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PNG Update 2019

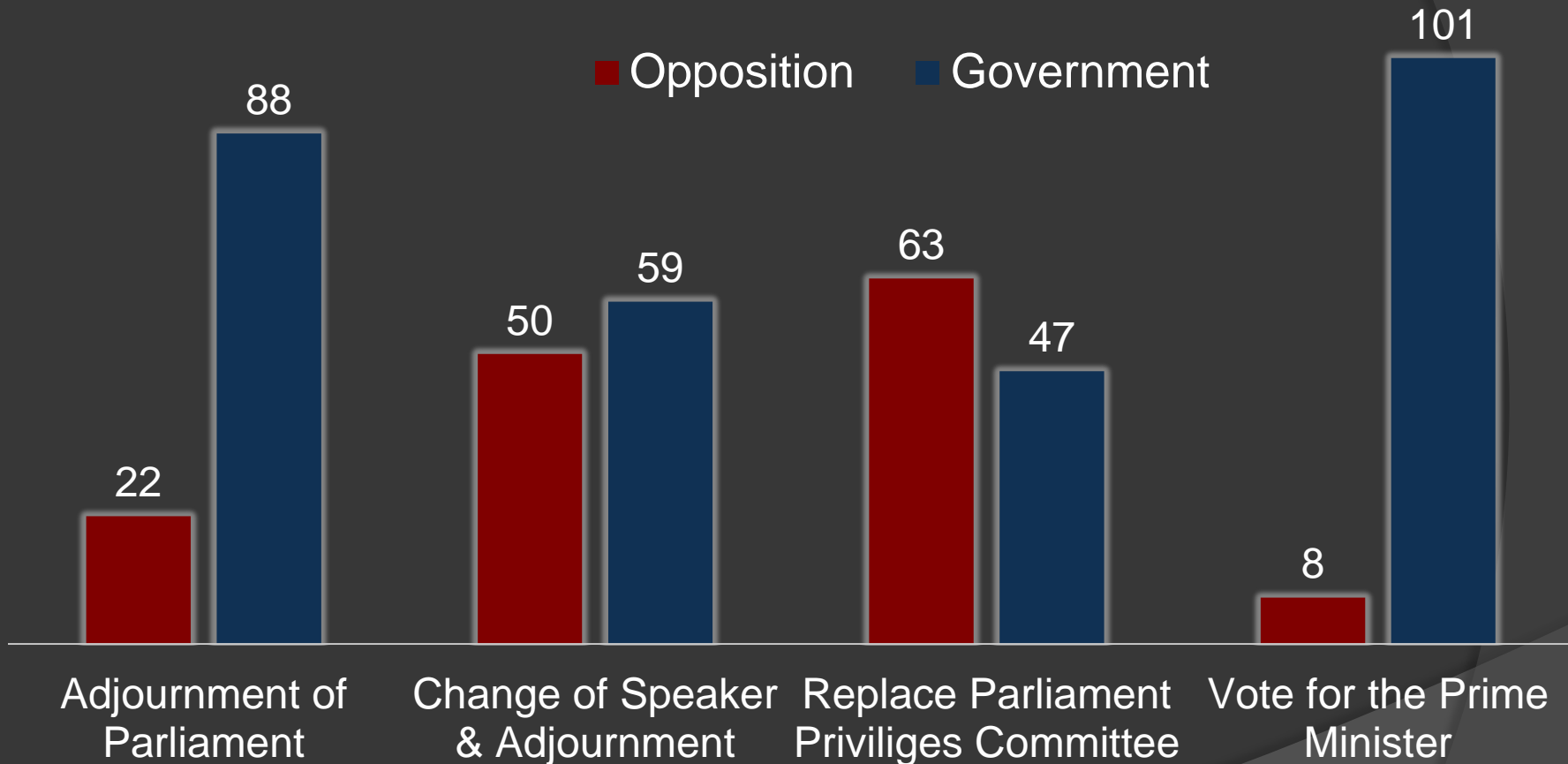
LIMITATIONS OF THE
ORGANIC LAW ON THE
INTEGRITY OF POLITICAL
PARTIES & CANDIDATES
(OLIPPAC)

Outline

- Recent political instability (January – May 2019)
- Background of OLIPPAC
- Limitations (Issues/Questions)
- Going forward

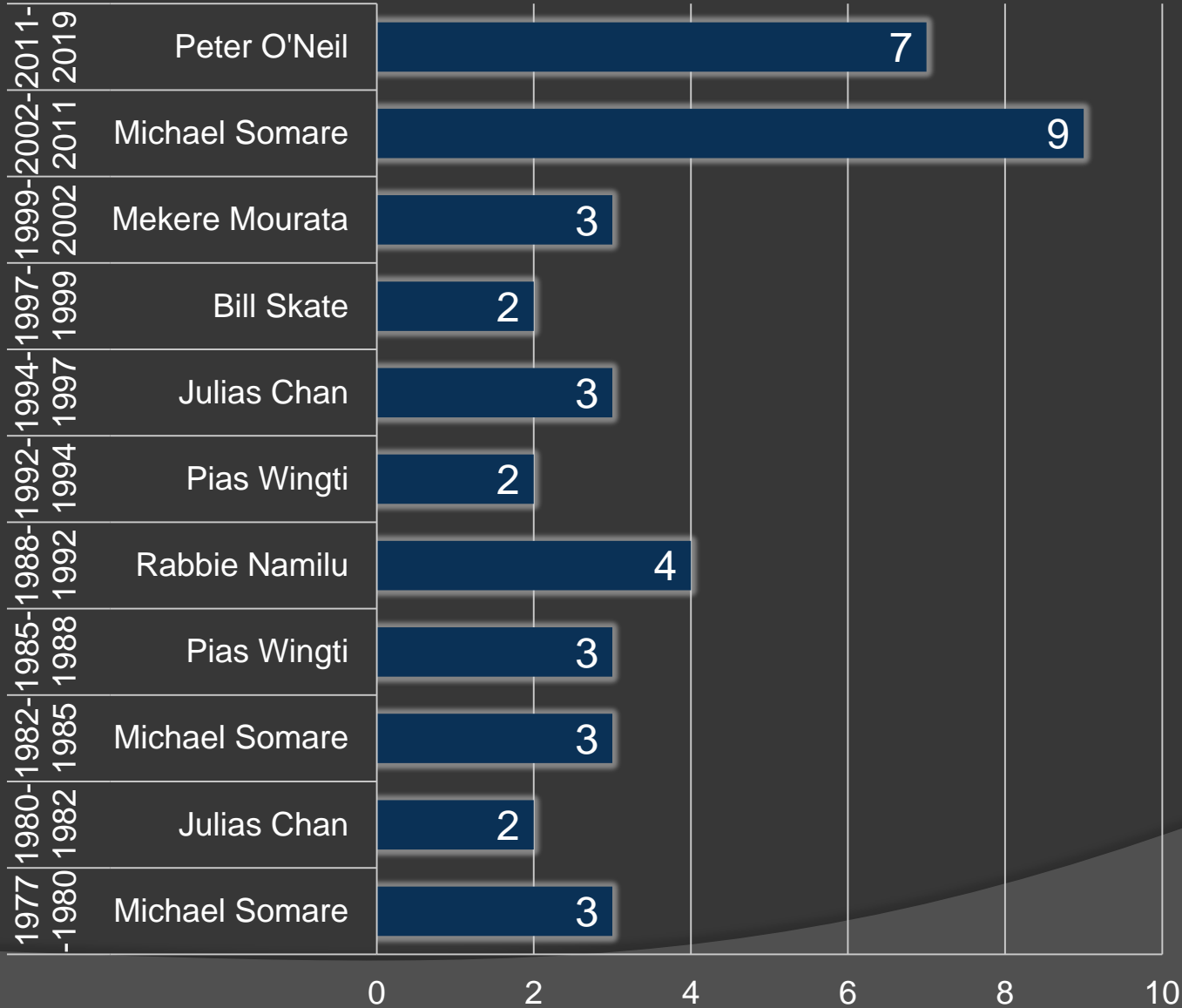
Political Instability 2019

Coalition voting behaviour (January 1 - May 30, 2019)



Background of OLIPPAC

Years in office



Unbroken chain of democracy – not accompanied by development

Some blamed it on political instability

OLIPPAC: Linchpin on political stability

- ⦿ **MPs to give substantial reason before resigning from political party– Ombudsman Commission to investigate**
- ⦿ **All MPs in a party to vote with party decisions in areas such as election prime minister**
- ⦿ **Party with the largest numbers after election invited to form the government**
- ⦿ **Procedural matters**

Supreme Court Ruling 2010

These two provisions unconstitutional:

- ⦿ MPs to give substantial reason before resigning from political – Ombudsman Commission to investigate
- ⦿ All MPs in a party to vote with party decisions in areas such as election prime minister

1. Provision on election of Prime Minister:

- Sec 63 – after general elections, party with the largest numbers invited to form the government
- Gov't formed reflect majority preference
- Prevent corruption involved in lobbying
- PM elected in an orderly manner

Vote of No Confidence

- Section 63 of OLIPPAC does not apply in Votes of No Confidence
- James Marape was nominated as opposition candidate on 7th April 2019
- He had no party after declaring his resignation from PNC
- Patrick Pruaitch was nominated as opposition

Lack of consistency

- 1997 Election, Bill Skate's PNC won only six seats out of 109, but was successful in attracting a majority to form government
- 2011 Vote of No Confidence, Peter PNC had only 5 MPs but O'Neil was elected PM
- If rationale of section 63 of OLIPPAC is for Gov't formed to reflect majority preference... shouldn't it apply to a vote of no confidence?

2. Fluidity

- ⦿ Ruling sections on political stability unconstitutional, Supreme Court relied on section 50 of the Constitution - Fundamental rights of the MP to:

“to take part in the conduct of public affairs, either directly or through freely chosen representatives; and to vote for, and to be elected to, elective public office as genuine, periodic, free elections; and to hold public office and to exercise public functions”

Supreme Court Ruling 2010

- ⦿ What about the rights of the voters?
- ⦿ The MP represents the aggregate preference of the voters – he does not represent himself!

3. OLIPPAC: Procedural Issues

- MP resigns – renders letter of resignation to his/her former party
- If he/she subsequently joins another party, must get a letter of acceptance from the party
- Submit these two letters to the Office of the Political Parties & Candidates
- Complete resignation process

Way Forward

- Consistency on election of PM after national elections & votes of no confidence
- Accept amended OLIPPAC (before parliament)
- Political-ecosystem: remove control of constituency funds from control of NEC