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ORGANIC LAW ON THE INTEGRITY OF POLITICAL PARTIES AND CANDIDATES: A TOOL FOR POLITICAL STABILITY

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The views expressed here are my personal views and does not represent those of the Integrity Commission to which I am a member, or the Registrar of Political Parties.

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Organic Law On the Integrity of Political Parties and Candidates: A TOOL FOR POLITICAL STABILITY

By Dr. Orovu Sepoe

'A tool is as good as the user who uses it'. If not used properly or misused, it may cause harm or not perform its role.'

I begin with this metaphor to stress that the Organic Law On the Integrity of Political Parties and Candidates (OLIPPAC) can only meet its objectives if and until key political actors (including registered political parties, members of parliament, the government in power and relevant agencies responsible for implementing the Organic Law) use it properly to achieve its overall objective of creating political stability.

Four years on (2001-2004) from its enactment to its implementation, some commentators from the public and the academia and think tanks in the region, have questioned the effectiveness or workability of OLIPPAC. Some have boldly stated that OLIPPAC has failed. This declaration reminds me of a similar thesis namely 'failed state'; a contested notion which argues that particular States in the Pacific have failed; an example being the Solomon Islands, whilst others such as PNG and Nauru are heading towards that direction. Counteracting this thesis are those who have argued that Pacific states have hardly had a century of experience in parliamentary and constitutional democracy and yet they have been declared failed states or about to become failed states. Others argue that given the harsh realities of their colonial experience and the haphazard process of decolonisation in the Pacific Island states, these factors, to some extent, explain the current poor state of affairs in these countries. This, of course, does not rule out in way the inexcusable problem of corruption in high places. We all agree that corrupt leadership resembles a tropical ulcer for these States.

In this article I wish to provide some insights into the current status of OLIPPAC as a tool for creating political stability and to highlight the challenges of implementing the law.

I wish to argue that OLIPPAC is a worthwhile tool for creating political stability in PNG and take issue with the argument that OLIPPAC has failed. Two issues underpin the views I express here. First, is OLIPPAC meaningless or insignificant in the context of a weak party system or endemic political instability in PNG? Second, who is responsible for making OLIPPAC achieve its overall goal of creating political stability?

¹ This paper is a response to Alphonse Gelu's contribution to the Pacific Week on "The Failure of the Organic Law on the Integrity of Political Parties & Candidates", RSPAS, Australian National University, January 2005.

With these questions in mind let me reflect on the brief history and current status of implementing OLIPPAC. The implementation of OLIPPAC took effect in 2001 when the Central Fund Board (renamed the Integrity Commission following the 2003 amendment) and the Office of the Registrar of Political Parties was established, with relevant appointments made in accordance with Section 4 of the law. Two thirds of the membership comprise of constitutional Office holders, namely the Clerk of Parliament, Electoral Commissioner, the Chairman of National Fiscal Commission and the Registrar. These *ex-officio* members, including the two community (church and women) representatives have to play a crucial role in ensuring the independence of the Integrity Commission by standing above party politics and any other political pressure. Otherwise, the vision of OLIPPAC would be seriously comprised and undermined.

In terms of staffing, the Registrar has been the only full-time staff, assisted by three casual staff and one seconded legal advisor. These casual officers, along with the Registrar, constituted the Secretariat from 2001 to 2004 performing their responsibilities within the constraints of scant resources with total commitment. The Minister responsible for the Integrity Commission is the Prime Minister. Budgeted directly under the Prime Minister's Department, one can see how political will, or its absence, can have a tremendous influence on how the Integrity Commission and the Registry of Political Parties can perform its role.

In 2001 when the registration process began, altogether 44 political parties applied for registration in 2001 and the Central Fund Board of Management (now Integrity Commission) approved registration for all, except one. What was foremost in the mind of the Commission at the time of registration was to accommodate the prevailing situation of large numbers of political parties and to later facilitate a natural process of amalgamation or even dissolution of smaller parties, in the event of electoral defeat or simply inability to endure the stringent requirements of OLIPPAC. This vision played itself out in the actual political events during the years 2002, 2003 and 2004.

When the writs for the 2002 election were issued the 43 registered political parties endorsed candidates to contest the race. After the 2002 national election, only 21 registered political parties had elected members in Parliament. In the aftermath of the 2002 election, smaller parties with one or less than a handful of elected members decided to amalgamate with larger political parties. As it happens often in PNG after elections, Independent Members of Parliament, on the eve of formation of government, decided their opportunities would be maximised if they joined registered political parties, and most did. All these resulted in boosting party membership in Parliament. Overall this process, although sometimes quite problematic, was often prompted by the political ambitions and interests of the elected members with little or no consultation with the membership of the political parties or their constituency outside parliament.

By 2004, the number of political parties in Parliament had been reduced to 15 and a major player in the enactment of the Organic Law, namely People's Democratic Party, had changed its name to Papua New Guinea Party – in accordance with relevant provision of the law. This happened to rid the Party's identification with the founder

(who was expelled), although his supporters in the party were resistant to the name and leadership change.

Meanwhile, characteristic trends in PNG politics continued in spite of the existence of OLIPPAC. For instance, internal party politics seeped out to destroy parliamentary coalition solidarity and threatened to dismantle and effectively destabilise the government for a great deal of the period after the grace period of 18 months (2001 to mid-2002). A prolonged suspension of parliament after the grace period hardly helped the political standing of PNG in terms of principles of good governance.

In 2003, when the Prime Minister attempted to push through the constitutional amendment to Section 145 on Vote of No Confidence, this added more trouble to a much fragile coalition government. Politicians continued to play their power juggling games in spite of provisions in OLIPPAC that required them to support the Prime Minister or abstain. Contrary to provisions of OLIPPAC, not all members of the coalition partners were willing to support the Prime Minister in the proposed Constitutional amendment to extend the grace period to 36 months. None followed the Standing Orders of Parliament to legitimise their choice to abstain. Ambivalence to rules of conduct is common amongst most Members of Parliament. Instability continued particularly as a result of leadership struggles within major political parties and this was in turn due to the failure of political parties to comply with provisions of OLIPPAC. For example, resolution of internal party conflicts was not the responsibility of the Registrar of Political Parties to resolve but an internal party matter to be resolved in accordance with the respective party constitution and party resolution. Too few of the parties concerned were willing to adhere to this simple requirement.

Throughout 2004, in and outside Parliament, renegade coalition partners and their supporters relentlessly plotted to move a vote of no confidence against Sir Michael Somare. The chaos inside Parliament regarding the sitting arrangements of government and opposition MPs did little to support political stability envisaged in OLIPPAC. The non-partisan status of the Speaker of Parliament also came under serious question. Advice from the Clerk of Parliament to the Speaker, originating from the Integrity Commission decisions, conveyed through the Registrar of Political Parties, seemed to fall by the way side. Clearly, political ambitions and political expediency tended to over-ride OLIPPAC, which did little to instill any sense of discipline in the MPs' behaviour and those of political parties generally.

The national court and private lawyers were kept busy with the business of adjudicating disputes on party leadership and internal party divisions. The Ombudsman Commission also had its share of workload relating to cases of non-compliance by individual MPs, which constituted a breach of the Leadership Code. Specific examples include a few MPs who voted against the Prime Minister in matters that required their support as determined by OLIPPAC.

By March 2004, by law **all registered political parties** were required to furnish their financial returns. The response was slow in coming. Nevertheless by August 2004, all

registered political parties in Parliament had submitted their financial returns. The Registrar of Political Parties made sure that all financial returns were fully complete. Only six registered political parties **not** in Parliament submitted their financial returns. The rest (17 of them) failed to submit their financial statements. This constituted a serious breach of OLIPPAC. It was time to apply the ultimate penalty. The Integrity Commission made a decision in December 2004 that these political parties be deregistered. A public notice to this effect in the print media is forthcoming.

From this brief account, one hopes to create greater awareness that it has been a difficult task attempting to regulate the political behaviour of key players, particularly political parties and Members of Parliament. Some aspects of our political culture that has become entrenched such as party hoping and lack of party discipline will not change overnight or in a period of two to three years. At the very least we have OLIPPAC to help us discipline MPs and political parties, and the ruling coalition government. The existence of OLIPPAC and its inherent potential provides some hope for some measure of political order for PNG's extremely erratic political culture (party hoping, opportunism, threats of no confidence, etc). Let's not forget that it is this very problematic context within which OLIPPAC has been adopted and implemented. It is also an established fact that party mechanisms are relatively frail and possess neither organisational capacity nor the political clout to mobilise grassroots or popular support. The challenges of strengthening political parties must surely be a daunting under such conditions, as testified by events of the first four years.

Some measure of sensitivity is therefore needed in assessing the effectiveness of OLIPPAC. Funding constraints continue to impede the effectiveness of the Office of the Registrar of Political Party. The Office has been under-resourced from its inception to this very point in time. Now that the required staff, at least the key officers, will soon be appointed this may help to boost the capacity of the Secretariat to carry out its responsibility. In addition, continued political commitment from the government in power will ensure the Registrar's Office and the Integrity Commission fulfill their mandate.

The effectiveness of OLIPPAC is dependent on the key actors. If registered political parties and Members of Parliament comply with provisions of OLIPPAC then we can expect some degree of political stability. In addition, if the independence and the capacity of the Registrar's Office and the Integrity Commission are not undermined they can carry out their mandate effectively. Ultimately, OLIPPAC is as good as the users who abide by it and are serious about political stability and the common good.

Author's Note

Orovu Sepoe has served on the Integrity of Political Parties and Candidates and has participated in a workshop on Legislative Review of Electoral Laws and Administration, organised by the Electoral Commission and was a Member of UPNG/ANU Observer Team for the Abau By-Election in 2003 and for the Moresby North East By-Election in 2004. She is a Council Member of the Divine Word University and has been their Guest Lecturer on gender and development issues over the past 2 years.

Recent publications include:

“Women’s Political Participation in PNG”, in Peter Larmour ed. (1997) Governance and Reform in the South Pacific, National Development Centre, ANU, Canberra.

Author of *Changing Gender Relations in Papua New Guinea: The Role of Women’s Organisations* (2000). UBS Publishers, New Delhi, India.

“Experiences and Perceptions of Women in PNG Electoral Politics” in Politics in PNG: 25 Years On. Melanesian Institute for Pastoral & Social Economic Service, Goroka, EHP, 2000.

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“To Make a Difference: Realities of Women’s Participation in PNG Politics” published by Development Studies Network, ANU, Canberra 2002.