik Provincial seat.

In December 2011 the Supreme Court handed down its decision, ruling that Somare was still the legitimate prime minister. The decision was initially accepted by the governor-general, Sir Michael Ogio, but ignored by O’Neill, who appointed Nape as acting governor-general until Ogio changed his position in favour of O’Neill. Thus began what is now referred to as the period of the ‘impasse’, during which Papua New Guinea had two claimants to the office of prime minister, each with his own cabinet,

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1 This section draws on more detailed accounts in May (2013) and Chapter 13, this volume.

and for a while two police commissioners, and briefly two governors-general. Somare appealed to the commander of the Papua New Guinea Defence Force (PNGDF)—a fellow Sepik appointed by Somare—to assist enforce the Supreme Court decision, but the commander wisely declined to intervene in what he saw as a civil dispute.

Meanwhile, although there were many who condemned the actions of O'Neill, Namah and Nape, there was very little civil unrest. There seems to have been widespread popular support for, or at least acceptance of, a change of government and by late 2011 the public service and the Royal Papua New Guinea Constabulary (RPNGC) had fallen into line behind O'Neill. In January 2012 Somare attended a meeting of the parliament but was told to leave and threatened with arrest, after which he and most of his supporters boycotted the parliament.

Unable to achieve redress through parliament, the courts, or popular support, in January 2012 Somare, acting as prime minister, appointed a new commander of the PNGDF, Colonel Yaura Sasa, and Sasa and a group of about 30 soldiers briefly took control of the two main barracks in Port Moresby, placing the existing commander under house arrest and calling for the reinstatement of Somare as prime minister in accordance with the Supreme Court's ruling. But before the day ended the 'takeover' had collapsed and Sasa was charged with inciting mutiny. The following month, O'Neill's chief of staff, Ben Micah, announced that the government was monitoring the internet and that people spreading 'malicious and misleading information ... subversive to the overall security of the nation'—in other words people criticising the tactics used by the O'Neill–Namah coalition—would be 'dealt with'; 'the military, police and the National Intelligence Organisation and other pro-government civilian networks are monitoring all attempts to destabilise the government's firm control of the country', he said. O'Neill denied that such monitoring was going on and no action appears to have been taken against internet critics, but Micah's statement received widespread publicity and condemnation (*The National* 27 February 2012; *Malum Nalu* (blog) 7 March 2012; and comments on *PNGExposed Blog*).

In April 2012 a further ruling by the Supreme Court upheld its earlier decision and voided legislation passed since August 2011 by the parliament under O'Neill. O'Neill and Namah again rejected the court's ruling and continued their vendetta against the chief justice. Parliament passed a controversial *Judicial Conduct Act* designed to assert the legislature's dominance over the judiciary and, shortly after, Namah (a former

PNGDF officer who was gaoled for his part in the Sandline Affair of 1997) led a group of police and soldiers into the Supreme Court building to arrest Injia and one of his fellow judges, Nicholas Kirriwom, on charges of sedition—an act that drew widespread popular condemnation. At the time, Injia was reported as saying, ‘this country is being run by men who are happy to use force rather than the rule of law’ (*The Australian* 23 May 2012).

The main hope for a resolution of the impasse lay in the forthcoming national election, scheduled for June 2012. But in the early months of 2012 Namah began calling for the postponement of the election, and in April parliament voted accordingly (even though it lacked the constitutional authority to make such a decision). O’Neill initially backed Namah on this (at the same time, ironically, accusing Injia and his judicial colleagues of attempting to disrupt the forthcoming election). However, the electoral commissioner stood firm (encouraged by continuing technical and logistic support from Australia) and with most of the country already in electoral mode the election went ahead. Sir Michael Somare decided to stand again for the East Sepik seat he had held since 1968, vowing that if he were re-elected, ‘some of these guys will go to jail’ (*Fiji Times* online 30 June 2012).

Papua New Guinea’s eighth national election was held in June. O’Neill was among a small number of candidates who were returned on first preference votes in Papua New Guinea’s limited preferential voting system; Somare and Namah both emerged as winners in more tightly contested elections; Polye was re-elected as a candidate of his recently formed Triumph Heritage Empowerment Party; Nape lost his seat. When parliament met in August, O’Neill, as leader of the party with the largest number of elected MPs, was invited to form a government, as laid down by the Organic Law on the Integrity of Political Parties and Candidates, and was duly elected prime minister by 94 votes to 12 (with five seats still to be decided), heading a coalition of more than a dozen parties. Before the election O’Neill and Namah had reportedly signed an agreement pledging mutual support during and after the election, but the two had a falling-out during the election campaign and Namah emerged as leader of the small parliamentary opposition. Further reflecting the unpredictability of Papua New Guinea politics, Somare joined the O’Neill government. At the time, a newspaper editorial commented: ‘with 94 MPs out of the 111 MPs, the O’Neill–Dion Government can do virtually anything on the floor of Parliament’ (*Post-Courier* 23 August 2012).



At the opening of parliament in August, Injia presided over proceedings as chief justice and there was reconciliation and handshakes all round—except between O'Neill and Namah. Namah apologised to Injia, Somare and others for his role in the events set in train in August 2011 but blamed O'Neill (*The National* 24 October 2012). The charges against Injia and Kirriwom were dropped; charges against the officer appointed by Somare as his police commissioner were also set aside, and in February the offending legislation—the *Judicial Conduct Act*, *Supreme Court Amendment Act*, *Parliamentary Powers and Privileges Act*, and amendments to the *Prime Minister and National Executive Council Act*—was repealed (*Post-Courier* 7 February 2013).

Reflecting on the events of 2011–2012 at the time, I raised the question:

Have democratic norms been fully restored in PNG? Or will the events of 2011 and 2012 come to be seen as marking the rise of a new type of politics in which the legislature, the judiciary, and ultimately the rule of law itself become hostages to whoever has a majority in Parliament? (May 2013:170)

With the O'Neill government approaching the end of its parliamentary term, I return to this question. In the following section I focus on three political issues, selected in part because they have dominated much of the political activity of the period but also because they provide an insight into how politics has been played in the 'post-impasse' era. These are described in some detail, because only by examining the detail can one see how governments actually govern and avoid the bland comments about 'good governance' (and non-good governance) that characterise much of the writing on politics in developing countries.<sup>2</sup>

## The O'Neill government 2012–2017

### 'Parakagate' and its ongoing fallout

Papua New Guinea has become an increasingly litigious society. Among the effects of this have been increased costs to the government of maintaining the judicial system, a huge demand for compensation payments by the state and a substantial outsourcing by the state of legal

<sup>2</sup> In a paper entitled 'Governance is political in Papua New Guinea', Bill Standish (2013) has addressed some of the broader issues in relation to Papua New Guinea.

services to private legal firms.<sup>3</sup> In the process, a number of lawyers have become very wealthy. Papua New Guinea's largest legal firm, Paul Paraka Lawyers, has grown from a small business in Madang in the 1990s to a large nationwide operation with 22 branches and a staff of around 1,000 in 2014.

Around 2002 allegations that private legal firms, particularly Paraka Lawyers, had been issuing claims on, and receiving payments from, the state for services never provided led to growing concerns about corrupt transactions between lawyers and state agencies. As allegations mounted, the Somare government, in 2006, set up a commission of inquiry into the Department of Finance, to investigate improper claims approved for payment by the Department of Finance and involvement by the Office of the Attorney-General, the Solicitor-General and the Registry of the National Court. Additionally, after commissioning a departmental inquiry into the briefing-out of cases by the Attorney-General's Office, the then minister for justice in 2006 terminated the retainer contract with Paraka Lawyers. After several unsuccessful attempts to block the commission of inquiry (between August 2006 and September 2008 the commission was suspended and re-established five times), the commission presented its 812-page report to the prime minister in October 2009.<sup>4</sup> The report documented massive corruption, involving the fraudulent payment of an estimated K780 million between 2000 and 2006, and recommended 57 people for investigation and possible prosecution by the public prosecutor. Prominent among those named—who included the Finance Department secretary and his predecessor, the Justice Department secretary, a former chief secretary, a former attorney-general and a former solicitor-general—was Paul Paraka. Paraka promptly took out an injunction to prevent publication of the report, which was not lifted until November 2013.

Following the termination of its contract with the government, Paraka Lawyers took court action claiming K6 million for outstanding payments for the period 2001–2006. The National Court awarded the claim but in 2007 the Supreme Court put a stay on its order. The Supreme Court ultimately quashed the National Court decision in July 2014.

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3 According to a *Post-Courier* (28 May 2014) report, the state owed K600 million in unpaid judgement debts, interest and legal costs and was facing 10,878 active claims against the state. In September 2015 Police Commissioner Baki said that the state was liable for K106 million in legal costs from cases filed by the public against the police (*The National* 1 October 2015).

4 The Commission of Inquiry Generally into the Department of Finance, Final Report, October 2009.

On taking office in 2011, O'Neill promised to act against corruption, and to this end established an anti-corruption taskforce, known as Investigative Taskforce Sweep. The taskforce was headed by Sam Koim, a lawyer from the Solicitor-General's Office, and staffed by members of the police National Fraud and Anti-Corruption Directorate (NFACD, commonly known as the Fraud Squad). An early target of the taskforce was Paul Paraka.

After the 2012 national election, from which O'Neill emerged as prime minister and Namah as leader of the opposition, O'Neill directed Taskforce Sweep to investigate the allegations of fraudulent payments of legal fees and court orders by the Department of Finance revealed by the commission of inquiry's report,<sup>5</sup> and Namah took up the case against Paraka, claiming in May 2013 that, despite the earlier proceedings against him, between February 2012 and May 2013 Paraka had received from the Department of Finance, through a network of related companies, a series of payments totalling K71.8 million.<sup>6</sup> Namah submitted to parliament a list of questions without notice on the subject; he was initially prevented by the speaker from raising them but on revised legal advice the questions were allowed and, once reported, provoked massive public outrage.<sup>7</sup> In August 2013 Paraka and representatives from several other law firms under investigation by Taskforce Sweep appeared before Deputy Chief Justice Gibbs Salika seeking, unsuccessfully, to have set aside search warrants issued earlier by Salika, and in October Paraka Lawyers sought, again unsuccessfully (and failing in an appeal to the Supreme Court), to have the National Court terminate investigations into the firm by Taskforce Sweep. Later that month Paraka was arrested, along with two other lawyers. He faced 18 charges of conspiracy to defraud, stealing by false pretence, money laundering and misappropriation, relating to payment by the Finance Department of K28.7 million. Paraka, while protesting his innocence and saying that his arrest was politically motivated, claimed that Taskforce Sweep was operating unconstitutionally

5 In October 2014 Taskforce Sweep released its report (a summary of findings, conclusions and recommendations of which was published as a paid advertisement in national newspapers and as an attachment to *Devpolicy Blog* 17 December 2014).

6 Namah's statement is reproduced at *PNGExposed Blog* (22 May 2013). According to *PNGBlogs* (18 June 2014), Namah and Basil, before the 2012 election, had challenged an alleged payment of around K30 million to Paraka Lawyers, but were shouted down in parliament and received no media attention.

7 A copy of 'Questions without notice regarding fraudulent payments of K71.8 million to Paul Paraka Lawyers by the Department of Finance', dated 17 May 2013 and authorised by Namah, was subsequently released from Namah's office.

and sought restraining orders over his arrest warrant, which were refused by the National Court and on appeal to the Supreme Court. Prime Minister O'Neill, who in May had directed that the government should act swiftly against fraudulent payment for legal fees and out-of-court settlements, said his government would not stand in the way of Taskforce Sweep (Rowan Callick in *The Australian* 25 October 2013).

In late October 2013 the Paraka prosecution took a new twist, when Namah lodged a complaint with Police Commissioner Tomai Kulunga, alleging official corruption and conspiracy to defraud the state on the part of Prime Minister O'Neill. The accusation was based on a letter, dated 24 January 2012 and purportedly signed by O'Neill, authorising the payment of K71.8 million to Paraka Lawyers. O'Neill denied sending the letter, suggesting that his signature had been forged. Kulunga noted Namah's complaint but noted also that investigations into payments to Paraka were 'at an advanced stage' with Taskforce Sweep and that another investigation would be counter-productive; moreover, since O'Neill was currently acting minister for police,<sup>8</sup> 'it is in the best interest of all parties that the matter is handled by the Taskforce Sweep to avoid any suggestion of bias' (transcript from Radio New Zealand 5 November 2013). O'Neill was requested to attend a meeting with the taskforce to answer questions about the letter, but refused.

Correspondence between finance minister James Marape and finance secretary Steven Gibson and between treasurer Polye and treasury secretary Simon Tosali had also been cited in Namah's complaint. Marape and Polye were called in for questioning and agreed to attend (*Post-Courier* 17 January 2014). Marape had filed for the court to declare that Paraka's claims were legitimate and that there was therefore no criminality, and sought a stay on that basis (see statement by Koim reported in *Post-Courier* 18 June 2014 and comments on 'O.S. No. 115 of 2014: Marape and O'Neill v. Paraka' in Peramo 2015). Gibson was subsequently charged with nine counts of misappropriation, official corruption and conspiracy, but not the politicians who had authorised it.

With Prime Minister O'Neill rejecting calls to come in for questioning (and apparently Marape and Polye not appearing), Taskforce Sweep obtained warrants for the arrest of the three. The following days and

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8 Police minister Nixon Duban had stood down pending the outcome of charges relating to his 2012 election campaign and to an alleged assault.

weeks saw an outburst of political activity that recalled the politics of the 2011–2012 ‘impasse’. Marape decried the ‘abuse of court and police protocols’ (a charge denied by the magistrate involved) and suggested that the warrants had been issued on the insistence of a policeman with links to the opposition leader. O’Neill’s lawyers obtained a stay order and the prime minister announced that a taskforce would be set up to investigate collaboration between Namah and ‘some “rogue” policemen’ to obtain the warrants, which he claimed had been issued outside the normal lawful processes; he also said (without apparent embarrassment) that he had formally requested police to investigate Namah over the arrest of the chief justice in May 2012 (*Post-Courier* 8 January 2014). The same day, the Waigani District Court issued an injunction against the warrants, which were subsequently set aside as ‘defective’, in being based on a law that had been repealed. Meanwhile, four police officers involved in the operation were suspended and there were reports that two police mobile squads had been deployed from the highlands to Port Moresby, presumably to deal with any popular protest. It was also alleged that three senior NBC journalists had been sidelined after running ‘biased’ stories (*Post-Courier* 1 November 2013). Given the history of their collaboration in 2011–2012, however, there was perhaps some irony in O’Neill’s charge that Namah was ‘conspiring to overthrow ... a legitimate government’ (*Post-Courier* and *The National* 8 January 2014).

The following week Koim announced that the taskforce had ‘insufficient evidence at this time to pursue a case against Prime Minister O’Neill’, though ‘investigations are still continuing’. Namah, obviously upset by this statement, lashed out at the taskforce, describing it as ‘an illegal and unconstitutional setup which is not even serving its intended purpose’ (*The National* 16 January 2014), and accused Kulunga (who had been appointed police commissioner by O’Neill during the ‘impasse’ in 2011) of colluding with O’Neill to pervert the course of justice, and of initiating an illegal search of his (Namah’s) phone records. Namah also sought, through court action and by direct demands to Kulunga (threatening to have him arrested), to have the four policemen reinstated. Kulunga responded by ordering the arrest of Namah, but when police arrived at Namah’s residence they were met by a collection of private security guards, policemen, PNGDF personnel and civil society members—many of whom had responded to calls through social networking—and went away empty handed. Namah’s lawyers, meanwhile, obtained an interim injunction from the National Court to stay the arrest order. Over the next

few days tensions eased as the various parties agreed to wait until their proceedings returned to the courts in February (*AAP* 18 January 2014; *Post-Courier* and *The National* 20, 21 January 2014). In May, Namah dropped his challenge to the suspension of the four policemen involved in the investigation of the payments to Paraka, but otherwise there was little change in the situation for several months.

For some time, despite occasional official denials, there had been factional divisions within the RPNGC. During 2013–2014 one of these divisions was between members of the NFACD associated with Taskforce Sweep, and the senior hierarchy of the RPNGC. But there was friction also at the most senior levels. In 2009 Assistant Police Commissioner Geoffrey Vaki had been suspended (over an incident in which his female companion had been pushed from a moving vehicle that Vaki was driving). Vaki had sought a judicial review and in 2012 the National Court ordered that he be reinstated. Kulunga initially failed to reinstate Vaki and then, under pressure, reinstated him but simultaneously told him that his contract had expired. Vaki filed a legal challenge and in June 2014 Kulunga was charged with contempt of court over his actions and sentenced to seven months gaol, but freed on bail pending an appeal. (The same month he was knighted in the Queen's Birthday honours list.)<sup>9</sup>

In June 2014 what was now being popularly referred to as 'Parakagate' moved into a new phase. Claiming it had new evidence, Taskforce Sweep revived its appeal for O'Neill to come in for questioning and informed the police commissioner accordingly. The principal new evidence was a report from Australian-based Forensic Document Services Pty Ltd that had analysed the letter containing what O'Neill had dismissed as a forged signature and had expressed the opinion that the signature was O'Neill's. The taskforce had also found a letter dated 15 May 2013 from O'Neill to Marape that referred to the 24 January 2012 letter whose existence O'Neill had denied, and an interview with Polye had lent further credibility to the case against the prime minister.<sup>10</sup> On the basis of this, Police Commissioner Kulunga requested O'Neill to attend a police interview

9 In December 2016 Kulunga lost his appeal and was taken into custody, but subsequently filed an application to make another ('slip rule') appeal (*Post-Courier* 22 February 2017).

10 Koim's letter to Kulunga is published in the *Post-Courier* (19 June 2014, p. 4); also see LoopPNG (21 June 2014), ABC News (23 June, 10 July 2014) and *Post-Courier* (10 July 2014).

and when the prime minister failed to do so, on 16 June he was served with an arrest warrant, signed by Chief Magistrate Nerrie Eliakim, by Assistant Commissioner (Crimes) Thomas Eluh and two of his officers.

Over the next few days O'Neill responded forcefully: on 16 June his lawyers sought to stop the interrogation and obtained a stay of arrest; Kulunga took leave and on 17 June was retired, being replaced by Vaki as acting commissioner;<sup>11</sup> the same day, Deputy Police Commissioner (Operations) Simon Kauba (who was said to have been Kulunga's preferred successor) called on the prime minister to come in for an interview and on 18 June was sacked for 'disobeying instructions' (from Vaki) and replaced by Assistant Commissioner Jim Andrews;<sup>12</sup> also on 18 June the police lawyer, superintendent Nicholas Mirivi, who had been representing the RPNGC in proceedings up to this point and opposed O'Neill's stay order, was replaced by a private law firm, Paul Mawa Lawyers, who were instructed to accept O'Neill's lawyers' request for a stay of the arrest warrant;<sup>13</sup> and the prime minister, claiming that the taskforce's actions were 'a politically motivated stunt' and that the police, courts and government departments had been 'politically compromised', announced that Taskforce Sweep was disbanded and Koim stood down, and that the government would set up a commission of inquiry into the corruption charges, to be headed by Australian retired judge Warwick Andrew.<sup>14</sup> It was also announced that an Interim Office for Anti-Corruption would be created, under another Australian retired judge, Graham Ellis, to replace Taskforce Sweep pending the establishment of a long-foreshadowed Independent Commission

11 In announcing Vaki's appointment, O'Neill argued in his favour that because Vaki had been away from the police force for five years due to a pending court case he 'had not been involved in any of the current political developments' (*The National* 18 June 2014).

12 Kauba appealed; an application by the state and the National Executive Council to dismiss the appeal was refused by the National Court, and when the case eventually went to court, in October–November 2015, Kauba's dismissal was quashed—but since his appointment was due to expire in February 2016 he was not reinstated (*The National* 16 November 2015).

13 Initially this caused some confusion in court, when both Mirivi and Mawa turned up and the presiding judge was asked to choose which would represent the police. The appointment of Mawa appears to have breached a 'status quo' ruling by the court in January.

14 Proposals for a commission of inquiry received little support, former National Court judge Nema Yalo describing the decision as 'ridiculous and ludicrous' and pointing to the unhappy history of the commission of inquiry into the Department of Finance. Attorney-General Kerenga Kua and former director of public prosecutions Kevin Egan urged Andrew not to accept the invitation to chair the commission, which they described as a 'poisoned chalice' (*Post-Courier* 27 June 2014). Nevertheless, the commission began its inquiries in August and handed its report to the prime minister in December 2014. The *Report on the Commission of Inquiry into Processes and Procedures Used to Brief Out Matters to Law Firms, and Processes and Procedures for Paying Public Monies to Law Firms* dealt with the general issues and did not look at the politics associated with the Paraka case.

against Corruption. At the same time, on 17 June the minister for justice and attorney-general, Kerenga Kua,<sup>15</sup> was decommissioned (after a separate dispute with O’Neill—see below) and replaced by Ano Pala, who had defected from the National Alliance to support O’Neill in August 2011 and served as foreign minister under O’Neill in 2011–2012. Vaki, Pala and Mawa were generally seen as appointees sympathetic to O’Neill. Another casualty in late June was Acting Solicitor-General Jubilee Tindiwi, who was replaced by her deputy, according to rumour (denied by Pala) because she refused to support O’Neill’s lawyers’ application to set aside the arrest warrant against O’Neill (*Post-Courier* 1 July 2014). At the time, O’Neill was reported as saying, ‘we will continue to terminate everybody who is going to undermine the work of the Government’ (*The National* 19 June 2014).<sup>16</sup>

The appointment of Vaki as commissioner, in particular, caused some resentment within the RPNGC, and when Vaki instructed his newly appointed police lawyer, Mawa, to consent to the demands of O’Neill’s lawyers for a stay of the arrest warrant, police from the NFACD moved to arrest the acting commissioner for trying to pervert the course of justice; they also sought to question Attorney-General Pala. On 21 June Assistant Commissioner Eluh issued a statement outlining police concerns, describing Papua New Guinea’s criminal justice system as ‘hanging in the balance’, and again calling on the prime minister to come in for questioning. In a later comment on social media he suggested that Vaki ‘is now being seen as a puppet conveniently appointed to prevent Prime Minister O’Neill from submitting himself to the rule of law’. Eluh was promptly suspended for insubordination, a move that he described as ‘contemptuous and a blatant breach of the police/court process’.<sup>17</sup> The assistant police commissioners from the Momase, Highlands and New Guinea Islands Regions flew to Port Moresby to support Kauba and their junior colleagues in the NFACD but in the event respected the court’s stay order and appealed to the prime minister to voluntarily present himself to the investigating police. The Ombudsman Commission, issuing a statement expressing concern at the recent turn of events,

15 Kua, a widely respected lawyer turned politician, had earlier represented Somare in a leadership tribunal.

16 See *Post-Courier* (16, 17, 18 June, 2 July 2014), *The National* (18, 19 June 2014), *The Age* (16 June 2014), *The Australian* (16 June 2014) and Radio NZ (17, 20 June 2014).

17 ‘Media Statement by Royal PNG Constabulary on current events, Saturday, June 21, 2014’. Also see *Masalai Blog* (22 June 2014), Radio Australia (23 June 2014), *PNGBlogs* (4 July 2014) and *Post-Courier* (7 July 2014).



intervened to prevent the suspension of the head of the NFACD, Chief Superintendent Mathew Damaru, and his deputy, Chief Inspector Timothy Gitua (*Post-Courier* 27 June 2014); their suspension appeared to be in breach of a court order directing Vaki not to interfere with the police investigation (*Post-Courier* 19 June 2014; *The National* 19, 20 June 2014; Radio NZ 18 June 2014). Vaki and his recently promoted acting deputy commissioner Jim Andrews, however, continued to deny that there were divisions within the RPNGC and insisted that the constabulary was 'carrying out its functions as normal' (*The National* 20 June 2014; Radio NZ 20 June 2014). Shortly after, the Police Association warned that 'it may be forced to use its industrial muscle' if politicians continued to politicise the constabulary (*Post-Courier* 8 July 2014). A meeting between the two factions contesting pursuit of the arrest warrant against O'Neill, proposed by acting metropolitan police commander Perou N'Dranou, was dismissed by Andrews as 'totally unnecessary' (*The National* 28, 29 July 2014; Radio NZ 29 July 2014). Meanwhile, the new commander of the PNGDF (appointed by O'Neill in January 2014 and, like O'Neill, a southern highlander from Ialibu-Pangia) ordered his troops to stay out of the political battle or face dismissal.

When court action resumed on 25 June, Mawa had been replaced by private law firm Sam Bonner Lawyers,<sup>18</sup> who sought a permanent stay of the arrest warrants (*The National* 30 June 2014).<sup>19</sup> The National Court refused the application, but did not rule on whether the warrant should be enforced or withdrawn, leaving that decision to Vaki (*Post-Courier* 1 July 2014; *The National* 2 July 2014). In a 16-page judgement, Justice Kariko also said that 'there was no evidence that the current criminal investigations ... were the work of "rogue policemen". Or that the investigations are politically motivated as described by the prime minister' (as reported in *The National* 2 July 2014). Vaki was reported to have 'assigned the case for further analysis and assessment' to the man who had replaced Eluh, Chief Superintendent Donald Yomasombi (*Post-Courier* 2 July 2014). O'Neill initially said he would appeal to the Supreme Court, but withdrew all court proceedings, saying he would respect the commissioner of police

18 Bonner had previously acted in the reinstatement of Vaki and in the prosecution of Kulunga, and continued to act for clients facing charges by the NFACD, despite being himself charged in August 2014 (see below).

19 The lawyer initially asked to prepare the brief for Bonner (Laken Lepatu Aigilo) objected to the instructions coming from Vaki, saying, 'it defeats all the purposes and intends (sic) of the Police Force's case against the State or PM O'Neill ... I am confused as to whether we are acting for the Prime Minister Peter O'Neill or the Police Force'. He withdrew his services and was sacked (*PNGBlogs* 26 June 2014).

to do his job (*The National* 2, 3 July 2014; Radio NZ 2 July 2014). The court also foreshadowed that ‘there may also be contempt charges raised from the sacking of senior police officers and possibly the disbanding of Taskforce Sweep’ (Australian Network News 25 June 2014).

In early July, Chief Justice Injia rejected Vaki’s lawyers’ submission that the case against the police commissioner be dismissed, ruling that Vaki had a case to answer in relation to the charges that he prevented or frustrated the execution of the warrant for the arrest of O’Neill. A further attempt by Fraud Squad officers to arrest Vaki was thwarted by officers loyal to Vaki (*Post-Courier* 2, 3, 14, 17 July 2014; *The National* 3 July 2014). After several further moves by Vaki’s lawyers to delay a decision, the Supreme Court in October ruled that the police commissioner did not have the power to direct his officers not to execute the arrest warrant, clearing the way for the charges against Vaki and O’Neill to proceed. Contempt proceedings (over Vaki’s failure to execute the warrant for the arrest of O’Neill) and charges of perverting the course of justice (filed by Damaru and Gitua over Vaki’s replacing of the police lawyer after the National Court had ordered that the status quo remain) returned to the court in March 2015, but were again adjourned.<sup>20</sup> Finally, in June 2015 Vaki was convicted and sentenced to three years gaol with hard labour. (He appealed and was granted bail, but in October 2015 was arrested after failing to attend a court hearing; see *Post-Courier* 21 October 2015.)

Shortly before the court’s decision was handed down, however, Vaki was sacked—following public outcry over the government’s failure to act on the fatal shooting by police of two men in Hanuabada village in Port Moresby—ostensibly, in the words of the police minister, ‘to restore public confidence and discipline in the police force’ (Radio NZ 8 May 2015). Vaki was replaced by the director of National Intelligence and former police commissioner, Gari Baki, who had himself been sacked by Prime Minister Somare in 2012 for ‘mismanaging the police force and allowing a breakdown of law and order’ (Radio Australia 15 February 2012).

Also in July 2014, the Waigani District Court authorised an arrest warrant against the justice minister and attorney-general, Ano Pala, for conspiring to pervert the course of justice in relation to the arrest warrants against

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20 See *Post-Courier* (8, 16, 17, 21 July, 19 August, 3 October, 13 November 2014), *The National* (18, 21, 28 July 2014), Radio NZ (16 July 2014) and *PNGBlogs* (9, 23 October 2014); also see Kama (2014a, 2014b).

the prime minister and finance minister, Marape. Pala's application to have the question referred to the Supreme Court was refused (*Post-Courier* 18 May 2014), and the Supreme Court issued a summons calling on Pala to explain a media statement he had made 'which purportedly legitimized' the payments to Paraka and 'bordered on contempt of court'; Pala subsequently retracted the statement (*PNGBlogs* 8 July 2014; *Post-Courier* 9, 10, 14 July 2014). An arrest warrant was issued but Pala successfully applied for a judicial review of the Supreme Court's decision and police were constrained from executing the warrant pending the outcome of the review.

The same month, Paraka was arrested on another 32 corruption-related charges but was freed without bail by magistrate Pinson Pindipia. Pindipia, who in May had granted Paraka a generous court adjournment to prepare his defence, was detained by the Fraud Squad and charged with perverting the course of justice (*PNGExposed Blog* 30 July 2014; *PNGBlogs* 2 September 2014). He was subsequently suspended but in February 2017, with two witnesses unwilling to give evidence, the state withdrew the charges and the case was dismissed (*The National* 8 February 2017).

Fraud Squad police also arrested lawyer Sam Bonner on several charges, including conspiracy to defraud, over Bonner's involvement as a conduit for state monies paid to Paraka Lawyers (*The National* 19 August 2014).

While these events were unfolding through the courts, Papua New Guinea's burgeoning civil society was expressing its views through Facebook, Twitter and various blog sites that also provided information (and sometimes misinformation) about what was happening in the courts. Most of this was strongly negative towards O'Neill—particularly after the sacking of Kua and disbanding of Taskforce Sweep—and there were frequent calls for him to resign or at least stand aside while the courts deliberated.<sup>21</sup> On 24 June a planned protest march, initially approved by Acting Metropolitan Police Commander N'Dranou, then banned by Vaki (who said 'the circumstances do not warrant the demonstration') but held in defiance of his ban, drew a peaceful crowd of over 1,000 who gave a petition to the police minister (who attended the rally), calling for the resignation of O'Neill and the reinstatement of Koim, Kua, Kauba and

21 See, for example, *PNGBlogs* (18 June 2014), Radio Australia (20 June 2014) and LoopPNG (21 June 2014).

Eluh. Another planned protest march in November was banned by Acting Deputy Commissioner Andrews (*The National* 18 November 2014). Among those who joined in calls for O'Neill to step down were Kua, Somare, Polye (who in March 2014 had fallen out with O'Neill—see below) and, of course, Namah (LoopPNG 21 June 2014; *The National* 23 June 2014; *Post-Courier* 23 June 2014). Namah warned that Papua New Guinea was on the path to tyranny and dictatorship (Pacnews 18 June 2014; *Post-Courier* 24 June 2014), but by June 2014 Namah had become a less dominant player in the Parakagate saga, and in December he was replaced as opposition leader by Polye. As against this, in July people of Southern Highlands and Hela provinces threatened to shut down oil and gas projects in their provinces if O'Neill were forced to resign (*Post-Courier* 4 July 2014).

The disbanding of Taskforce Sweep, and standing down of Sam Koim, in June 2014 was probably the most significant of the numerous actions taken by O'Neill, Vaki and the National Executive Council (NEC) to deal with the allegation against the prime minister. It had been set up by O'Neill in August 2011—early in the period of the 'impasse'—but was continued after the 2012 election and was generally well regarded, despite O'Neill's later claim that it had become 'heavily compromised and politicised' (*The National* 19 June 2014). There was particular concern at the suggestion by O'Neill that the administrative part of the taskforce would go to the proposed Independent Commission against Corruption, and that all files currently under investigation would go to the police (presumably, police other than those working with the taskforce); investigating officers feared that files might disappear and subsequently filed an application in the National Court seeking to restrain Vaki from obtaining files relating to the Paraka case (*The National* 7 July 2014). Towards the end of June it was reported that the government intended to ask Vaki to investigate Koim's association with deputy opposition leader Sam Basil, suggesting Koim had been 'politically compromised' by talking to Basil (ABC News 25 June 2014). Koim, meanwhile, vowed to continue his investigations, making a brief visit to Australia in June to talk about what was happening in Papua New Guinea and seek support (*Post-Courier* 26 June 2014). In early July the National Court granted leave for a judicial review of the NEC decisions to disband the taskforce and create an Interim Office for Anti-Corruption, and issued an interim stay order against the NEC decisions; it also issued interim orders preventing the

state from suspending Koim (*The National* 9, 11, 16 July 2014). In late July the court extended the stay indefinitely, stopping the NEC decision to disband Taskforce Sweep.

This did not, however, end the issue: notwithstanding the court's ruling, in what one blog site described as 'an act of total bastardry and an affront to the court' (*PNG Attitude: Keith Jackson & Friends* 10 September 2014), Koim was taken off the government payroll and funds allocated for the taskforce in the national budget were not released.<sup>22</sup> Contempt proceedings were consequently initiated against the acting finance secretary, justice secretary and Commissioner Vaki (*Post-Courier* 11 December 2014). At the end of 2016 the taskforce had been operating without funding for over two years, most of the taskforce personnel had returned to other divisions of the RPNGC and Koim had been working without salary. By this time, the taskforce had initiated 93 criminal cases and secured 12 convictions, including those of three prominent MPs convicted on misappropriation charges,<sup>23</sup> and 28 public officials had been suspended or dismissed from office. It had also identified over K240 million in unpaid taxes and proceeds from crime, of which K25 million had already been recovered. In addition, around 300 cases, including more than a dozen cases against MPs, and involving an estimated K3.5 billion, were pending or stalled by judicial review proceedings and at risk if the taskforce closed.<sup>24</sup>

In the meantime, continuing tensions within the RPNGC were again demonstrated in October 2014 when, in Vaki's absence, NFACD officers, apparently authorised by the acting commissioner, Awan Sete, arrested several Special Services Division officers, and officers from that division retaliated by turning up at the NFACD's office where they shot out the tyres of parked vehicles, arrested NFACD officers ('on unknown charges') and allegedly shot at and assaulted an NFACD officer (*Post-Courier* 23, 28 October 2014; *Islands Business* November 2014). The growing frustration within the RPNGC was reflected in a February 2015

22 In the three years from 2011 to 2013 the taskforce was allocated a total of K15.5 million; in 2014 and 2015 its budget allocations were K7 million and K5 million, respectively, but the funds were never released.

23 Former planning minister Paul Tiensten was sentenced to nine years gaol; former petroleum and energy minister Francis Potape was sentenced to two and a half years but released on bail pending a retrial, and Gulf Province governor Havila Kavo was sentenced to 18 months. In a statement reported in *PNGBlogs* (12 November 2014), Koim said that 15 MPs were being investigated.

24 Data taken from a report authorised by Sam Koim and released on 13 November 2015, and an IPS (Inter Press Service) report ('Tackling corruption at its root in PNG', 24 February 2015) based on an interview with Koim.

statement by the general-secretary of the Police Association, who called for a complete change in the top police hierarchy (*Post-Courier* 4 February 2015; also see an earlier report in *Post-Courier* 8 July 2014).

Against the background of escalating tensions within the RPNGC, Baki took up the position of commissioner in May 2015. One of his first actions was to order an inquiry, headed by Assistant Commissioner David Manning, into the NFACD. In July, Assistant Commissioner Eluh was again suspended, after refusing a posting as divisional commander in the Islands Region. In August, Damaru and Gitua brought contempt charges against Baki for alleged interference in an arrest warrant against Treasury Secretary Dairi Vele on charges of corruption.<sup>25</sup> In response, Baki issued an arrest warrant against them. Two Australian-based lawyers, Greg Egan and Terence Lambert, hired to defend the NFACD officers, were initially refused entry to Papua New Guinea, but the ban was overturned and in October the National Court granted a stay of the arrest warrant against Damaru and Gitua, and the police commissioner was restrained from further investigation of them and their lawyers. In September it was announced that both Eluh and Gitua had been sacked for disciplinary reasons—Eluh for insubordination and Gitua over an incident in 2014 at a nightclub that involved the use of firearms (Radio NZ 30 September 2015). In October perjury charges were brought against Damaru, Gitua and their lawyer, McRonald Nale, over their contempt action against Baki (ABC News 2 October 2016). Damaru was subsequently arrested by officers of the Special Police Investigation Division (*Post-Courier* 12, 13 October 2015).

The same month, after several court actions, the Supreme Court dismissed an application by Pala for the stay of the arrest warrant against him relating to the allegation that, as attorney-general, he had conspired with O'Neill and Marape to pervert the course of justice in the Paraka

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25 On instructions from the O'Neill government, in 2013 Vele had approved payment of K50 million as part payment for two diesel generators to an Israeli company, the LR Group, with which O'Neill was said to have links through his associate and adviser Jacob Weiss. Namah, opposition leader at the time, had raised this issue in parliament and filed a complaint in April 2014 (Radio NZ 30 April 2014; *The National* 9 May 2014; LR Group 'advertorial' in *Post-Courier* 15 May 2014; *PNGBlogs* 30 June, 27 September 2014; *PNG Pulse* 8 January 2015; ABC News 27 July 2015; LoopPNG 28 July 2015; *Post-Courier* 11 March 2016). In July 2015 Vele was granted a stay. In January 2016 Vele's deputy, Aloysius Hamou, was also arrested over his role in the purchase of the generators but the case was later dismissed for lack of evidence (*Post-Courier* 1 February 2016; *PNGBlogs* 29 January, 5 February 2016; *The National* 21 July 2016). (O'Neill was also said to be under investigation over this transaction.)

case, and Pala turned himself in to NFACD officers. In July 2016 the Supreme Court finally handed down its ruling: it found that the warrant issued by the Committal Court in June 2014 was defective and therefore null and void, and the following month the charges were dropped (Radio NZ 28 August 2016).

Meanwhile, further attempts were made to suspend Chief Magistrate Eliakim (who had issued the warrants against O'Neill and Marape in June 2014). In September 2015 Chief Secretary Sir Manasupe Zurenuoc (reportedly acting on orders from O'Neill) directed Pala, as chair of the Judicial and Legal Services Commission, to investigate charges of 'official misconduct and administrative incompetence' against Eliakim, after the district court refused an application to arrest Damaru, Gitua and Nale. Zurenuoc denied that the action against Eliakim had anything to do with 'events that are currently before the courts' (*Post-Courier* 8 October 2015; also see *PNGBlogs* 8 October 2015).

The legal wrangling continued on into 2016, with Damaru and Gitua involved in lawsuits concerning O'Neill, Marape, Pala, Baki and Vele. In February O'Neill obtained a temporary stay of proceedings over the validity of the arrest warrant against him, in order to allow him to challenge the joining of Damaru and Gitua as parties to the proceedings, granted by a National Court decision in December (*Post-Courier* 19 November 2015, 24 February 2016; *The National* 8 December 2015). In early April the Supreme Court lifted stay orders preventing NFACD officers from investigating O'Neill and Marape (though the separate interim injunction, questioning the validity of the arrest warrant, was still before the court thus preventing police from arresting the prime minister). An appeal by Marape was subsequently dismissed and an application from the prime minister to revisit the decision was rejected (*The National* 29 February, 5 May 2016; *Post-Courier* 6, 8 April, 6 May 2016). Damaru and Gitua had again been prevented from using private lawyers<sup>26</sup> but nevertheless had won their case. Encouraged by this, in the days after the April ruling NFACD officers questioned Pala over his role in preventing

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26 In February 2016 the Supreme Court restrained Damaru and Gitua from engaging private lawyers (overruling an earlier court decision), on the grounds that 'brief-outs' by state officers to private lawyers should come from the police commissioner and have approval of the attorney-general. But since Pala was a subject of legal proceedings in which Damaru and Gitua were involved, Pala delegated the matter to justice secretary Laurence Kalinoe. Kalinoe endorsed the court's ruling and suggested that the two officers be represented by the public solicitor—which was clearly not an attractive option for the officers (*The National* 25 February 2015; *Post-Courier* 15 March 2016).

the arrest of the prime minister and then arrested him and took him in for questioning over alleged misuse of district support grants for his electorate (*The National* 12, 13, 15 April 2016). They also arrested Supreme Court Judge Sir Bernard Sakora, alleging judicial corruption (a charge later dismissed on procedural grounds),<sup>27</sup> and O'Neill's lawyer, Tiffany Twivey, charging her with perverting the course of justice in intervening in the judicial proceedings against Treasury Secretary Vele (*The National* 14 April 2016).<sup>28</sup>

Prime Minister O'Neill accused the NFACD of 'a vigilante style of police operation' (ABC News 16 April 2016) and an angry Baki promptly suspended Damaru and Gitua and several officers allegedly involved in 'unsanctioned' fraud investigations in Chimbu and Eastern Highlands provinces, claiming that officers had 'received large cash payments to carry out investigations'. The NFACD was 'stood down', but the commissioner described his actions as 'purely administrative' and 'not directly related to the recent spate of high-profile arrests' (ABC News 17 April 2016; Radio NZ 17 April 2016). Baki's actions drew an expression of concern from Transparency International PNG, and a comment from lawyer Greg Egan that the arrest of Damaru and investigations into Gitua looked like attempts to stop contempt charges against Baki. Former chief justice and attorney-general, Sir Arnold Amet, said 'this Commissioner has been appointed by this prime minister and they are trying to corrupt the process' (Radio NZ 18 April 2016). However, a National Court order stayed the suspensions and restrained Baki from interfering in the NFACD's investigations (ABC News 18 April 2016; *The National* and *Post-Courier* 18, 19 April, 6 May 2016). The following day, police from the Special Services Division loyal to the commissioner closed down the NFACD offices, changing locks and blocking the entrance with a troop carrier

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27 It was alleged that in 2009 Sakora had accepted K100,000 from PKP Nominees Limited, a company linked to Paraka, and it was suggested that this payment was made to secure favourable court judgements (in 2010 Sakora had upheld an application for a permanent stay on the publication of the report of the inquiry into the Finance Department, and in February 2016 he had granted a temporary stay order in relation to the questioning of the validity of the 2014 arrest warrant, preventing the arrest of O'Neill). Sakora claimed that the K100,000 payment was from the sale of a vehicle, and his lawyer described the charge as 'malicious'. However, it was alleged that Sakora had not declared the transaction when sitting on subsequent cases involving Paraka. The Supreme Court subsequently dismissed the case against Sakora as improper and illegal on the grounds that a charge of judicial corruption required a direction from the public prosecutor (*Post-Courier* 12 April, 5 May 2016; also see *Post-Courier* and *The National* 8 June 2016).

28 It was alleged that Twivey, who was representing Vele, substituted the name of Commissioner Baki for that of Gitua on court documents, without the knowledge or authority of Gitua or the court. In April 2017 a committal court found sufficient evidence to warrant a trial (*The National* 4 April 2017).



thus denying the NFACD officers access, and confiscating vehicles and weapons. Baki claimed that the closure of the NFACD 'had nothing to do with the cases against O'Neill, Sakora and Pala' but related to issues of 'discipline, command and control' (ABC News 18 April 2016), and with the backing of the police minister he again foreshadowed an inquiry into the activities of the NFACD. Damaru's lawyers promptly filed contempt proceedings against Baki (*The National* 4 May 2016; *Post-Courier* 5 May 2016). Former police minister Biri Kimisopa described Baki's actions as 'an unprecedented threat' to the independence of the RPNGC and 'part of a troubling trend of obstructing investigations into high-profile fraud' (Radio NZ 3 May 2016; *The National* 4 May 2016) and the Ombudsman Commission urged leaders facing criminal charges to step down (Radio NZ 9 May 2016). The National Court, noting that closure of the NFACD offices prevented pursuit of several court cases, requested Baki to reopen the NFACD and threatened to recall him and issue an order if he did not do so (*The National* 4 May 2016). The office was reopened in early May. Shortly after this Baki proposed that a committee, comprising himself as police commissioner and three deputy commissioners, should vet all high-profile cases before the NFACD made arrests (*The National* 10 May 2016). The following month Damaru was arrested and charged with abuse of office and deprivation of liberty over the arrest of Sakora (ABC News 17 June 2016; *Post-Courier* 17 June 2016).

In August Damaru said that the operations of the NFACD had 'reached a breaking point': lacking support from the police prosecutor, the public prosecutor and the attorney-general, cases were being struck out or dismissed, mostly on technical grounds (*Post-Courier* 12 August 2016). Among other things, the ongoing legal saga in the aftermath of Parakagate illustrates the problems in administering justice that can arise when the attorney-general and the police commissioner themselves become the subjects of police investigations.

The judicial decision of February 2016 denying Damaru and Gitua private legal representation was the first of several decisions in 2016 that went against those pursuing the anti-corruption cases.<sup>29</sup> The charges of perversion of the course of justice against Attorney-General Pala having been dropped in July, in November the charges of misappropriation against him were dismissed by District Court Magistrate John Kaumi on

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29 For comments by a Papua New Guinean lawyer on the 'judicial setbacks' of 2016, see Kama (2016).

the grounds that the documentary evidence did not support the charges (LoopPNG 15 November 2016). The following month the Supreme Court handed down its long-awaited decision on the disbanding of Taskforce Sweep: it ruled that the court did not have the authority to intervene in a policy decision of the National Executive Council, and lifted the stay order imposed by the National Court in 2014. At the same time it was announced that Taskforce Sweep would be replaced by an Interim Office for Anti-Corruption headed by former judge Graham Ellis (*The National* 5 December 2016; ABC News 5 December 2016). Koim appealed the decision and Chief Justice Injia granted an interim stay, saying that the security of the investigative files compiled by Taskforce Sweep should be maintained pending final determination of the appeal (*Post-Courier* 16 February 2016); at the time of writing (March 2017) the matter was still before the courts. However, the court also stayed a motion of contempt filed by O'Neill's lawyers against Koim for breaching court orders by taking out a paid newspaper advertisement setting out his position (*The National* 8 November 2016), and Koim's lawyers countered by applying to the National Court to dismiss the charge as an abuse of process.

## The UBS loan issue

Oil Search Limited is a Port Moresby-based oil and gas exploration and development company that has been in Papua New Guinea since 1929. The Papua New Guinea government is a shareholder in Oil Search through Kumul Consolidated Holdings (formerly the Independent Public Business Corporation).<sup>30</sup> In 2008 Oil Search became a participant (with an initial equity of 29 per cent) in the PNG liquefied natural gas (LNG) project operated by ExxonMobil PNG Ltd, which has been predicted to more than double Papua New Guinea's GDP and triple its export earnings. The Papua New Guinea government, through Kumul Petroleum of PNG Ltd (formerly National Petroleum Company of PNG), is also a participant (with an initial equity of 16.8 per cent and a further 2.8 per cent held by the government-owned Mineral Resources Development Company on behalf of landowners).

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30 In 2002 the state-owned Orogen Minerals Limited merged with Oil Search, and Orogen's capital value of around A\$600 million translated to a 14.6 per cent shareholding in Oil Search.

To fund the government's participation in the initial A\$19 billion phase of the LNG project, in 2009 the then minister for public enterprise, Arthur Somare, negotiated an arrangement through which it raised A\$1.681 billion from the Abu Dhabi-based sovereign wealth fund, International Petroleum Investment Company (IPIC), through the issuance of a five-year exchangeable bond backed by its shareholding in Oil Search. At the end of the five years the government anticipated a buyback of the shares. The transaction was criticised at the time, notably by former prime minister Sir Mekere Morauta, as a risky venture, and in March 2014 the government was unable to renegotiate the buyback from IPIC, which retained the shares. Instead, the government negotiated the purchase of 149.4 million shares in Oil Search, at a cost of US\$1.1 billion (around K3.7 billion), to acquire a stake (of 10 per cent) in a second prospective LNG project, based on gas fields held by Canadian-based InterOil, in which Oil Search had acquired a 22.8 per cent stake (*Post-Courier* 21, 28 February, 17 March 2014; *The National* 27, 31 March 2014; *Weekend Australian* 1–2, 8–9 March 2014).

In March 2014 it was revealed that Prime Minister O'Neill had directed the treasury to borrow the US\$1.1 billion through UBS, a Swiss-based global financial services company, but had apparently ignored the state solicitor's advice that, under S.209(1) of the constitution, such a borrowing required parliamentary approval (*The National* 14 March 2014). The decision on the UBS borrowing (a two-year loan backed by the state's Oil Search shares) appears to have been made by O'Neill, Finance Minister Marape and the then minister for public enterprise and state investment Ben Micah.<sup>31</sup> Treasurer (and Triumph Heritage Empowerment [THE] Party leader) Polye had not been involved in the decision and subsequently refused to sign the loan agreement; he was sacked from cabinet, accused of 'causing instability in the government'. O'Neill himself briefly took over the finance portfolio, signing off on the loan. Initially Polye accepted his sacking and said he would maintain the coalition government's solidarity, but in April he initiated court proceedings seeking to block the UBS loan and be reinstated as treasurer. In September O'Neill informed the THE Party that it was no longer a member of the coalition; the party split,

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31 See transcript of a forum held at the University of Papua New Guinea on 28 March 2014, by Vincent Moses, on *PNG Attitude: Keith Jackson & Friends* (2 April 2014). This quotes Ben Micah as saying, 'Mi papa blong UBS loan. Ino Peter O'Neill, ino James Marape, ino Don Polye. I was the Minister tasked to raise money to buy back OSL shares from IPIC'.

with three THE Party members who were ministers in the government resigning from the party rather than lose their portfolios (*The National* 22 May 2014).

Meanwhile, with the parliamentary opposition and civil society groups coming out against the borrowing<sup>32</sup> and growing calls for O'Neill's resignation, in March 2014 the Ombudsman Commission gave notice of its intention to investigate whether the prime minister had 'followed all the correct legal procedures' and directed the government 'to stop all further transactions on the loan arrangements' pending the investigation; it warned that failure to comply with its direction would constitute misconduct in office and be liable to prosecution before a leadership tribunal. The commission sought advice from Attorney-General Kerenga Kua. The transaction, however, had been completed. O'Neill said he welcomed the ombudsman's review, but he nevertheless filed an application to dismiss the legal challenge; Justice Salika ruled that O'Neill's application was an abuse of process.<sup>33</sup> Former counsel to the Ombudsman Commission, Nema Yalo, accused O'Neill of usurping the powers of parliament, saying:

The bulldozing of this massive and unprecedented loan transaction is a clear example of the dictatorial nature of the current regime ... the current executive government's dominance of Parliament has compromised the independence of the house as it is unable to provide the necessary checks and balances on key legislation and large financial transactions. (*The National* 27 March 2014)

Reportedly, the director of the National Research Institute (NRI) was threatened with disciplinary action after economists from the NRI criticised the government's decision in a public discussion of the UBS loan, and the executive director of the private sector Institute of National Affairs, a British citizen, was threatened with deportation after suggesting in June 2014 that the rule of law was at risk (*Post-Courier* 2 May 2014; Radio Australia 24 June 2014; also see Yalo et al. 2014 and Barker 2014).

The ombudsman's direction to stop the loan transaction raised the possibility that the government could default on the loan and have to forfeit its shareholding; however, the government was granted a stay to allow it

32 See 'Response from Papua New Guinea Deputy Opposition Leader Samuel H. Basil to the Full Page Advertisement on the Oil Search Share Purchase' on *PNGBlogs* (24 March 2014).

33 See Reuters (24 March 2014), *Post-Courier* (25, 26, 31 March, 7, 9 May 2014), *The National* (25 March, 8 April 2014), Radio NZ (8 April 2014) and *PNGBlogs* (24 March 2014).

to service the loan pending judicial review. O'Neill told the ombudsman (Rigo Lua) 'not to impede the work of the executive government' (Prime Minister's Office press release 1 June 2014; *The National* 2, 12 June 2014).

The Ombudsman Commission's investigation subsequently found that the UBS loan was illegal and that there was a prima facie case of misconduct against the prime minister for approving it without observing proper procedures. In August it was reported that the Ombudsman Commission had referred O'Neill to the public prosecutor for misconduct in office under the Leadership Code, on the grounds that he had not followed proper processes in raising the UBS loan, had inappropriately sacked the treasurer, and had misleadingly claimed, on national TV, that he had consulted with the Bank of Papua New Guinea prior to signing the loan. O'Neill strongly criticised the Ombudsman Commission's statement, somewhat ironically complaining that it had 'gone around' the judicial review process initiated by Polye and should have followed proper procedure by tabling its report in parliament (*Post-Courier* and *The National* 13, 14 August 2014).

The Ombudsman Commission's intervention in the UBS affair exacerbated longstanding tensions between the prime minister and the commission, and the chief ombudsman expressed fears that the commission was 'under threat' and that its functions might be taken over by other institutions, such as the proposed Independent Commission against Corruption (*Post-Courier* 11 June 2014).<sup>34</sup> In July O'Neill announced the appointment of a new acting ombudsman commissioner, Howard Maliso; the appointment was subsequently challenged by the Ombudsman Commission, on the grounds that the proper appointments procedures had not been followed and that Maliso did not meet the criteria for appointment;<sup>35</sup> it was suggested by some that Maliso's appointment was partisan (*Post-Courier* 17, 21 July 2014; *PNGBlogs* 11 August 2014). Lua's term as chief ombudsman came to an end in May 2015 when he reached the age limit of 55; an acting chief ombudsman was appointed from among the members of the commission but the position was not filled until March 2017 (*Post-Courier* 14 May 2015; *LoopPNG* 4 August 2016, 27 February 2017; *PNGToday* 21 April 2017).

<sup>34</sup> According to sources in Port Moresby, at a government caucus meeting in early 2015 an MP proposed a private member's Bill to abolish the Ombudsman Commission.

<sup>35</sup> There are three ombudsman commissioners, two of whom must be lawyers and the third an accountant; Maliso, a lawyer, was appointed to fill the vacancy created by the departure of an accountant.

Facing the prospect of coming before a leadership tribunal, O'Neill publicly welcomed the opportunity to 'clear his name', but in fact his lawyers again worked to block the judicial process, seeking a restraining order to prevent the Ombudsman Commission from investigating O'Neill's part in the loan raising. Two months after the Ombudsman Commission's referral to Public Prosecutor Pondros Kaluwin, Kaluwin issued a public statement to the effect that he was seeking further evidence from the commission before deciding whether to refer the matter to a leadership tribunal, and that he would drop the two charges relating to the sacking of Polye and the statement on TV (*The National* 13 October 2014). O'Neill's lawyers seized on this, arguing that the public prosecutor had exceeded his constitutional powers, and on appeal to the National Court were granted an interim injunction in January 2015, which stalled the process pending a Supreme Court reference on a number of constitutional issues.<sup>36</sup> O'Neill also challenged the jurisdiction of the ombudsman, arguing that the commission lacked the power to investigate and distribute a report that contained comments seen to be adverse to and derogatory of him.<sup>37</sup> Meanwhile, Polye called on the prime minister to step aside but O'Neill rejected the call (*Post-Courier* 17 November 2014).

While these manoeuvres were taking place, Sir Michael Somare issued a statement in which he referred to his own acceptance, in 2010, of referral to a leadership tribunal (for failing to submit annual returns required under the Leadership Code), said he did not believe that due process was followed in relation to the UBS loan and announced that he was shifting from the government to the parliamentary crossbenches (*Post-Courier* 28 November 2014).<sup>38</sup> Shortly before this, Somare's lawyers filed an action against O'Neill and the state seeking damages of K205 million over Somare's unlawful removal as prime minister in August 2011.<sup>39</sup>

36 Papua New Guinean blogger Bryan Kramer had anticipated such an outcome, and questioned why the public prosecutor had acted 'outside normal practice and procedure' (also see Peramo 2015). Opposition leader Polye called on Kaluwin to step down (*PNGBlogs* 12 January 2015).

37 In March 2017 the Supreme Court ruled that the ombudsman was not obliged to inform the prime minister of its intention to investigate his conduct and could publish the results of its investigation (*Post-Courier* 31 March 2017; also see LoopPNG 17 February 2017).

38 Somare's statement ('Why I moved to the Middle Bench') is reproduced in *PNGBlogs* (28 November 2014).

39 In August 2015 Somare was paid just over K2 million in an out-of-court part settlement of his claims. The following month he lodged a complaint with the Ombudsman Commission, naming the prime minister, governor-general, cabinet ministers and other MPs, and senior public servants who had failed to comply with the Supreme Court's orders in 2011 and 2012.

In October 2015, following a critical analysis of the UBS loan by Australian journalist John Garnaut, former prime ministers Somare and Morauta called for an investigation into 'possible corrupt activities' in relation to the UBS borrowings.<sup>40</sup>

In May 2016, however, the Supreme Court dismissed Polye's challenge to the UBS borrowing, ruling that the government had acted within the law and that it was not a constitutional issue, and in September the Supreme Court ruled that the Ombudsman Commission's directive to the public prosecutor was inadequate and that the public prosecutor was not entitled to request additional information, and consequently quashed O'Neill's referral by the public prosecutor to the leadership tribunal (*Post-Courier* 5 September 2016).

## Amendments to the constitution and OLIPPAC

The Papua New Guinea constitution makes provision for the removal of a prime minister through a parliamentary vote of no confidence, and lays down the procedures for such a vote (S.145). But it also provides 'grace periods' during which a prime minister is safeguarded from votes of no confidence: originally, a prime minister could not be subjected to a no confidence vote during the first 12 months after being elected, and if there were a successful vote against the prime minister in the last 12 months of parliament, the parliament was to be dissolved and a new election held (which, given the high turnover of MPs in Papua New Guinea elections, was a strong disincentive to votes of no confidence in the last months of the parliamentary term). From 1977 votes of no confidence became common and no government survived a full five-year parliamentary term until 2002–2007, following the passage of the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC), which discouraged MPs from switching party allegiance and parties from switching coalition membership. In 1991 the grace period following an election was extended to 18 months. Eleven years later the Somare government attempted to extend the period further to 36 months but a number of MPs opposed the change and crossed the floor (in defiance of the OLIPPAC) to vote against the amendment; Somare subsequently dropped the proposal.

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40 See *Canberra Times* (6 August 2015), *Australian Financial Review* (10–11 October 2015), *Sydney Morning Herald* (12 October 2015) and later statements by Sir Mekere Morauta on 19 July 2016, available on *Papua New Guinea Observer* ([www.mekereemorauta.net](http://www.mekereemorauta.net)).

At the opening of the ninth parliament in August 2012, the O'Neill government gave notice that it would undertake a major legislative reform program, including a review of the provisions of the constitution 'relating to the election of the Prime Minister, the term of Parliament and so on', and of the OLIPPAC to make it 'more effective and relevant to our needs today' (*Post-Courier* 22 August, 3 September 2012).

In November 2012 a Bill was introduced to extend the initial grace period from 18 to 30 months. In introducing it the prime minister said, 'the bill is for stability and continuity in governance'.<sup>41</sup> The Bill passed the first reading stage in November, with opposition MPs' support; opposition leader Namah was reported as saying, 'if there is a need we can change it to five years' (*The National* 28 November 2012). But there were critics of the proposed amendment, notably Transparency International PNG (Radio NZ 29 November 2012). On its second reading, in February 2013, the Bill was passed (by 90 votes to 14) with virtually no debate; only one MP (former attorney-general Allan Marat) spoke, and he opposed the extension. Recently demoted cabinet minister Francis Potape complained that the speaker had gagged debate and rushed the amendment through. O'Neill defended the speaker, saying there was 'no need for speeches as it was obvious to everyone that the country needed stability' (*Post-Courier* 6 February 2013). Between November 2012 and February 2013 Namah had changed his position and opposed the Bill, saying 'Papua New Guinea is fast becoming a banana republic' (AAP 24 January 2013). Having lost the vote, he said he would seek a Supreme Court interpretation to prevent the extension.

Eight months later it was reported that the government intended to introduce further legislation, to make votes of no confidence 'more transparent' and to 'clarify' the required number of parliamentary sitting days (S.124). The former was to be achieved by changing the period of required notice for a motion of no confidence from one week to three months (subsequently reduced to one month), increasing the number of signatures required for an intended motion from one-tenth of MPs to one-third (subsequently reduced to one-fifth), and requiring that notice of a motion of no confidence be fully published in a national newspaper (Radio NZ 17 June 2013; *The National* 18 July 2013). Section 124 was to be amended by replacing the requirement generally taken to mean that

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41 Prime Minister's Office Media Unit, 'Statement on Extension of Grace Period to 30 Months', 1 November 2012.



parliament meet for at least 63 days in a year by a provision requiring that it meet for not less than 40 days in a year.<sup>42</sup> Both measures were seen as making motions of no confidence more difficult.

The opposition said it would vigorously challenge this move by the government and would seek a Supreme Court preventive order against parliament debating and voting on the proposed amendments; it would also seek to have the Ombudsman Commission as an intervener (*Post-Courier* 4, 8 July 2013). Two prominent constitutional lawyers spoke out against the proposed amendments: Moses Murray (leader of the People's Freedom Party) referred to them as 'a recipe for a total dictatorship style of government', adding, 'the constitution must remain supreme and not the parliament' (*Post-Courier* 9 July 2013), and John Nonggor (lawyer, academic and legal adviser to the Electoral Commission) opposed the changes, reminding voters, 'these are the same characters who ignored the Constitution, destroyed the integrity of the judiciary, the police and other public institutions when they got rid of Somare in the last Parliament' (*Post-Courier* 11 July 2013). Former National Court judge Nema Yalo described the additional amendments as 'draconian' and said they 'institutionalize dictatorial government', and former attorney-general (and lawyer) Allan Marat said the amendments would not promote stability and transparency and would only weaken the power of the national parliament (*Post-Courier* 9 July 2013). Defending the proposed amendments, the prime minister insisted, 'a government voted in after a general election must be allowed to enjoy the mandate of the people' (*The National* 18 July 2013). The Bill was passed by parliament in September 2013. The following month, Namah challenged the amendments and sought a Supreme Court ruling, and cited the speaker and attorney-general as parties to the proceeding (*The National* 14, 24 October 2013).

The same month former chief ombudsman Ila Geno and opposition MP Tobias Kulang (founders of the PNG Constitutional Democratic Party) challenged the extension of the grace period from 18 to 30 months,

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42 Section 124 actually says parliament shall meet 'not less than three times in each period of 12 months, and, in principle, for not less than nine weeks in each such period' ( $9 \times 7 = 63$ ), and in 1999 and again in 2000 the Supreme Court ruled that parliament must meet for 63 days. But in supporting the amendment, senior government minister Sir Puka Temu argued that since parliament only sits for four days a week, the constitutional requirement was in fact only 36 days. In commending the Bill to parliament in July 2013 O'Neill argued that the amendments 'will stop the prolonged adjournment of the Parliament merely for political convenience and survival' (*Daily Hansard* 17 July 2013, pp. 21, 24). It is not clear how a shortening of the required number of parliamentary sitting days (or even, on Temu's calculations, increasing the number from 36 to 40) would achieve this.

describing the amendment as ‘a shield that protects a corrupt or weak dictatorial government ... from being held accountable by Parliament’ (*Post-Courier* 24 October 2013). In July 2014 it was reported that the combined applications by Namah and Geno would be considered by the Supreme Court and in September 2015 the court ruled in favour of the challengers (*The National* 7 September 2015, *Post-Courier* 18 September 2015). In delivering the court’s judgement Chief Justice Injia said that the changes ‘were rushed through Parliament by the executive government ... in the name of political stability, with the aim of entrenching power in the government at the expense of the Parliament, the MPs and Parliamentary democracy’ (SCA No. 165 of 2013 & SCA No. 177 of 2013, p. 34; also see Radio NZ 7 September 2015).

Another proposal, to amend S.145(3) of the constitution, was floated in June 2014. The proposed amendment provided that if a prime minister were voted out in a vote of no confidence an alternative prime minister should be nominated by the party invited to form government at the last election (on past experience that would mean a nominee from the prime minister’s own party). This proposal came from the registrar of political parties, Alphonse Gelu, but was critically reported, under a headline ‘O’Neill-ocracy’, as coming from the prime minister. It was rightly seen as making it more difficult to achieve a change of government, and defended as promoting stability in government. The measure was opposed by deputy opposition leader Sam Basil (*Post-Courier* 5 June 2014) and also by the attorney-general and distinguished lawyer Kerenga Kua, who was quoted in a *Post-Courier* editorial (24 June 2014) as saying that the proposed Bill would lead to the demise of the opposition and was in breach of Westminster convention (also see *Post-Courier* 18 June 2014). As noted above, Kua was dropped from cabinet as a result of his opposition to the proposed amendment. Caught up in the midst of the ‘Parakagate’ controversy at the time, O’Neill announced that he would defer debate of the proposed S.145(3) amendment and, once passed, the new provision would not be implemented until after the 2017 election (*Post-Courier* 24 June 2014).

The revised OLIPPAC was approved by the National Executive Committee in May 2015 but when the parliament rose before the election of 2017, legislation had still not been introduced to parliament and the registrar of political parties expressed disappointment and concern that ‘a very important piece of legislation has been put on hold’ (*The National*

8 April 2015; also see *PNGToday* 2 June 2016 and ABC Radio, Pacific Beat program 16 March 2017). The registrar's comments were supported by former chief ombudsman Ila Geno (*Post-Courier* 29 November 2016).

## The student protests of 2016 and the vote of no confidence

By late 2015, with Paraka still out on bail, the arrest warrant against O'Neill still outstanding, the seemingly endless court cases emanating from 'Parakagate' still ongoing, public frustration was growing. In October a protest rally in Port Moresby was broken up by police, and several protesters were injured in the confrontation (*Post-Courier* and *The National* 27 October 2015). In March 2016 former prime minister Sir Mekere Morauta warned that there had been:

a number of dangerous attacks on the integrity and independence of national institutions ... [which] constituted a very serious threat to the rule of law, to Parliamentary democracy and to human rights ... These attacks have been coupled with constant challenges to legitimate court decisions and rulings ... often on frivolous grounds.

He also condemned 'the assault on a peaceful protest ... threats against the media [and] proposals for a secret police force to spy on people's ... public comments on social media' (reported in *Post-Courier* 31 March 2016).

Stimulated by a robust social media, in late April students at the University of Papua New Guinea (UPNG) began calling for O'Neill to step down while the charges against him were investigated, and boycotted classes. A five-page petition was drafted to this effect; it accused the prime minister of compromising the dignity and integrity of the office, specifically by:

1. obtaining the K3 billion UBS Loan without due process according to the law
2. collusion with Paul Paraka (trading as Paul Paraka Lawyers)
3. the K144 Million LR Group Generation [sic] deal<sup>43</sup>

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<sup>43</sup> See footnote 25. In his detailed response to the students' petition O'Neill said the amount involved was K94 million.

4. the unfair and inequitable distribution of [District Services Improvement Program] funds
5. politicisation of independent institutions and their bureaucratic machinery
6. misuse of legislative and executive prerogative.

The petition called on him to step down within 48 hours.<sup>44</sup>

The boycott movement quickly spread to the country's three other state universities: the University of Technology (UniTech) in Lae, the University of Goroka in Eastern Highlands, and the University of Natural Resources and the Environment in Vudal, East New Britain. Attempts to get students to return to classes were unsuccessful. A planned protest march in Port Moresby was called off when police refused permission for the march and threatened to intervene if it went ahead. (An earlier request from civil society groups, coinciding with the reconvening of parliament in March 2016, had also been turned down on the orders of Police Commissioner Baki; *Post-Courier* 22 March 2016.) The president of the PNG Trade Union Congress, who supported the students, criticised the heavy-handed tactics of government and warned that such action 'could only fuel confrontation' (*The National* 9 May 2016).

Prime Minister O'Neill declined an invitation to UPNG to receive the students' petition but on 17 May the National Capital District MP and governor, and UPNG graduate, Powes Parkop, accompanied by two other MPs and police, received the petition on O'Neill's behalf at a peaceful forum attended by about 5,000 students and private citizens (*Post-Courier* 20 May 2016). O'Neill acknowledged the petition in conciliatory terms, commending the students 'who have expressed their right to free speech in a responsible manner', while noting, 'considering that several of [the matters raised in the petition] are before the courts, comment must be carefully considered so as not to undermine court proceedings' (*Post-Courier* and *The National* 20 May 2016). The following week, in a 10-page letter addressed to the presidents of the Student Representative Councils (SRCs) of UPNG and UniTech, the prime minister responded in detail to the concerns expressed in the petition, but he made it clear that he

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44 University of Papua New Guinea Student Representative Council, Petition to the Right Honourable Peter O'Neill, Member for Ialibu-Pangia, in Your Capacity as the Prime Minister of the Independent State of Papua New Guinea, 5 May 2016.

had no intention of stepping down.<sup>45</sup> Predictably, the students were not satisfied with the prime minister's response and threatened further action, including 'awareness' campaigns to be conducted by students around the country, and petitions to all MPs.

Meanwhile, the UPNG senate had invited police onto the UPNG campus (ostensibly to prevent intimidation of students opposed to the boycott and to protect property), and it was decided to suspend the semester indefinitely and withdraw student services; students were given 48 hours to vacate the campus, but obtained a stay from the National Court. A court order initiated by UPNG also restrained SRC members from boycotting classes and conducting activities 'which are contrary to their enrolment as students' (*The National* 9 June 2016).

A 'National Disobedience Day' was called for 19 May, by a coalition of civil society groups representing workers in the health, energy, aviation, maritime and justice sectors (*Post-Courier* 19 May 2016). Recently appointed chief secretary Isaac Lupari<sup>46</sup> claimed that 'the agitators behind proposed protest are not students, but have much more sinister proposes' and convened a meeting of the National Security Advisory Council (*The National* 18 May 2016). The secretary of the Department of Personnel Management warned that any public servant taking part in the protest would be disciplined and police said that they would arrest people 'involved in illegal gatherings and marches' (*The National* 18 May 2016). The *Post-Courier* (19 May 2016) reported that 'an air of uncertainty [had] descended on the national capital', with some businesses and schools closing for the day, but apart from some stop-work activity and the looting of an Asian shop in the suburb of Gerehu, the day passed quietly.

With parliament reconvening in June, and the parliamentary opposition intent on reviving the no confidence motion it had been attempting to move since October 2015 (see below), students planned a peaceful rally outside the parliament in support of the motion (Radio NZ 31 May 2016). On 8 June 2016 the motion was to be put to the parliament and UPNG students (having earlier been again refused permission by police to stage a protest march) were about to board buses that had been organised to take them to the national parliament building. Police Special Services

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45 O'Neill's letter is reproduced at [asiapacificreport.nz/2016/05/24/](http://asiapacificreport.nz/2016/05/24/); also see *Post-Courier* (24, 25, 26 May 2016).

46 Lupari was among those mentioned in the report of the inquiry into the Finance Department as 'unjustly enriching himself'.

Division personnel, however, prevented students from boarding the buses and when the students decided to walk to the parliament, police blocked their path and attempted to arrest the SRC president. A scuffle ensued and the police responded with tear gas and fired on the students. Initial reports to the parliament that four students had been killed proved to be untrue, but several were admitted to the emergency department of the Port Moresby General Hospital, where police reportedly fired tear gas into the emergency department entrance. Police also chased students across the university campus, punching and kicking them.

As news of the shooting spread, in Papua New Guinea and internationally, there were appeals for calm and for respect for peaceful assembly from various sources including the United Nations secretary-general, Amnesty International, Transparency International, Human Rights Watch and the Papua New Guinea Catholic Bishops Conference. Former chief justice and attorney-general Sir Arnold Amet said that police were denying people their constitutional rights by preventing peaceful protests and urged students to initiate a judicial human rights inquiry (ABC News 15 June 2016). In Australia, Foreign Minister Julie Bishop called on ‘all sides to respect the peaceful and lawful right to protest’ (AAP 8 June 2016) and students and trade unionists picketed the Papua New Guinea consulate in Sydney. Within Papua New Guinea, there were reports of some rioting and looting in Lae and Mount Hagen as well as in Port Moresby, and the ombudsman promised an inquiry (*The National* 9 June 2016; *Post-Courier* 9, 10 June 2016). Prime Minister O’Neill admitted that the incident ‘could have been handled better’ (*Post-Courier* 10 June 2016) but his reaction was to blame ‘a small group of students’ and to propose an inquiry ‘to determine the underlying reasons for continued student unrest promoted by individuals outside the student body [and] to uncover the source of external funding that has underwritten student protest in recent weeks’ (*Post-Courier* 9 June 2016). And Baki announced that the police had commenced their own investigation—not into the shooting but ‘into the affairs of the SRC president and members’ (*Post-Courier* 10 June 2016; also see Standish (2016).

In the chaos created by the police shooting on 8 June, parliament had adjourned before the no confidence motion had been tabled. The adjournment was to 2 August, by which time parliament would have been into its last 12 months before a scheduled election and a successful vote of no confidence would result in the dissolution of the House. Opposition leader Polye initiated a legal challenge to the adjournment

and the Supreme Court ruled that the House be recalled and accept and debate the no confidence motion; further it said 'the Supreme Court believes it should consider civil and criminal sanctions on those found to be responsible for the breach of constitutional duty under Section 23 of the Constitution' (quoted in *The National* 13 July 2016). Amid reports that the government would use its emergency powers to maintain law and order (ABC News 12 July 2016), the parliament subsequently met as ordered, on 15 July, and a week later, after a brief debate, voted on the motion (in which Polye was named as alternative prime minister). Although some MPs crossed the floor to join the opposition, the motion was defeated by 85 votes to 21.

Among those MPs who crossed the floor were Petroleum and Energy Minister Ben Micah and his People's Progress Party members, who cited dissatisfaction with the prime minister's handling of the student protests. O'Neill supporters were quick to accuse Micah of being behind the student protests (Radio NZ 17 July 2016).

Following the dramatic events of 8 June, the student boycott at the four state universities was maintained, but with some students and parents wanting classes to resume, there were also growing tensions, which sometimes followed regional or ethnic lines. In volatile Enga Province, where a request by UniTech students to conduct 'awareness' had been turned down by the provincial police commander, vehicles and buildings were damaged and people were injured; police accused students of 'leading a rampage through Wabag town' but witnesses reported that the public had turned on police when they ordered a peaceful crowd to disperse (*Post-Courier* 27, 20, 31 May 2016).

In mid-June classrooms at UPNG were opened, but generally empty; it was claimed that students wanting to resume their studies were being intimidated (*Post-Courier* 15 June, 6 July 2016). At UniTech the vice-chancellor urged students to return, amid reports of 'tribal' clashes on campus (*Post-Courier* 14, 15 June 2016). Fighting broke out at the University of Goroka, with local people joining in to support students from Eastern Highlands Province; around 50 people were injured, classes were suspended and students evacuated to their home provinces (*Post-Courier* 14, 15, 17 June 2016). On 22 June it was reported that classes at UPNG and UniTech had resumed (*The National* 22 June 2016), but the following day students and UniForce security personnel at UPNG clashed and UniForce property and a valuable book collection were destroyed by

fire. Subsequently 350 police were deployed to UPNG (*Post-Courier* 30 June 2016). About the same time, buildings were set alight and a student was killed in fighting between rival ethnic groups at UniTech and students left the campus. Students from Solomon Islands and Vanuatu at both universities were repatriated by their governments. Curfews were imposed at the two universities, following a recommendation of the National Security Advisory Council, which also recommended the possible declaration of a state of emergency and call-out of the PNGDF (*Post-Courier* 28, 30 June 2016).

By early September, however, classes were being conducted at all four universities, though UniTech suspended the SRC for 2016 and required students re-enrolling to undertake not to ‘engage in activities beyond their studies’ and UPNG refused to re-enrol student leaders associated with the SRC’s boycott movement—a move unlikely to promote reconciliation. (The students mounted a legal challenge to the UPNG administration’s action and obtained a stay order but in late September the university was still refusing to enrol SRC members; Radio NZ 28 September 2016.)

Beyond the universities, there were renewed calls in July for a general ‘withdrawal of services’ in support of calls for O’Neill to step down, and stop-work actions, notably in the aviation and health sectors, which led to the controversial sacking of eight AirNiugini pilots (*The National* 21 September 2016; Radio NZ 22 September 2016). (The pilots were subsequently allowed to return to work pending a National Court review; *The National* 10 October 2016.) Former prime ministers Somare, Morauta, Chan and Wingti joined those calling on O’Neill to step down, and Morauta released a ‘Statement of Reasons Why Prime Minister O’Neill Must Resign’.<sup>47</sup>

At the end of 2016 political tensions appeared to have eased and with its ninth national election scheduled for June–July the next year the country was beginning to drift into election mode. But the allegations against Prime Minister O’Neill had not been resolved, the RPNGC was still deeply divided and there remained a good deal of political angst, with continuing calls for O’Neill to step down.

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47 See statement here: [www.mekeremorauta.net/single-post/2016/07/19/Why-Prime-Minister-O'Neill-must-resign](http://www.mekeremorauta.net/single-post/2016/07/19/Why-Prime-Minister-O'Neill-must-resign).



## Politics since 2011: A change in the nature of political contestation?

When Namah and O'Neill, with the collaboration of Nape, staged their political coup against Somare in 2011, they claimed legitimacy on the basis of the parliamentary majority they had achieved (notwithstanding the fact that the majority vote by which they attained control of the parliament was twice deemed unconstitutional). With this majority, which split the governing National Alliance-led coalition, the O'Neill–Namah de facto government secured popular support and eventually the compliance of the bureaucracy; it ignored the rulings of the Supreme Court, and passed retrospective legislation to stave off opposition; and it used its executive authority to harass those (like the chief justice) who still opposed them. Having gone ahead with the 2012 national election, and having won power by legal means, the O'Neill government (with Namah in opposition) appeared to have had a change of heart, or at least a change of strategy, when O'Neill and Somare were reconciled and the offensive legislation of 2011–2012 was repealed. But looking at the processes of governance in Papua New Guinea since August 2012, it is arguable that new patterns of political contestation have emerged—or perhaps recently established patterns have been magnified—under the O'Neill government.

Despite the actions that O'Neill and Namah took between August 2011 and June 2012, once elected as prime minister in 2012 O'Neill repeatedly voiced his respect for the rule of law: 'I am firm in my resolve to restore and instil confidence in the rule of law and operation of our constitutional democracy', he said (*The National* 19 September 2012); 'we have the highest degree of respect in our judicial system' (Pacnews 18 June 2014). Yet, having been praised for his resolve to tackle official corruption, notably through the creation of Taskforce Sweep, when questions of possible corruption were raised against him in the 'Parakagate' affair, O'Neill refused to attend a police interview and proceeded to remove the police commissioner and deputy commissioner, investigators of the police NFACD, the attorney-general, the solicitor-general, the head of Taskforce Sweep and even the taskforce itself, and the RPNGC's lawyer was replaced by the new police commissioner with a private lawyer who was directed to support the plea of O'Neill's lawyers to withdraw the warrant of arrest against O'Neill. And when the courts ruled against the National Executive Council's decision to close down Taskforce Sweep and to remove Sam

Koim from the government payroll, the government simply cut off its funding, placing in jeopardy a large number of anti-corruption cases. In September 2014 O'Neill reportedly told a gathering in Mount Hagen that no-one could overthrow his leadership or change the government in parliament, because 'it would be difficult' (*The National* 5 September 2014). At the end of 2016, lawyers acting for O'Neill and Marape had managed, through a series of legal manoeuvres continuing for more than two and a half years, to put off a resolution of the charges against them. The person first chosen by O'Neill to replace the offending police commissioner was gone, but had been replaced by another commissioner whose actions were supportive of O'Neill. The person chosen to replace the offending attorney-general remained, having survived charges of contempt and misappropriation. And the courts eventually upheld O'Neill's disbanding of Taskforce Sweep.<sup>48</sup> Meanwhile Paul Paraka not only walks free, but in February 2016 submitted bills amounting to over K24 million for alleged outstanding payments from the state and in July 2016 launched a new political party, the Grassroots United Front Party, and announced his intention of contesting the 2017 national election (*PNGExposed Blog* 23 February, 22 July 2016).

The decision to go ahead with the UBS loan without the necessary referral to parliament may have been an (inexcusable) oversight rather than an attempt to bypass the legislature (with a dominant majority in government there was little doubt that parliament would have authorised the loan), but when confronted with allegations that he had acted illegally and with significant opposition to the loan, O'Neill's response was to plough ahead and use threats in an attempt to silence his critics, including the Ombudsman Commission. In this case, O'Neill survived the legal challenge, but questions about the wisdom of the borrowing remain.

In the case of the amendments to the constitution and the OLIPPAC, O'Neill clearly had strong support from his colleagues in the coalition and from some in the opposition, as well as the qualified support of the registrar of political parties, but the amendments to the constitution, which had the effect of making a vote of no confidence against the prime minister more difficult, were subsequently overruled by the Supreme Court and when the national parliament rose in March 2017 the revised OLIPPAC had not been tabled in parliament.

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48 For a comment on this and other recent judicial decisions that have gone against those pursuing anti-corruption cases see Kama (2016).

O'Neill has been able to behave as he has largely because there has been no effective parliamentary opposition. When he was elected prime minister in August 2012 he received 94 votes from the 106 seats that had been declared, but the opposition was further marginalised as more minor parties and independents flocked to the People's National Congress-led coalition. In August 2014 the registrar of political parties could only identify definitely two opposition MPs (Namah and Marat) in the 111-member parliament (*Post-Courier* 18 August 2014),<sup>49</sup> and in early 2015 it was rumoured that even Namah might join the government (*Post-Courier* 9, 10 February 2015). In 2016 Micah and the People's Progress Party crossed to the opposition, and the split in the Triumph Heritage Empowerment Party increased the opposition slightly, with a few more MPs, including Somare, on the crossbenches, but it remained small. As the *Post-Courier* commented in August 2012 (quoted above), with such a majority the government 'can do virtually anything' on the floor of parliament.

In February 2015 the (then) 30-month grace period came to an end, opening the window on the 18-month period in the 60-month parliamentary term during which a vote of no confidence might be moved. Following some speculation, promoted by Polye (*The National* 13 February 2015), a motion was submitted in October but was rejected by the Permanent Parliamentary Committee on Private Business (PPCPB) as 'defective' (*The National* 30 October 2015); instead, the House passed a vote of confidence in O'Neill by 78 votes to 2. An amended motion was submitted in November but was again rejected by the PPCPB, which (as reported in *The National* 13 November 2015) resolved 'that the motion was not in the best interests of the nation at this particular point in time and was therefore parochial in nature'; parliament was then adjourned for over five months. Former attorney-general Allan Marat described the rejection as unconstitutional and a breach of standing orders (*The National* 30 October 2015).

A new, amended, motion was submitted when the House met again in March 2016 but it too was rejected, prompting Polye to mount a legal challenge against the PPCPB (*Post-Courier* 31 March, 1 April 2016) and

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49 Sam Basil was elected as a Papua New Guinea Party (PNGP) candidate in 2012 and served as deputy opposition leader under Namah (and later under Polye), but in August 2014 he resigned from the PNGP and became parliamentary leader of Pangu Pati—and for a while its only MP. He remained deputy opposition leader, but at the time the registrar was not certain of Pangu's allegiance.

Kerenga Kua to resign from the National Alliance (which as a member of the governing coalition had accepted the PPCPB's rejection). In July, after parliament had adjourned without debating a vote of no confidence motion the previous month, the Supreme Court handed down a 21-page judgement. It ruled that the four moves to thwart a vote of no confidence 'are unprecedented and pose a real threat to parliamentary democracy'; further, it said, 'the Supreme Court believes it should consider civil and criminal sanctions on those found to be responsible for the breach of constitutional duty under Section 23 of the Constitution' (quoted in *The National* 13 July 2016; also see ABC News 12 July 2016). As noted above, parliament was ordered to reconvene and debate the motion, and O'Neill won by a substantial margin—but not before an apparent attempt by Speaker Theodore Zurenuoc to again overrule the motion, a tactic that he abandoned when former attorney-general Kua suggested this would attract a charge of contempt of court (Radio NZ 18 July 2016).

O'Neill has rationalised his parliamentary majority into a political philosophy. On several occasions he has announced the view that in Papua New Guinea's democracy the legislature is supreme: shortly after his election in 2012 he defended his actions in August 2011 at the Australian National Press Club in Canberra by saying, 'Parliament is the supreme authority in Papua New Guinea' (*The National* 10 December 2012); in July 2013 he accused critics of the proposed constitutional amendments of attempting 'to undermine the supreme authority of this Parliament' (*Daily Hansard* 17 July 2013, p.19); and in June 2014, when the ombudsman attempted to stop interest payments on the UBS loan, O'Neill was reported as saying, 'I'm sure that the Commission realizes that the task of running the country lies with the executive government ... I do not think it is wise for anyone to think that they might have a right, or mandate, to stop the government from doing its work' (Prime Minister's Office press release 1 June 2014; *The National* 2 June 2014). 'Mandate' is a word O'Neill uses frequently, as in June 2014: 'I am not going to resign ... I was mandated by the people to be the head of this government' (adding, outrageously, 'National Alliance was given the same mandate and ruled for 10 years and *nobody questioned that mandate*' [italics added]; *The National* 23 June 2014; *Post-Courier* 24 June 2014; also see *The National* 1 April 2016, 24 May 2016).

To be fair to O'Neill, the exploitation of a large parliamentary majority, and a compliant speaker, is not new to Papua New Guinea politics: the Somare government of 2002–2007 became the first to survive a full five-

year term of office, but, as I have argued elsewhere, this was perhaps due less to the provisions (invalidated in 2010) of the OLIPPAC<sup>50</sup> that prevented MPs from switching allegiance and crossing the floor than it was to the government's management of parliamentary procedures and use of adjournments of parliament.<sup>51</sup> But—apart from the questions that 'supremacy of parliament' raises in relation to the 'rule of law'—without an effective opposition, parliament can become, in effect, a rubber stamp for the executive (as it was accused of being from 2002 to 2011 under Somare). Recent years have arguably seen a marked decline in the duration<sup>52</sup> and quality of parliamentary debate and the ascendance of 'executive government'.

Paradoxically, in the absence of effective political opposition to the government in the 'supreme' legislature, political contestation and the pursuit of accountability have shifted in new directions: for one, opposition, from within parliament and outside, has turned to the courts (and the Ombudsman Commission) to challenge decisions of government; for another, there has been a burgeoning of political critique through social media. It might be argued that neither is a satisfactory alternative to robust parliamentary debate.

Pursuit of opposition and accountability through the courts is a poor alternative on several grounds. First, courts of their nature are primarily concerned with issues of law rather than with policy content. In a case such as Parakagate the courts have had a critical role to play in upholding the law, but in relation to votes of no confidence, for example, their role is limited—though, as illustrated by the Supreme Court's intervention in July 2016 to enforce a vote on a motion of no confidence, the courts have sometimes been able to play an 'activist' role. Even where their role is clear and important, however, legal decisions can be delayed for long periods by appeals, adjournments, delays in scheduling court proceedings and challenges on technical grounds—as the Parakagate saga testifies. Further, to the extent that political contestation shifts from the parliament to the courts, the possible unintended effect is that the judicial system may become, or be seen to be, politicised, or as in 2011–2012 that it is ignored, and therefore undermined. To date the judicial system has stood

50 For details see Okole (2012).

51 May (2013:166); also see Nonggorr (2012) and Stewart (2012).

52 In 2008–2009 (a parliamentary year runs for 12 months from the date on which parliament first convenes, usually early August) parliament sat for 33 days; in 2009–2010 it sat for 35 days; in 2012–2013, 49 days; in 2013–2014 (the last year for which figures are available), 37 days.

up fairly well, but it appears to be under increasing pressure.<sup>53</sup> Following the Supreme Court's ruling on the vote of no confidence in July 2016, the speaker of the national parliament, Theodore Zurenuoc, said, 'the Supreme Court has taken over the powers of the clerk of the parliament' (*The National* 18 July 2016) and there were some (including O'Neill and Marape) who argued that the court's intervention violated the separation of powers between the legislature and the judiciary. The speaker has since filed for a Supreme Court reference on the separation of powers (*Post-Courier* 30 August 2016).<sup>54</sup> Apart from the dubious logic of this argument, the same considerations regarding the separation of powers between the legislature and the executive do not seem to have concerned those who have embraced the dominance of the executive over the legislature.

Papua New Guinea has always had a robust print media, with strong 'letters to the editor' sections, and has now developed what former Papua New Guinea journalist Rowan Callick has described as 'a rampantly critical social media' (*Weekend Australian* 12–13 April 2014; also see Rooney 2012). Social networking has, overall, played a useful role in promoting awareness of political issues and providing a voice for opposition, but, to quote from a recent editorial in the *National* newspaper (27 March 2015), 'recent developments have given rise to criticisms against the abuse of social media in spreading defamatory information, lies and half-truths'; and the postings by bloggers are not always supportive of democracy—for example, there have been calls for the PNGDF to 'do something' about 'the rampant corruption by the O'Neill government' (*PNGBlogs* 13 March 2015). This has, on a number of occasions, led to calls for restrictions on the social media (notably, as cited above in 2012, but also see comments by MP Sasindran Muthuvel reported in the *National* 15 November 2013, and see Callick in *Weekend Australian* 12–13 April 2014). The *National's* editorial endorsed proposals by the National Information and Communication Technology Authority for cybercrime legislation to establish 'proper mechanisms' to prevent abuse of social media. Proposed measures included a requirement that bloggers use their real names. Frequently, bloggers in Papua New Guinea do use

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53 In a paper entitled 'The untouchables polluting our justice system' a pseudonymous 'Kelly Peramo' (formerly with the court registry) discusses a number of court cases that he or she considers to have given rise for concern (Peramo 2015).

54 Also see *Post-Courier* (25 July 2016), quoting Morobe governor Kelly Naru, *Post-Courier* (13 September 2016), reporting comments by Prime Minister O'Neill at a Pacific Judicial Conference in Port Moresby, and *The National* (22 June 2016, editorial).

their real names, but in doing so they expose themselves to the possibility of 'payback'. In November 2014 prominent blogger Bryan Kramer was arrested on charges of conspiring to kill, following allegations by Madang MP and minister for petroleum and energy Nixon Duban (against whom Kramer had stood in the 2012 election and subsequently lodged an appeal); the arrest of Kramer followed comments on his website relating to Parakagate, and appears to have been a case of politically motivated harassment (*PNGBlogs* 20 November 2014).<sup>55</sup>

In April 2016 the National Executive Council endorsed a cybercrime policy (*The National* 1 April 2016). Following the unrest and criticism of the government in July, minister for communication and information technology, James Miringtoro stated, 'civil legal action must be taken against online news services who publish false and misleading information'; Miringtoro specifically mentioned EMTV (Papua New Guinea's national television station), the Australian Broadcasting Corporation and LoopPNG (ONE Papua New Guinea 2 August 2016; *Post-Courier* 3 August 2016). Shortly after this, parliament passed the *Cybercrime Code Act*. While presented primarily as a measure to counter terrorism, the legislation has been widely seen as giving the government a means of acting against its online critics. Such concerns were not allayed when, at an APEC meeting in Peru in 2016, attended by Facebook founder Mark Zuckerberg, Prime Minister O'Neill said that Facebook had become a tool of disruption in some societies and that online platforms had a duty of care to protect communities from the harm inflicted by lies and malicious slander, and in December 2016 the National Information and Communications Technology Authority, citing 'numerous complaints ... regarding articles and statements appearing on blogs', announced penalties of up to K25,000 or 25 years gaol for 'abuse [of ICT services], particularly on social media platforms' (*Post-Courier* 23 December 2016).

If neither the courts nor social media (nor, it might be said, proposed changes to the OLIPPAC) offer an effective counter to executive dominance, are there other alternatives? None seems obvious.

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55 In June 2015 the charges against Kramer were dismissed, for lack of evidence, by the Waigani Committal Court; in welcoming the decision Kramer said, 'innocent people let the court process confirm their innocence, while those who are guilty tend to avoid and frustrate it' (EMTV 6 April 2017). He promptly announced he would lay criminal charges against those behind his arrest.

Papua New Guineans take pleasure in referring to their country as ‘the Land of the Unexpected’, and political forecasting is certainly more difficult than in most other countries. In the past, Papua New Guinea has shown remarkable resilience in recovering from what seemed at the time to be political crises. Nevertheless, there do seem to be grounds for concern at some of the tendencies evident in Papua New Guinea politics in the period from 2011 to 2016, which need to be watched if Papua New Guinea is to maintain its standing as a democratic country.<sup>56</sup>

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56 On Freedom House ratings, from 1999 to 2003 Papua New Guinea was given a Freedom rating of ‘free, 2.5’ (civil liberties 3, political rights 2 [1 = best; 7 = worst]); between 2004 and 2008 its rating slipped to ‘partly free, 3.0’ (3,3), as a result of ‘growing corruption and violent crime’, and from 2009 to 2013 it slipped further to ‘partly free, 3.5’ (3,4) on account of ‘the government’s failure to address increasingly widespread instances of corruption and official abuse of power’; in 2014 it recovered to 3.0 (3,3) ‘due to efforts ... to address widespread official abuse and corruption’, but in 2015 went back to 3.5 (3,4) ‘due to Prime Minister Peter O’Neill’s increasingly authoritarian leadership style’, and remained on that level in 2016.



# 15

## Politics in Papua New Guinea: From O’Neill to Marape

*This paper was first published as Department of Pacific Affairs Discussion Paper No. 2020/3. I am grateful to the late Dr Henry Okole for sharing his insights into events as they happened in Port Moresby, and to Dr Bal Kama for his comments on an earlier draft of this paper.*

In earlier papers I surveyed events in Papua New Guinea politics from the ‘political coup’ against the incumbent prime minister, Sir Michael Somare, in 2011 [Chapter 13], up to early 2017, preceding the country’s ninth post-independence general election [Chapter 14]. During this time, Papua New Guinea was governed by a coalition headed by Peter O’Neill. Chapter 14, having detailed the way in which O’Neill came to power—in defiance of two Supreme Court decisions in 2011–2012 and then through legitimate parliamentary election following a general election in 2012—focused on three political issues that dominated much of the political activity of the period and that, I believe, provided insight into how politics was being played. These three issues were: first, ‘Parakagate’ and its ongoing fallout (in which Prime Minister O’Neill was accused of involvement in corruption and eventually had an arrest warrant issued against him, but managed to avoid arrest by a combination of dubious legal manoeuvres and the dismissal of those in government who opposed him); second, the UBS loan affair (in which the prime minister controversially directed treasury to borrow US\$1.2 billion from a Swiss-based global financial services company, ignoring advice that such borrowing required parliamentary approval, which led to the resignation of the treasurer, Don Polye, who subsequently became leader of the opposition, and an

investigation by the Ombudsman Commission that found O'Neill's actions illegal and referred the prime minister to the public prosecutor); and third, amendments to the constitution and to the Organic Law on the Integrity of Political Parties and Candidates (the general effects of which were to make it more difficult to remove a sitting government, and attracted successful challenges).

By 2015, popular opposition to O'Neill was growing and there were calls for him to step down. In October that year a protest rally in Port Moresby was broken up by police, with several protesters injured in the confrontation. The following year saw students at the country's four state universities initiate a boycott of classes in protest against the government; they were supported by the Papua New Guinea Trade Union Congress and a coalition of civil society groups that called for a 'National Disobedience Day', and by opposition politicians who sought a parliamentary vote of no confidence. A planned student march in support of the parliamentary vote was blocked by police and several students were injured. Attempts by the O'Neill government to block the vote of no confidence were overruled by the intervention of the Supreme Court (which described the government's attempts to thwart the vote as 'unprecedented and ... a real threat to parliamentary democracy'—quoted in *The National* 13 July 2016), but in July 2016 O'Neill comfortably survived a no confidence vote, by 85 votes to 21. Some members of parliament (MPs) had crossed the floor to join the still relatively small opposition, and calls for O'Neill to step down continued. At the end of 2016, tensions seemed to have eased somewhat, O'Neill remained in power, and with a general election scheduled for June–July 2017, the country had begun to drift into election mode, with MPs focused on their local constituencies. However, in March the leader of the National Alliance (NA) party, Patrick Pruaitch (the member for Aitape-Lumi in West Sepik Province), who was treasurer in the O'Neill government, strongly criticised the government's economic management and accused O'Neill of being 'a micro-manager of all ministries' (Radio New Zealand 3 April 2017). He was promptly dropped from cabinet. With a view to his re-election, Pruaitch was probably seeking to distance himself from O'Neill (and if this was his intention, the strategy succeeded; he was re-elected).

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

## The O'Neill government 2017–2019

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

With four seats still to be decided, O'Neill's PNC had won 27 seats—compared to 55 at the end of the 2012–2017 parliament—and several prominent members of the previous O'Neill government had not been re-elected. The NA (formerly led by Sir Michael Somare but, in 2012–2017, under the leadership of Patrick Pruaitch, part of the O'Neill government) gained a few seats to have 14 MPs. Pangu Pati, one of Papua New Guinea's oldest political parties, led up till 1988 by Sir Michael Somare, had languished over the years, but under Sam Basil, who switched to Pangu in 2014, it enjoyed some success in 2017, having 11 seats (including seven of the 10 seats in Morobe Province). William Duma's United Resources Party (URP) increased its parliamentary membership to nine; Belden Namah's PNG Party's numbers increased to six and former prime minister Sir Julius Chan's People's Progress Party (PPP) lost two of its leading MPs

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1 Haley and Zubrinich (2018:ix). Even a report by a Commonwealth observer team—usually careful not to offend—expressed concerns over the conduct of the election and called for a thorough review of the election process (Commonwealth Observer Group 2017:57–58), and a Transparency International PNG observation report described the election as ‘flawed to an unforgivable extent’, with over 54 per cent of voters surveyed in the highlands claiming they had experienced evidence of bribery or intimidation (TIPNG 2017:iii, 52). Nevertheless, the electoral commissioner (who in October 2019 was arrested over charges of official corruption associated with the 2017 election) described it as ‘generally peaceful’ and ‘successful’, and Australia's foreign minister praised Papua New Guinea for its ‘successful election’. For a brief review of the election see May (2017); for more comprehensive accounts see Haley and Zubrinich (2018), TIPNG (2017), Commonwealth Observer Group (2017) and Wood and Laveil (2019).

2 One of the more controversial declarations was in the Southern Highlands Provincial constituency, held by William Powi, a member of the PNC, which was the last seat to be declared. When in June 2018 appeals against Powi's election were dismissed by the court, an angry mob with high-powered weapons rampaged through the provincial capital, Mendi, setting fire to buildings, including the court house and Powi's residence, and to an Air Niugini aircraft parked on the runway of Mendi airport, resulting in the declaration of a state of emergency in the province.

but retained five seats. Fourteen other parties had between three and one members, and there were 14 independents. Of the remaining four seats the PNC subsequently won two.

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

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

At first it looked as though O’Neill would be faced with a stronger opposition than he had faced in the previous parliament. Although former opposition leader Polye lost his seat, the NA was the second-largest party in parliament and part of the opposition, and Pruaitch emerged as opposition leader. Pangu was initially the third-largest party (and following the recruitment of several independents the second-largest party), and part of the opposition. Former prime minister Sir Mekere Morauta—a respected leader and a strong critic of O’Neill—returned to parliament (having not contested in 2012) and Kerenga Kua (who had been attorney-general under O’Neill before being dropped after disagreements with the prime minister and had joined the opposition) was re-elected, as was the outspoken Oro governor and critic of O’Neill, Gary Juffa.

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3 On the role of parties in elections more generally, see Chapters 4 and 5 in this volume, Okole (2005, 2012) and Wood and Laveil (2019).

Former opposition leader Namah (who earlier in his parliamentary career had been deputy prime minister under O'Neill) was also returned. Two notable new MPs, businessman Allan Bird and well-known O'Neill critic Bryan Kramer (who maintained a popular social media site on Facebook, the *Kramer Report*) also joined the opposition.

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

In early 2018 it looked as though O'Neill had further consolidated his position as prime minister. Shortly after parliament convened it was reported that Papua New Guinea's National Court had lifted a stay order on the arrest warrant against O'Neill, clearing the way for his arrest to face charges of corruption. However, O'Neill's lawyers lodged yet another appeal and in December 2017, the Supreme Court ruled that the arrest warrant was 'defective' and it was quashed (ABC News 15 December 2017; *Post-Courier* 18 December 2017)—though as Papua New Guinean legal scholar Bal Kama observed, 'the Court's ruling did not exonerate O'Neill of the allegations of corruption. It only said that the warrant issued was defective, leaving the substantive allegations still open to scrutiny' (Kama 2017:5). Earlier, the Supreme Court had also quashed the proposed referral of O'Neill to the public prosecutor over the UBS loan. Combined with Papua New Guinea hosting a prestigious APEC summit meeting in late 2018, and financial assistance flowing in from China, Australia, the United States and elsewhere, O'Neill's star might have appeared to be on the rise.

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4 Among those Pangu MPs who remained in the opposition were Morauta (who was elected in 2017 as an independent but joined Pangu), Bryan Kramer (elected as a Pangu candidate but in May 2018 left Pangu and formed his own Allegiance Party), and Morobe governor Ginson Saonu, who became leader of the opposition Pangu faction.

5 For a more detailed discussion of Basil's possible motivation see the *Kramer Report* (30 September 2017) and *PNG Attitude: Keith Jackson & Friends* (25 September 2017). According to Kramer, O'Neill had approached Basil with a promise of four cabinet posts if Pangu joined the government, and had also approached Pruaitch.

Coming at a time of economic downturn and expenditure cuts, however, the lavish spending on the APEC meeting—which had little impact beyond Port Moresby and included the last-minute importation of a fleet of Maseratis and Bentleys for the use of delegates—drew widespread criticism. Also, the UBS loan affair refused to go away. The loan had been used by the government to acquire shares in Oil Search Limited, a major player in Papua New Guinea’s liquefied natural gas (LNG) development. With declining LNG prices, however, in 2017 the government had to sell the shares to repay the loan, incurring a loss of around K1 billion (A\$435 million). Further, early in 2019 it was reported that Swiss financial regulatory authorities were investigating the UBS loan (*Australian Financial Review* 14 March 2019). O’Neill came under renewed fire following the leaking of a 322-page report by the Papua New Guinea Ombudsman Commission (completed in December 2018 but not tabled in parliament until May 2019), which suggested that the transaction may have breached a number of Papua New Guinea laws (Ombudsman Commission of Papua New Guinea 2018).

Another controversial matter during O’Neill’s early years in office (but not discussed in my earlier paper) concerned the Papua New Guinea Sustainable Development Program (SDP). The SDP was created in 2001 when BHP Billiton divested itself of its majority shareholding in the lucrative but troubled Ok Tedi gold and copper mine in Western Province (in which the Papua New Guinea government was also a shareholder). The SDP took over the BHP Billiton shares and established what was termed the Long Term Fund, to which revenue from dividends was set aside to be used for the benefit of the people of the province after the closure of the mine. The architects of the arrangement (then prime minister Mekere Morauta and Australian economist Ross Garnaut), with a view to safeguarding the fund against possible predation by cash-strapped future national governments, registered PNG Sustainable Development Program Limited in Singapore as an independent incorporated company. Even before taking over as prime minister in 2011, O’Neill had been critical of the SDP, and on becoming prime minister he sought to gain control of the SDP and its US\$1.4 billion Long Term Fund. Garnaut, who had become chair of Ok Tedi Mining and the SDP, was barred from the country and in 2013 Prime Minister O’Neill controversially expropriated the Ok Tedi Mining Limited shareholding from SDP. O’Neill then initiated legal action in Singapore in an attempt to gain control of the company. He was strongly opposed by Morauta, who succeeded Garnaut as chair

of SDP. In April 2019 the Singapore High Court ruled comprehensively in favour of SDP Limited in what Morauta described as ‘a humiliating defeat for Mr O’Neill and an expensive exercise in futility’ (*PNG Attitude: Keith Jackson & Friends* 10 April 2019). O’Neill said he would appeal and would set up a commission of inquiry into SDP; he also deported SDP’s media adviser. However, Western Province’s four MPs welcomed the decision and the SDP relaunched its activities after a four-year hiatus.<sup>6</sup>

Against this background, rumours began circulating of tensions within the governing coalition and in January 2019 Eastern Highlands governor Peter Numu quit the coalition, reportedly accusing O’Neill of false promises and failure to recognise provincial governments (*The National* 21 January 2019; Radio NZ 24 January 2019). Several other MPs crossed the floor to join the opposition.

Under the constitutional provisions that grant incoming prime ministers a grace period of 18 months during which they cannot be subjected to a vote of no confidence, O’Neill was invulnerable to such a move until February 2019. In late 2018 the opposition gave notice that it would submit a motion of no confidence, though senior opposition figures Namah and Morauta were reported as saying, ‘we don’t want to change the government, we want to change the prime minister’ (*Post-Courier* 2 November 2018). But when parliament met in February, the House voted to adjourn for three months, before a motion could be moved. The motion to adjourn was moved by the then finance minister and leader of government business, James Marape, who had been closely associated with O’Neill since 2011.<sup>7</sup>

## The coalition dissolves

In April 2019, however, Marape and O’Neill had a falling-out over the signing of a US\$16 billion agreement for the expansion of LNG operations with foreign venture partners ExxonMobil, Total and Oil

<sup>6</sup> For more background on this issue see, for example, *Australian Financial Review* (24 September 2019) and McLeod (2019). In June 2019, Marape led a delegation to Singapore for a meeting with SDP officials ‘to find a way in to’ the SDP (Radio NZ 2019).

<sup>7</sup> Marape had been elected as an NA candidate in 2007 and had served as a minister in the Somare government but was among those who supported O’Neill’s move against Somare in 2011 and in 2012 he joined the PNC. He was subsequently associated with O’Neill in the ‘Parakagate’ investigation and implicated in the UBS loan affair [Chapter 14].

Search (*Post-Courier* 11 April 2019). Marape spoke of a ‘lack of trust’ and said that his advice had been ignored, which recalled similar complaints by former treasurers Polye and Pruaitch (*Post-Courier* 12 April 2019). Initially, he remained in government but later defected to the opposition. Marape was followed by the then justice minister, Davis Steven, who expressed concerns about the current state of governance, warning ‘the rule of law is at stake’ (Radio NZ 19 April 2019), and by Southern Highlands governor William Powi, who spoke of ‘the abuse and misuse of the institutions of government’ as the biggest danger facing Papua New Guinea (Radio NZ 29 April 2019). A number of other coalition MPs also crossed the floor. By early May, at least 24 MPs had defected, including five ministers and the governors of five provinces. Marape called on O’Neill to put the leadership of the PNC to the vote and said he would hold back his letter of resignation if O’Neill let the party caucus decide the issue. He was supported by Deputy Prime Minister Charles Abel and several other senior PNC MPs, but O’Neill refused, claiming ‘our government is very stable’ (*Post-Courier* 26 April 2019). More defections followed.<sup>8</sup>

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

Basil remained with O’Neill and in April was rewarded with promotion to the finance portfolio vacated by Marape (a second cabinet post was also given to a Pangu MP). But the Pangu Pati’s non-parliamentary executive, and its Morobe branch, supported the opposition and the 15-member parliamentary party split, with six MPs identifying with the opposition. Basil was expelled by the party and was reported as saying he would form a new party, Our Party, with his Pangu-elected supporters (*Post-Courier* 24 April, 1 May 2019; Radio NZ 26 April 2019). Instead, in early May it was announced that Basil and eight of his former Pangu MPs had joined the Melanesian Alliance (MA), another of Papua New Guinea’s early

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8 For a more detailed account of the shifting party allegiances in this period see Radio NZ (29 April, 1, 5 May 2019), *Post-Courier* (30 April, 1, 6 May 2019), Radio Australia (6 May 2019), *The National* (7 May, 31 December 2019) and Ivarature (2019).



parties that had fallen on lean times with only one MP, Joseph Yopyyopy.<sup>9</sup> Basil was reportedly invited to join the MA by its party general-secretary, Nick Klapat, but after the announcement was made, Basil received an irate letter from MA president James Chamilou, informing him that Yopyyopy was the MA party leader, that the party had not authorised any leadership takeover, and that Basil had breached the Organic Law on the Integrity of Political Parties and Candidates and would be referred to the Police Fraud Squad for investigation: ‘We will seek legal advice before we file a civil proceeding against you to claim compensation over the alleged stealing of our party including forging and altering our party logo’, the letter said (EMTV 25 May 2019).<sup>10</sup>

Around the same time, the ‘interim leader’ of the pro-opposition faction of Pangu, Morobe governor Ginson Saonu, offered Marape a home with Pangu and in mid-May Marape accepted, bringing with him 14 MPs from the PNC (*Post-Courier* 13, 14 May 2019).

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

in contradiction to the separation of powers ... It contradicts the invitation by the Governor General to form government, to the party that’s got the highest number of Members of Parliament. (*Post-Courier* 17 May 2019)<sup>11</sup>

He would not hand in his resignation, he said, until the court process was complete (*The Australian* 28 May 2019). The Supreme Court, however, deferred a decision, ruling that the matter had no urgency (*Post-Courier* 29 May 2019). In another familiar tactic, members of the Permanent Parliamentary Committee on Private Business (PPCPB) (which vets motions of no confidence) who had shifted to the opposition were

9 Yopyyopy was elected as a Social Democratic Party candidate in 2012 but later defected to the URP. In 2017 he was re-elected as an MA candidate and in May 2019 he was with the opposition group. He later became minister for education in the Marape government.

10 In November 2019 Basil formed a new party, the United Labour Party—his fifth party affiliation in nine years.

11 In an apparent attempt to forestall a foreshadowed no confidence vote against O’Neill, then attorney-general Davis Steven had filed a reference in 2018 seeking a Supreme Court interpretation of no confidence vote proceedings (the opposition countered by filing for a reference on the legality of O’Neill’s election in 2017); at this stage no interpretation had been given. In Chapter 14 I referred to O’Neill’s dubious views about his ‘mandate’ and the separation of powers. More recently, Kama (2019) has provided a detailed examination of the concept of separation of powers in Papua New Guinea.

removed from the committee and replaced by O’Neill loyalists. O’Neill also announced that his government would ‘review social media platforms to stop fake news’; ‘fake news’, he said, ‘is destroying our country’ (*Post-Courier* 14 May 2019).<sup>12</sup>

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

But Papua New Guinea politics is seldom predictable. On 26 May the international press reported that O’Neill had resigned and had nominated former prime minister Sir Julius Chan as his replacement.<sup>14</sup> Local observers (including former chief justice Sir Arnold Amet), however, noted that O’Neill had not used the word ‘resign’, that the ‘appointment’ of Chan was unconstitutional,<sup>15</sup> and that, in any case, if O’Neill did resign he would, constitutionally, remain in office until parliament voted in a new prime minister. Chan himself issued a press release denying that he

12 Compare comments on social media and ‘cybercrime’ policy in Chapter 14. It is, however, worth noting that in April 2019, in criticising the press for failing to cover opposition moves, Namah, too, reported ‘threatened to regulate the print media if elected’ (*Pacific.Scoop PNG* 27 April 2019).

13 For an account of the political manoeuvring that saw Pruiitch emerge as the opposition nominee (over Marape and Duma), and Marape elected as prime minister, see the *Kramer Report* (29 May, 3 June 2019).

14 See, for example, *The Guardian* (26 May 2019), *Sydney Morning Herald* (26 May 2019), *New York Times* (26 May 2019), ABC News (26 May 2019) and BBC News (26 May 2019). The Australian prime minister, Scott Morrison, apparently without consulting with foreign affairs officials, praised O’Neill and said he looked forward to working with Chan, which drew rebuke from Morauta, who described Morrison’s action as ‘inappropriate, unhelpful and discourteous’ and ‘could be interpreted as renewed attempts at interfering in our domestic politics, as Australia did in the 2017 elections’ (*Australian Financial Review* 27 May 2019).

15 The Papua New Guinea constitution requires that an acting prime minister must be a government minister; being a provincial governor, Chan could not be a government minister. Amet’s statement is reported in *PNGToday* (26 May 2019).

was acting prime minister but had simply been designated as ‘provisional caretaker of the Government Coalition’ (New Ireland Government Media Unit press release 27 May 2019). Chan, supported by three other prominent MPs, also spoke out against O’Neill’s application to the Supreme Court in order to delay the vote of no confidence. Many suspected a plot by O’Neill to retain office.<sup>16</sup> When parliament met on 28 May, Pruaitch sought to introduce motions to change the composition of the PPCPB and to remove the speaker (PNC member Job Pomat), but he was blocked by the speaker. After a tense confrontation between government and opposition MPs, the House was adjourned, though the opposition achieved a minor victory when senior MPs agreed to set aside the motion against Pomat and allow changes to the membership of the PPCPB demanded by the opposition (ABC Radio 28 May 2019; *Post-Courier* 29 May 2019). However, on 29 May, faced with losing a vote of no confidence, O’Neill delivered his letter of resignation to the governor-general, triggering a parliamentary vote to appoint a new prime minister.

Following O’Neill’s formal resignation, Marape and his renegade supporters moved back to the government benches and Marape became the government nominee for prime minister. In an extraordinary further twist, opposition leader Pruaitch nominated O’Neill (who was seconded by Namah); O’Neill accepted the nomination but subsequently withdrew. The remaining opposition members nominated former prime minister Morauta. Marape won the vote by 101 votes to 8, with Pruaitch and his NA voting for Marape.

## The Marape government 2019–2021

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

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16 According to Keith Jackson (*PNG Attitude: Keith Jackson & Friends* 5 May 2019), O’Neill made separate promises to Abel, Marape, Basil and Richard Maru, that if they supported him in a vote of no confidence he would resign and make them prime minister.

The day after his election, Marape nominated an eight-man ‘caretaker cabinet’, all of whom had been ministers in the O’Neill government and half of whom were still members of the PNC. But a week later he announced a cabinet of 33 ministers. It included 21 ministers who had served under O’Neill, including Steven (as deputy prime minister and minister for justice and attorney-general), Abel (finance and rural development), Basil (treasurer), Richard Maru (national planning and monitoring) and Justin Tkatchenko (housing and urban development). Interestingly, it also included two opposition MPs—Kerenga Kua (as minister for petroleum and energy) and Bryan Kramer (minister for police)—who had been among O’Neill’s strongest critics and had not voted for Marape.<sup>17</sup> It was reported that Marape had offered O’Neill a cabinet post, but the former prime minister had declined (Radio NZ 4 June 2019). Duma and his URP did not get a ministerial portfolio.

In early statements, the new prime minister spoke of a ‘change of direction’ and said ‘this leadership is about ... taking back our economy’, which he said was ‘bleeding and struggling’. He foreshadowed a review of ‘several major resource projects’ but assured investors that his government would not break legally binding project agreements. He described his government as ‘pro-investment and pro-business’ but looking to shift focus from mining and petroleum to agriculture (*Post-Courier* 30 May 2019; ABC News 30 May 2019; *The National* 5 July, 27 August, 28, 30 October 2019; *The Australian* 25 July 2019). The government did not intend to chase away investors, he said, but would ‘look into maximising gain from what God has given this country’ (*Australian Financial Review* 31 May 2019).<sup>18</sup> He also expressed a wish ‘to diversify Papua New Guinea’s [foreign] relationships’, though Australia ‘would remain a key partner’ (Radio Australia 3 June 2019). In July, Marape made a state visit to Australia. It was reported that he had requested a A\$1 billion loan from Australia to ‘stabilize the economy’, having earlier approached China for assistance to refinance the country’s substantial national debt. Following a PNG–Australia ministerial forum the next month it was announced that Australia would provide a concessional loan of US\$300 million (A\$442 million) to help refinance debt and support an economic reform

17 On accepting the appointment, and promising to crack down on corruption, Kramer was reported as saying, ‘I have no question of doubt I will eventually get killed for what I do’, and claimed to have received intelligence about ‘a plot by “senior ranking [police] officers”’ to have him arrested and charged (*Straits Times* 9 July 2019; *The Guardian* 11 August 2019).

18 For a more comprehensive statement of his vision for Papua New Guinea, see Marape (2020).

agenda. Although denied by the Australian government, Australia's action was widely seen in the context of its 'step up' to counter China's growing influence in the island Pacific (*The Australian* 7 August 2019; ABC News 7 August 2019; *Post-Courier* 21 August 2019; *The National* 22 August 2019). And in June 2020 the International Monetary Fund approved emergency financing to Papua New Guinea of around US\$364 million to address balance of payments needs arising from the COVID-19 pandemic (IMF press release No. 20/238, 9 June 2020; *The National* 10 June 2020).

An early move by Marape was to initiate a review, headed by Kua, of the LNG agreement, which had precipitated his split with O'Neill in April 2019. The review, and negotiations with the operating companies, were completed in October and amending legislation passed by the national parliament. The government had honoured the agreement, Marape said, while successfully pressing for some additional benefits, particularly in relation to local participation in the construction phase. At the end of 2019, however, the government had been unable to conclude an agreement with ExxonMobil for the development of the Papua LNG project and in late January 2020 withdrew from negotiations.<sup>19</sup> Basil, as treasurer, was given the task of reviewing tax arrangements for resource projects, with a view to increasing revenue.

The government also announced that it would press ahead with a proposed but long-delayed Independent Commission against Corruption (ICAC).<sup>20</sup> Pending the creation of ICAC, however, and following the leaking in June of the Ombudsman Commission's report on the UBS loan (see above), the government tabled the report and announced a commission of inquiry into the affair, to be headed by former chief justice Sir Salamo Injia, with former chair of Taskforce Sweep, Sam Koim, as senior counsel assisting.<sup>21</sup> Marape took this action notwithstanding the fact that, as finance minister at the time, he was implicated in the UBS loan affair and the Ombudsman Commission report had found his conduct to be 'wrong and improper' and had recommended he be investigated under the Leadership Code (Ombudsman Commission of Papua New Guinea 2018:214–15, 221;

19 *The National* (17, 26 July 2019, 17 October 2019, 7 January 2020), *Post-Courier* (17 October 2019), *Weekend Australian* (27–28 July, 23–24 November 2019), Prime Minister's Office media release 31 January 2020, 'Statement on the P'nyang Gas Agreement Negotiations'; also see Kama (2020).

20 A Bill to establish an ICAC passed its second reading in the national parliament in June 2020. Parliament had also passed a *Whistleblower Act*.

21 Koim was subsequently appointed as commissioner-general of the Internal Revenue Commission and will not take part in the inquiry.

*The Australian* 31 May 2019). At the end of 2019 the commission of inquiry had yet to receive funding and appoint international lawyers to assist; it planned to start work early in 2020, with a view to reporting in July.<sup>22</sup> In August 2020 the inquiry was still ongoing, the commission having issued a summons for O’Neill to appear before it, after he had failed to appear earlier.

The UBS affair aside, at the time of O’Neill’s demise as prime minister there was speculation as to whether a new government would attempt to revive the corruption charges against him arising from ‘Parakagate’ (see above and Chapter 14). With Marape as prime minister this seemed unlikely, but there were still some in the government who were intent on pursuing the former prime minister. Prominent among these was Bryan Kramer, who in June 2019 had become police minister. One of Kramer’s first actions as police minister was to remove Acting Police Commissioner Gari Baki.<sup>23</sup> Baki had been controversially appointed by O’Neill in 2015 and had frustrated attempts by the police National Fraud and Anti-Corruption Directorate to prosecute O’Neill [Chapter 14]. Following O’Neill’s re-election in 2017, Baki had closed the case on O’Neill’s outstanding arrest warrant. Kramer, then an opposition MP, vowed to file fresh proceedings against Baki and O’Neill (Radio NZ 24 August 2018; *PNG Attitude: Keith Jackson & Friends* 26 August 2018). However, in December that year it was reported that a senior committal court magistrate (Mekeo Gauli) had ruled that the 27 charges against Paraka were an abuse of court processes and had been dropped (*Post-Courier* 11 December 2018; Radio NZ 11 December 2018). The same month, the Supreme Court had ruled that the arrest warrant against O’Neill was ‘defective’ (see above).

After being appointed police minister, Kramer continued to attack O’Neill on his social media platform, the *Kramer Report*, prompting O’Neill to initiate a defamation lawsuit against him. Following further postings on the *Kramer Report*, in February 2020 the National Court issued a temporary injunction on any attempt by police to arrest O’Neill and warned Kramer against ‘interfering with police operations’ (*Post-*

22 See *The Guardian* (26 June 2019), *Post-Courier* (27 June 2019), *The National* (9 July, 18 September, 17 December 2019), *PNGToday* (6 August 2019), LoopPNG (13 August 2019), Reuters (4 November 2019) and Radio NZ (26 February, 5 March 2020).

23 Baki’s contract had expired shortly before this and he was at the time acting commissioner. Two deputy commissioners, whose contracts had also expired, were removed at the same time (Radio NZ 6 July 2019; Asia Pacific Report 8 July 2019).

*Courier* 14 February 2020) by using his social media against O'Neill. The Supreme Court subsequently dismissed Kramer's appeal to lift the National Court's restraining orders (*The National* 13 February, 6 March 2020; *Post-Courier* 14 February, 4 May 2020; Radio NZ 5 March 2020). Then, in June 2020, 22 charges against Paraka, of conspiracy to defraud, theft by false pretence, misappropriation and money laundering, were dismissed for lack of evidence by the Waigani District Court, and O'Neill and others involved in Parakagate were cleared of offences (LoopPNG 10 June 2020; *The National* 11 June 2020; Radio NZ 15 June 2020). Paraka threatened to sue for damages. However, prominent journalist Rowan Callick, former editor of the *Times of Papua New Guinea*, was moved to write, 'the fierce independence of PNG's courts appears to be on the wane' (Callick 2020).

Meanwhile, in October 2019 it was reported that police had issued another warrant for the arrest of O'Neill. The now former prime minister was accused of official corruption and refusing to cooperate with police over allegations concerning the funding of a church-run health centre in Madang Province (Kramer's home province). O'Neill described the allegations as a 'political power play' and his lawyers secured an interim stay order (Radio NZ 16 October 2019). Following a litigious path reminiscent of the 2014–2018 arrest warrant episode, O'Neill filed for a judicial review of the warrant, which he claimed was 'defective'. Police responded by withdrawing the warrant (with the possibility of submitting a new warrant) and Kramer accused O'Neill's lawyers of fabricating a defective document to put before the court, saying that a member of O'Neill's legal team had been charged with forgery and attempting to pervert the course of justice. O'Neill's lawyers countered by filing a complaint against Kramer, alleging that he had falsified an arrest warrant. In the midst of this, Chief Justice Sir Gibbs Salika lodged a complaint with police against Kramer relating to a Facebook post by the minister concerning the interim stay order and requesting police to investigate and lay charges against him. In March 2020, the National Court made orders to restrain Kramer from using social media to comment on the conduct of police operations, but Kramer appealed the decision and in September the Supreme Court upheld his application.<sup>24</sup>

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<sup>24</sup> See *The Guardian* (15 October 2019), ABC News (15 October 2019), *The National* (14, 16, 17, 22 October 2019, 13, 17 February 2020), *Post-Courier* (28 October, 13 November 2019), Radio NZ (16 October, 11, 13 November 2019), Reuters (1 November 2019) and the *Kramer Report* (14 November 2019).

In March 2020 O’Neill was arrested on new charges of misappropriation, official corruption and abuse of office. These charges arose from an episode in 2013, in which O’Neill, while prime minister, controversially arranged the K94 million purchase of two generators, without parliamentary approval or tender, from an Israeli company with which he had had some connection (*The Guardian* 24 May 2020; *Australian Financial Review* 24 May 2020; *PNGToday* 27 May 2020; *The National* 11 June 2020; *Times of Israel* 24 May 2020; also see Chapter 14, footnote 25). At the time of writing, this case was still before the courts. [In October 2021 O’Neill was found not guilty of misconduct in the purchase of the generators.]

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

Meanwhile, in July, having voted for Marape in the parliamentary vote of May 2019, as opposition leader, Pruaitch initiated a legal challenge to Marape’s election, claiming that ‘proper procedures were not followed’.<sup>25</sup> In September, however, Pruaitch and all but two of his NA members accepted an invitation by Marape to join the coalition government and the former opposition leader withdrew his challenge. Namah replaced Pruaitch as opposition leader and vowed to pursue the challenge to Marape’s election.<sup>26</sup> This case, also, dragged on through complex and protracted legal wrangling. In 2017 charges were revived against Namah, over his attempt to remove Chief Justice Injia in 2012 (an incident documented in Chapter 14). In 2018 a leadership tribunal found Namah

25 The legal challenge rested on the argument that, having been nominated, O’Neill’s subsequent withdrawal from the election was a breach of parliamentary standing orders and thus invalidated the election.

26 See Radio NZ (2 July, 12 September 2019), *The National* (15 August, 6, 11, 20, 23 September, 17 November 2019) and *Post-Courier* (10 September, 5 November 2019).



guilty of misconduct and he was suspended from parliament, but was granted a stay order and continued to serve as an MP, being elected leader of the opposition. When Namah took up the challenge to Marape's election, questions were raised about his legal status as opposition leader and his consequent ability to make the challenge. In May the Supreme Court ruled that, notwithstanding the stay order, Namah was suspended when he filed the initial challenge, and the National Court dismissed the case against the election on technical grounds. In July 2020, however, the National Court ordered a permanent stay on the actions against Namah, and Namah re-filed his application, with the speaker of the national parliament recognising him as opposition leader. The public prosecutor subsequently sought another stay order and appealed the National Court's decision to the Supreme Court, but the Supreme Court dismissed the application, arguing that the leadership tribunal had failed to afford Namah natural justice. At the time of writing the challenge remained unresolved (*The National* 3, 10, 26 March, 1 April, 18 June, 22 July, 3, 11 September 2020; *PNGToday* 29 May 2019; Radio NZ 1 June 2020). [In November 2020 the Supreme Court dismissed the challenge to Marape's election.]

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

Also around this time, Marape accused O'Neill of trying to undermine his government and asked the former prime minister to leave the government benches and join the opposition (Radio Australia 28 August 2019; *PNGToday* 9 September 2019; Radio NZ 12 September 2019; *The National* 8 October 2019). O'Neill and Maru shifted to the cross

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27 See Bird's comment on his shift to government at [mylandmycountry.org/politics/why-i-joined-government-allan-bird-east-sepik-governor/](http://mylandmycountry.org/politics/why-i-joined-government-allan-bird-east-sepik-governor/)

benches, but O'Neill refused to identify with the opposition, later saying he would remain part of any government that continued the work he initiated (*The National* 2 January 2020).

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

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

Several MPs who had left minor parties (or had been elected as independents) and joined PNC in 2017–2018 had shifted back to their earlier affiliations (or joined other parties) and Pangu's numbers steadily rose—to the point where Marape urged MPs to join other parties, 'as Pangu was looking at quality not quantity' (EMTV 5 December 2019).

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

In June 2020, following further criticism of the government by O'Neill, the prime minister issued a press release in which he said, 'the PNC leader continues to play politics, so unfortunately his Members in my Government benches will have to move to the opposition benches' (Prime Minister's Office media release 1 June 2020; Radio NZ 2 June 2020; LoopPNG 3 June 2020). The speaker, Job Pomat, resigned from the PNC, 'to maintain the integrity of the position' (EMTV 22 June 2020), and retained the speakership.

But things can change rapidly in Papua New Guinea politics. Towards the end of 2020 there was growing criticism of Marape's management of the economy, and with Marape's grace period coming to an end on 30 November there was even speculation about a possible vote of no confidence. Perhaps in response to this, a limited cabinet reshuffle took place in October, in which Deputy Prime Minister Davis Steven was

replaced by Sam Basil. However, in a surprise move on 13 November, with parliament meeting to pass the budget, over 40 MPs, led by Basil, crossed the floor of parliament to join the opposition. Among the group of defectors, which included 13 cabinet ministers, were Steven, Pruaitch, Duma and former deputy prime ministers Abel and Sir Puka Temu. The opposition first changed the membership of the Parliamentary Committee on Private Business, forestalling an attempt to block a motion of no confidence, and then adjourned the parliament until early December, beyond the expiry of the 18-month grace period and into the period of vulnerability. The group then withdrew to Vanimo, in Namah's home province of West Sepik, to plan their move against Marape.

A series of political manoeuvres followed in quick succession: the speaker, Pomat, overruled the decision of his deputy on 13 November to allow the adjournment of the House and recalled parliament; Marape and his supporters resumed sitting on 17 November and reversed the decisions taken four days earlier, passed the budget, and adjourned parliament until April; an appeal by O'Neill to the Supreme Court resulted in a ruling on 9 December against Pomat's action, voiding the proceedings of parliament on 17 November, and ordering that parliament reconvene; and the opposition filed a motion of no confidence naming Pruaitch as alternative prime minister (Pruaitch having defeated Basil in a vote for selection by 27 to 24 with four abstentions). Then, in another surprise move, when parliament met on 16 December, 17 MPs, led by Basil, crossed back from opposition to government, giving Marape a clear majority, which he used to pass the budget (again) and adjourn parliament to 20 April 2021. Doubtless disappointed at being passed over as the opposition's alternative prime minister, Basil returned to the government as deputy prime minister. In a final twist, in early April Pruaitch and four of his NA faction returned to the government, reuniting the NA parliamentary party.

When parliament reconvened in April a new motion was filed, naming O'Neill as alternative prime minister. Earlier Marape had said that Namah and O'Neill were free to move a no confidence motion, describing the two as the 'strangest of bedfellows' (EMTV 15 October 2020), but before the motion could be moved the House voted to extend the adjournment, with Marape citing concerns about the escalating rate of COVID-19 infections (several MPs and parliamentary staff having tested positive). As opposition leader, Namah challenged the government's failure to consider the vote of no confidence in November, but in May 2021 the Supreme Court dismissed his application. The four-month extension

carries the adjournment into the final 12 months of the parliamentary term, when a successful no confidence vote results in the dissolution of the House. With a high turnover of MPs in every national election to date, this has not been an option that MPs in the past have been prepared to exercise, and seems likely to ensure that Marape will continue as prime minister until the national election scheduled for July 2022.

## Conclusion

In my review of political developments under Prime Minister Peter O'Neill (Chapter 14), I suggested that there seemed to be grounds for concern at some of the tendencies evident in Papua New Guinea politics in the period 2011–2016. During that period, O'Neill had defied rulings of the Supreme Court on the legality of his election as prime minister in 2011; refused requests from police to come in for questioning over allegations of corruption; dodged a consequent arrest warrant by a series of dubious legal manoeuvres; sacked or otherwise harassed those who opposed him; signed off on a large and controversial loan without parliamentary approval (and sacked his treasurer, who refused to sign); and, aided by a compliant speaker, repeatedly attempted to frustrate a parliamentary vote of no confidence, culminating in an intervention by the Supreme Court that described his actions as posing 'a real threat to parliamentary democracy' (quoted in *The National* 13 July 2016). I argued that O'Neill was able to behave as he did largely because, with a large governing coalition, there was little effective parliamentary opposition. O'Neill claimed that his (legitimate) election in 2012 had given him a 'mandate' to rule and that the parliament (though in effect he implied the parliamentary executive) was 'supreme'. Further, I suggested that, in the absence of effective political opposition to the government, political contestation and the pursuit of accountability had tended to shift to the courts (and the Ombudsman Commission), and to a burgeoning social media—neither of which provided adequate safeguards for sustaining democracy.<sup>28</sup>

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28 I also noted, however, that the exploitation of a large parliamentary majority, and a compliant speaker, were not new to Papua New Guinea, the Somare government of 2002–2007 having managed parliamentary procedures and used adjournments of parliament to thwart opposition.

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

However, following a pattern familiar in Papua New Guinea politics, by 2018 there was growing discontent within the coalition, and within O'Neill's PNC, and in May 2019 a dispute between O'Neill and his finance minister, Marape, precipitated Marape's departure from the government and a subsequent flow of MPs from government to opposition. Described above is the sometimes bizarre process by which Marape replaced O'Neill as prime minister and consolidated his position, as MPs who had shifted to the opposition moved back into government and were joined by other previously opposition MPs. Among other things, this leadership saga illustrates the fluidity and fragility of political parties, and the shallow nature of political loyalties.

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

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



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