
Rationale

Papua New Guinea’s Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC) was enacted in 2001 as part of an ambitious attempt to hasten the development of political parties as stable and credible participants in PNG politics.

The OLIPPAC imposed registration and disclosure provisions on political parties in PNG; allowed for public funding of political parties; provided incentives for parties to nominate women candidates; and established disincentives for ‘party hopping’, including restrictions on the voting rights of members of parliament on key issues (by requiring those MPs who supported a Prime Minister at the beginning of a parliamentary term to support the Prime Minister in any subsequent no-confidence motions).

In July 2010 the PNG Supreme Court ruled invalid those provisions which sought to regulate MP’s voting behaviour, on the grounds that they infringed the powers, privileges and immunities of parliament and its members.

In response to the Court’s ruling, PNG’s Integrity of Political Parties and Candidates Commission (IPPCC) decided to review the state of political integrity legislation in PNG and consider what further action should be taken to encourage strong and stable parliamentary democracy in PNG.

The IPPCC invited the Centre for Democratic Institutions and the National Research Institute of PNG to contribute to this review.

Activity

The first element of the review was a policy review workshop held in Gaire Village, near Port Moresby on 13 and 14 April 2011.

The workshop was designed and convened by the IPPCC (with assistance from CDI and NRI) and involved a small group of highly credentialed national and international experts who were invited to:

- reflect on the operation of OLIPPAC; and
- consider options for the future of political party and candidate integrity legislation in PNG.

1 The workshop design team was Dr Orovu Sepoe and Dr David Anere (from IPPCC), Dr Musawe Sinebare and Dr Ray Anere (from NRI) and Grant Harrison (from CDI).
There were 30 participants, including officials from the IPPCC and other government agencies; researchers from NRI, the ANU and the University of Wollongong; transparency and anti-corruption advocates; and representatives from donor agencies including AusAID, UNWomen, and the Commonwealth Secretariat. A list of workshop participants is attached.

The workshop addressed a series of questions, structured around six themes:

- patterns of political behaviour in PNG;
- lessons from administering OLIPPAC;
- lessons from international experience;
- approaches to regulating political parties;
- incentives for political parties to nominate female candidates; and
- strategies for inducing candidate, parliamentary and party integrity.

A copy of the workshop program is attached.

As well as contributing to the design and facilitation of the workshop, CDI sponsored the participation of most of the international participants.

**Outcome**

Many participants had responded to focus questions on the above listed topics before the workshop and some (including Dr Alphonse Gelu, John Nonggorr, Professor Ted Wolfers, Dr Jon Fraenkel, Illa Geno, Dr Orovu Sepoe and Chronic Manek) were invited to make brief presentations to generate discussion at the workshop. The discussions, which involved all participants, were wide-ranging and well-informed, drawing on the immense practical and academic experience of the participants.

Some of the main issues canvassed during the discussions were:

- in relation to political parties generally (OLIPPAC ss25-28)
  - should public funding of salaries for party executives be tightened, to be available only to parties with elected MPs;
  - should such funding support be provided on a sliding scale, with more assistance available to parties with more elected members;
  - should party registration provisions require party constitutions to establish transparent and accountable management and decision-making within parties;
  - should registration provisions require parties to publish policies before a general election;
  - should registration provisions require party constitutions to prescribe rules relating to MPs voting behaviour (including penalties);
  - is the IPPCC effectively administering the registration provisions (is it able to investigate and assess the validity of party memberships or are new administrative processes required);
- in relation to registration of political parties (OLIPPAC ss29-52)
  - is the prescribed registration fee too low;
  - is the IPPCC effectively administering the provisions allowing parties to be deregistered if they fail to comply with registration requirements (or are new administrative processes required);
- in relation to the strengthening of political parties (OLIPPAC ss53-74)
should the prohibition on parties endorsing more than one candidate in an electorate be amended to allow for double endorsement, providing one of the candidates is female;
should Parliament’s Standing Orders be amended to reflect and support the provisions of OLIPPAC which remain in place after the Supreme Court’s decision;
should the parliament convene to determine the Prime Minister after a general election, repealing the current provision specifying that the party with the greatest numbers of MPs after a general election shall be invited to form government;
should a successful parliamentary motion of no-confidence in a government automatically result in the dissolution of parliament and the conduct of a general election (providing a deterrent to frivolous motions but retaining the supremacy of parliament);
- in relation to the funding of political parties (OLIPPAC ss75-87)
  - should the amount of public funding for political parties, or the circumstances in which it is paid, be adjusted;
  - should the level of public funding relate to the proportion of votes received rather than the number of MPs elected;
  - should the criteria for reimbursement of party expenses for women candidates be amended, to clarify the meaning of ‘10% of the votes cast’
  - should the amount of the reimbursement for women candidates (or its method of calculation) be adjusted;
- in relation to the submission of financial returns by political parties:
  - is the IPPCC effectively administering the submission of financial return provisions for parties and successful candidates (is it able to investigate and assess the validity of party memberships or are new administrative processes required);
  - are the offence and penalty provisions for non-compliance with these requirements (by parties and successful candidates) adequate;

At the conclusion of the workshop IPPCC Chairperson, Dr Orovu Sepoe, thanked all the participants for their observations and suggestions. She said that the IPPCC would now prepare a policy paper, summarising the many administrative, policy and legislation changes that had been discussed during the workshop, with the aim of presenting its reform options to the annual OLIPPAC conference to be held in Kokopo, East New Britain from 11 to 15 July 2011.

Fellow IPPCC Commissioner, Nao Badu (also Chairman of the National Economic and Fiscal Commission) thanked all participants for their contributions and remarked that workshop had been the most successful consultation ever conducted by the IPPCC.

CDI will continue to assist the IPPCC as it analyses the results of the workshop discussions and prepares its policy paper.

Centre for Democratic Institutions
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