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## PAPUA NEW GUINEA

It was another year of political drama for Papua New Guinea. The year was dominated by shifts in political allegiances, changes in political camps,

swaps in ministerial portfolios, the replacement of two deputy prime ministers, and a constitutional blunder in the reelection of the governor-general. In spite of the political rollercoaster, the Somare government successfully thwarted numerous attempts by the Opposition to remove Sir Michael Somare as prime minister, thus making the government more confident than ever to assert its grip on power until the national elections in 2012. It was also a year of legal battles and protests on controversial constitutional amendments and environmental issues. The concerned public, landowner groups, and nongovernmental organizations have become a fortified mouthpiece of the people on issues of human rights, equality, environment, and the constitutionality of amendments to laws that seem to favor politicians and multinational companies over people's rights. Unlike in previous years, these interest groups showed the government and resource companies that they are a force to be reckoned with concerning the legality of laws and decisions made by the government that have the potential to affect the welfare of communities.

The event that galvanized the nation in the early part of the year was the prison "walkout" of the country's most-wanted bank robber, William Kapris, on 12 January from the maximum-security unit of the country's top prison, Bomana, outside of Port Moresby. Kapris was involved in a string of million-kina bank robberies in the Gulf and Madang provinces. (One kina equals approximately US\$0.39.) He was released by a woman pretending to be a human rights lawyer who entered the maxi-

mum-security unit. He was recaptured on 5 February in a Port Moresby guesthouse and claimed in a police video interrogation to have close ties to certain politicians and the Asian triad in the country. He also claimed to have links to Minister for Treasury and Finance Patrick Pruaitch, Minister for Correctional Service Tony Aimo, and Deputy Speaker of Parliament Francis Marus, all of whom are from the same province as Kapris.

With these insinuations, the prisoner received high-level visits to his prison cell from the police commissioner and the then minister for justice and attorney general, Dr Allan Marat. It was alleged that Kapris was the most expensive prisoner, due to the costs involved in capturing him as well as the security provided to prevent any further escape attempts. His escape led to the suspensions of Correctional Service Commissioner Richard Sikani and Minister Aimo. Both the commissioner and the minister were later reinstated after investigations cleared them of all allegations.

Frequent jailbreaks have become an increasing public-safety concern and questions have been raised as to the capacity of the Correctional Service to manage the country's prison system. In what was seen as a startling response to the situation, Minister Aimo announced his decision to use K9 million to buy guns for the Correctional Service. The announcement was immediately condemned by Transparency International PNG (TIPNG), which argued that the community must be satisfied that this expenditure will result in improvements in the performance of the Correctional Service (*Post Courier*, 8 Oct 2010). Earlier in

August, Minister Aimo was considering the option of recruiting an expatriate to head the Correctional Service, as Commissioner Sikani's contract was expiring. This proposition also received criticism from the president of the Public Employees Association, Michael Malabag (*Post Courier*, 12 Aug 2010).

At the end of February, outspoken National Capital District (NCD) Governor Powes Parkop launched his new political party, the Social Democratic Party. About 1,000 people registered with K100 each as foundational members. Parkop had run for election in 2007 as an independent candidate with no political party affiliation.

The Maladina Bill, introduced in May 2009 by Esa'ala MP Moses Maladina for a constitutional amendment to remove the powers of the Ombudsman Commission, remains one of the most controversial constitutional amendments, attracting protests from wide segments of the community. Despite the outbursts, on the second reading of the bill on 9 March, Parliament voted 83 to 0 to amend section 27(4) of the PNG Constitution. The passing of the amendment will effectively disallow the Ombudsman Commission from issuing directives to prevent payment from public funds to officeholders if it feels there are improprieties.

TIPNG and concerned individuals and organizations have gone on the campaign trail to try and stop Parliament from voting for the amendment on the third and final reading. They say the changes will take away the watchdog's ability to stop politicians and public officeholders from wasting public money and make it even harder

to investigate leaders suspected of misconduct in office. On 4 May, TIPNG, through the Community Coalition Against Corruption (CCAC), delivered a petition to Parliament on these proposed changes, urging politicians to vote against the Maladina amendment (*The National*, 26 April 2010). The government decided to defer the final reading and to give the Parliamentary Committee on the Ombudsman Commission time to raise awareness. This was decided after protest marches were held in Port Moresby and Lae. However, Prime Minister Somare lashed out at the Ombudsman Commission, nongovernmental organizations, civil society groups, and the media for leading the public to believe that the Parliament intends to overrule the constitution and remove powers of the Ombudsman Commission. Somare said that the amendments will not in any way remove the powers of the Ombudsman Commission but rather will define the commission's responsibilities (*The National*, 5 May 2010). The bill has yet to go through its third and final reading.

Hostility toward people of Sepik origin in the township of Bulolo in Morobe Province in May left about 4,000 people homeless and without food and other basic needs (*The National*, 19 May 2010). The Sepiks, whose forebears initially migrated to Bulolo in the 1950s to work at one of the first gold mines in Papua New Guinea, are now third- and fourth-generation residents of the area. The conflict has resulted in a humanitarian crisis with serious threats to the health, security, and well-being of the people. More than 400 Sepiks employed in the Bulolo bank, post

office, schools, and the nearby mine resigned en masse in fear of their lives. There were also concerns about essential businesses closing down as Sepiks were forced to leave (*Islands Business* 2010). People from other provinces and those married to Sepiks were also caught in the crossfire of the unrest (*Post Courier*, 6 Sept 2010).

To resolve the ethnic conflict, the government is planning to resettle some Sepiks in other parts of Morobe Province, some in other provinces, and others in East Sepik Province. To date, the government has not yet started the process of relocation, and concerns are increasing for the safety of these people. There are growing concerns, particularly from nongovernmental organizations and international organizations providing humanitarian aid, that the relocation of Sepiks is a forced resettlement and against their basic human rights. Most of these people are no longer from Sepik and are descendants of intermarriages with locals and people from other provinces residing in the area.

Court cases on election petitions seem to have persisted, while the date for the next national elections is less than two years away. In April, the Supreme Court declared Tom Olga as the duly elected member of the Western Highlands regional seat after a relentless court battle over the seat with former Prime Minister Paias Wingti. Mr Olga appeared to be the winner after scoring the highest number of votes on three occasions: after the 2007 national general elections, after the first recount ordered by the National Court, and after the further recount ordered by the Supreme Court (*Post Courier*, 20 April 2010). The

court decision resolves the question about who will represent Western Highlands Province in Parliament and finally puts to rest the tussle for the seat of governor, as provincial members of Parliament also serve as governors for their respective provinces.

In June, the member for Wewak, National Alliance candidate Jim Simatab, was ousted from Parliament by petitioner Dr Moses Manwau following a successful review in the Supreme Court. Manwau filed a petition against Simatab's election and the Electoral Commission for counting votes from a disputed ballot box, because the box's inner and outer seals had been damaged. This concern was raised with the East Sepik Election Steering Committee, which recommended these ballots not be counted. The committee also decided that the then returning officer Martin Maingu should be removed. However, Maingu went ahead with the counting of votes from the disputed ballot box (*Post Courier*, 25 June 2010). Manwau was declared as the new member for Wewak open electorate when the disputed ballot box was excluded from the counting.

It is widely recognized that PNG elections are difficult to manage given the problems of violence, election administration, and inflated electoral rolls, to name a few. These problems have compelled the Electoral Commission to consider the possibility of introducing electronic voting in future elections. As for the next national election in 2012, the electoral roll will be the highest priority of the Electoral Commission. A report published by the National Research Institute argues that to minimize these problems there

need to be resources and political support in place, a dedicated roll-management unit, and, in the long term, a national identification card system that would also facilitate voting and significantly reduce electoral fraud. The Electoral Commission was also cautioned about too quickly adopting electronic voting solutions in a country with a vast geographical landscape that can test the durability of electronic equipment (Ladley, Holtved, and Kantha 2010).

On 24 September, Electoral Commissioner Andrew Trawen in the closing of an election managers' workshop stated that it will cost the State a total of K230 million to update the electoral roll before the 2012 national elections. The sharp increase from K127 million in 2007 was necessary due to the increase in population, and specifically the number of people who will turn eighteen before 2012 (*Post Courier*, 27 Sept 2010).

Toward the end of May, the Environmental Act Amendment Bill was seemingly rushed through Parliament in what was seen as a rarely adopted procedure. The government, using its majority, waived the twenty-one-day requirement for circulation of amendment bills to members and pushed the amendment through. The 73 to 0 vote effectively outlawed third-party lawsuits against resource projects in Papua New Guinea (*The National*, 31 May 2010). Outspoken NCD Governor Powes Parkop criticized the bill, saying that the new amendments allowed investors to bypass due process and obtain from the director, who is the secretary of the Department of Environment and Conservation, a certificate that is absolute proof of

compliance with all environmental laws, processes, and standards. This in effect vests absolute power in one person, a big concern because the law also attempts to remove the court's authority to review the exercise of such power (*Post Courier*, 3 June 2010).

The amendment to the Environmental Act presented to Parliament received widespread condemnation, particularly from landowners. Community leaders want the government to withdraw the bill, which they think will bar resource owners from taking environmental issues to court. Community leaders fear that the bill will trigger civil unrest if resource owners cannot hold companies liable for environmental damage, and they cited examples from other mines such as Misima, Ok Tedi, and Bougainville Copper Mine (*Post Courier*, 11 June 2010).

The justifications for the legislation and the way it was bulldozed through Parliament also led Sumkar MP Ken Fairweather, a member of the People's National Congress party, to withdraw his support for the government, saying that he did not like the changes to the environmental law because they would take away the rights of the people to seek justice over the use of their land. According to Fairweather, under the bill the director's decision on environmental permits and related issues is final and cannot be reviewed or challenged in any court or tribunal (*The National*, 22 June 2010). Environment and Conservation Minister Benny Allen declared in Parliament on June 23 that, for the sake of "national interest," the government is not going to repeal the amendment. He men-

tioned that the government stance is that any legitimate grievances or redress should be sought through a Supreme Court interpretation of the new laws and not through a repeal of the law in Parliament (*Post Courier*, 24 June 2010).

In another contentious environmental case, the court in Madang Province ruled that the work on the Ramu Nickel Mine's deep-sea tailings disposal system had to be stopped. The court ruled in favor of a group of landowners and refused injunction applications from developer Chinese Metallurgical Corporation Group (MCC) and the Mineral Resources Authority. The developer could construct the system on land but would not be allowed to disturb the offshore environment in any way.

The landowners' main intention is to permanently stop the state and MCC from going ahead with preliminary preparations at the mine without having in place, and having available to all parties concerned, a reliable environmental impact assessment report. The landowners claimed that the environmental permit that was issued by the Department of Environment and Conservation was granted under the repealed Environmental Planning Act. They claimed that even the State relied on an environmental impact assessment report done by MCC to issue the permit, when it should have engaged an independent body to do the report. The landowners wanted MCC to fund an independent environmental impact assessment of the deep-sea tailings placement system. They wanted all defendants to provide environmental plans and approvals and related documents concerning the

Ramu Nickel project (*The National*, 19 April 2010). A landowner group aligned with the MCC claimed that lawyer Tiffany Nonggorr and the four landowners she represents were attempting to impede development from taking place and benefiting the people. They demanded that Nonggorr provide alternative development initiatives to the people of the affected area. Once the previously mentioned amendments were passed, the Ramu Nickel mine in Madang was assured of the ability to operate without threat of lawsuit.

In early May, Minister for Justice and Attorney General Dr Allan Marat was bluntly told by Prime Minister Somare to leave the government caucus meeting in Parliament and resign as minister. This resulted from public statements made by Marat to the media that landowners would only get crumbs from the liquefied natural gas (LNG) project, and also from comments made against the Ramu Nickel mine project and the controversial Maladina Bill. After his sacking, Marat and his Melanesian Liberal Party were immediately invited by Bart Philemon to join the Opposition, of which Philemon is deputy leader (*The National*, 5 May 2010). The member for Rigo, Ano Pala, was appointed to replace Marat as attorney general. Pala was himself replaced in December by former Chief Justice and Madang Governor Sir Arnold Amet, just before Somare was referred to the leadership tribunal. Pala was transferred to the Ministry of Agriculture.

It was reported that the government in June revived the National Anti-Corruption Alliance (NACA) to investigate corruption in government depart-

ments. The NACA was established in 2004 with the board comprising chief executive officers or heads of key government departments. It was reported that with the resurrection of the board, other major allegations involving corruption would be scrutinized by the body and investigations would be carried out with prosecutions (*Post Courier*, 22 June 2010).

Meanwhile, as with previous reports, the 800-page report of the Commission of Inquiry presented to Somare in November 2009, which looked into financial mismanagement and corruption at the Department of Finance and implicated prominent government officials and members of Parliament, seemed forgotten (see Kantha 2010, 456). Two prominent lawyers, Paul Paraka and former Solicitor General Zachary Gelu, who were adversely referred to in the final report, also took out a court injunction gagging the media from publishing anything about the final report (*Post Courier*, 8 March 2010).

The cabinet in June endorsed a review of existing laws relevant to prostitution and unnatural sex offences to be undertaken by the Constitutional and Law Reform Commission (CLRC). The National Executive Council (NEC) on 1 June noted the content of a policy submission by Minister for Community Development Dame Carol Kidu, and instructed the attorney general and minister for justice to refer the criminal laws and other relevant matters to the CLRC for review. Dame Kidu's submission sought NEC approval to strengthen Papua New Guinea's response to the HIV/AIDS epidemic and simultaneously proposed a review of criminal laws



on sex work and consensual male-to-male sex from the perspective of social and public health implications (*Post Courier*, 25 Oct 2010). As anticipated, Dame Kidu did not receive the backing of the community and women's groups but rather criticism on the changes to sex laws. These groups argued that Papua New Guinea has a strong traditional Melanesian culture and is founded on Christian principles and that the review would promote unethical sexual practices such as homosexuality and prostitution rather than counter the HIV/AIDS epidemic.

Also in June, by an overwhelming majority, the people of the Autonomous Region of Bougainville elected as their new president John Momis, a former Catholic priest, national politician, and ambassador. Momis replaced incumbent James Tanis. After being declared the winner of the presidential election, Momis mentioned that he will work toward completing the arms-disposal program in the autonomous region and will look at other ways of generating revenue to finance much-needed public services and infrastructure (*The National*, 9 June 2010).

The government's failure to honor commitments under the 1995 memorandum of agreement with Lihir Gold Mine has compelled the New Ireland Government to consider options for autonomy. Former Prime Minister and New Ireland Governor Sir Julius Chan shared the sentiment with provincial leaders that under the current and previous governments the province has not improved, in spite of fifteen years of Lihir Gold mining and three years of Simberi mining projects, which were supposed to result in some US\$157 million in entitlements for the

province and landowners. He argued that the province must gain the same form of autonomy as Bougainville since the national government cannot be trusted and bureaucracy is not disciplined (Pacific Islands Report, 23 March 2010).

The acting chief secretary to the government, Manasupe Zurenuoc, announced in June that East New Britain Province would be the first province to gain autonomy under the National Power Sharing and National Framework Policy. The policy is being finalized and will be tabled in Parliament. Under the autonomy proposals by East New Britain and New Ireland, both provinces will gain increased functions and responsibilities for service delivery. The national government will help provincial governments to identify these responsibilities by creating a list of joint functions before negotiating through its departments which functions are to be transferred to provincial governments (*The National*, 16 June 2010).

In July, the Supreme Court ruled that certain sections of the Organic Law on the Integrity of Political Parties and Candidates (OLIPPAC) were null and void. The court decision enabled votes of no confidence to be introduced in Parliament if a majority of the parties decide to vote against the prime minister (*Post Courier*, 8 July 2010). The ruling was on five central issues relating to members' democratic rights or choices (1) to resign from their political parties; (2) to vote for a prime minister; (3) to remove a prime minister in a vote of no confidence; (4) to vote on a national budget; and (5) to vote to enact or repeal a constitutional law

(*The National*, 8 July 2010). The ruling was welcome news for the Opposition, who were anxious to oust Somare, and they wasted no time in instituting votes on no-confidence motions in the parliamentary sittings that followed.

There were also concerns that the Supreme Court decision might decrease political stability, which is necessary for economic growth. The Registrar of the Office of the Integrity of Political Parties and Candidates Commission warned of instability due to certain sections of the OLIPPAC being thrown out by the court. He added that nobody wanted to go back to the experience from 1975 to 1999 where frequent changes of government were a nightmare that led to the adoption of OLIPPAC in 2001. While welcoming the ruling, Somare warned that the effect of this decision could send the country back to the days when political parties focused on staying in office rather than on promoting development (*Post Courier*, 8 July 2010).

A National Research Institute report published in September succinctly summarizes the problems caused by frequent votes of no confidence prior to the implementation of the OLIPPAC. For instance, the no-confidence votes have reduced the average lifespan of governments to two-and-a-half years and affected the ability of governments to concentrate on the delivery of services. The adjournment of Parliament to avoid votes of no confidence has also been a common practice (Gelu 2010, 157). This tactic, along with the Speaker of Parliament refusing to entertain motions of no confidence from the

Opposition against the prime minister, have infuriated the Opposition and certain segments of the society, who have labeled the practice tantamount to dictatorship.

Business houses in Papua New Guinea also expressed their fear of a change in government that might derail achievements in the economy made in the last eight years. President of the PNG Chamber of Commerce and Industry John Leahy expressed that they were not concerned about who became prime minister, as long as the positive gains that the country made over the years were not slowed down (*Post Courier*, 12 July 2010).

Despite the setback they faced in November 2009 when a bill reserving seats for women representatives in Parliament failed to pass (see Kantha 2010), women mobilized and pushed their local members to reintroduce the motion in Parliament's July sitting. The bill was revised to require twenty-two reserved seats for women, contrasted with the three seats called for in the initial bill. Women leaders from the provinces flocked in numbers to Port Moresby to show their solidarity for the bill championed by Minister for Community Development Dame Carol Kidu. When Parliament met in July, the women were again upset that the bill did not get a mention, and Parliament was adjourned until May 2011. The women, led by Dame Kidu, accused members of Parliament and Prime Minister Somare for not doing enough to influence other members to support the bill. The more distraught women vowed to campaign against their representatives in the next election.

The Ministry of Finance and



Treasury was taken over by MP Peter O'Neil when Patrick Pruaitch was suspended from office in a Supreme Court ruling. The ruling was in relation to an appeal by Pruaitch against his referral to a leadership tribunal by the Ombudsman Commission in July 2009 over allegations of misconduct in office.

The health sector also had its share of controversy. The proposal of the government to build a "super hospital" known as the Pacific Medical Centre (PMC) outside of Port Moresby to cater especially to foreigners in the LNG project generated mixed reactions from the public, health practitioners, and doctors alike. Concerns were raised over the government's diverting the health budget to a project that will only benefit foreigners and the few locals who can afford the services. Given the dire situation faced by hospitals and health centers throughout the country, there were also concerns regarding the diversion to the medical center of health funds budgeted for priority areas.

The fears of the public came true when it was reported on 1 September that money earmarked for the much-needed work at the provincial hospitals was being diverted to the new super hospital. According to National Executive Council (NEC) documents, the funds were to redevelop three key infrastructure items: medical and static plant equipment and priority health institutional housing. The NEC submission from the Health Minister Sasa Zibe showed that K230.4 million of the K800 million in Chinese grants to support public hospital infrastructure, equipment, and staff housing was diverted to fund the construction of

the Pacific Medical Centre. The submission, according to the documents, had been made by Minister Zibe on 23 June at the direction of the prime minister and it did not include the medical center.

However, when the submission went to the cabinet, the NEC decided to divert the funds earmarked for medical equipment replacement (K81,645,500), static plant equipment replacement (K17,430,000), and the health nationwide institutional housing development project (K124,900,000). According to the time frame, the PMC development funding is scheduled for 2011–2013 (*Post Courier*, 1 Sept 2010). National Planning Minister Paul Tiensten said the government was ready to go into a private-public partnership arrangement to see the state-of-the-art facility built in the region. He confirmed that companies like ExxonMobil and Oil Search wanted the facility to cater to its workers in the country instead of flying them to Australia (*The National*, 22 Sept 2010).

The *Trafficking in Persons Report*, published by the US Department of State in June 2010, states that Papua New Guinea is a source, destination, and transit country for people subjected to human trafficking, specifically forced prostitution and labor. The report rates Papua New Guinea as a Tier 3 country whose government is not doing much to deal with the issue. In September, the Department of Justice and Attorney General worked in partnership with the International Organization for Migration to present a bill on people smuggling and human trafficking in a workshop in Port Moresby. These offenses will now

be included in an amendment to the criminal code (*The National*, 4 Oct 2010).

Since Papua New Guinea's inclusion in the Pacific Seasonal Workers Scheme in 2008, there were no concrete developments until October 2010 when the government allocated K5.8 million to fund the scheme. Then Minister for Foreign Affairs, Trade and Immigration Sam Abal announced that the NEC had approved the memorandum of understanding and the facilitation agreements between Papua New Guinea and Australia to pave the way for the scheme to kick off. The government had approved the funding from previous savings as well as the 2011 budget appropriations to manage the program. Abal added that the scheme would foster goodwill and further strengthen the bilateral ties between Papua New Guinea and Australia, including people-to-people relations (*Post Courier*, 15 Oct 2010).

In a shocking revelation in November, Noel Anjo, activist and chairman of the Civil Society Coalition Partners who was instrumental in the anti-Asian riot in 2009 (see Kantha 2010, 452–453), alleged that Somare had ordered him kidnapped and brought to Somare's residence where the prime minister and his wife, Lady Veronica, had assaulted him. Anjo also joined the Opposition members of Parliament in a press conference where he revealed that the kidnapping allegedly took place on 16 February 2009. The government immediately accused the Opposition of trying to destabilize the government and asked the Ombudsman Commission to investigate the conduct of Anjo as an activist (*Post Courier*, 15 Nov 2010).

Belden Namah, the leader of the PNG Party and member for Vanimo-Green, vowed to support Anjo with a legal team for his case. However, the accusations against Somare did not proceed far and never resulted in any formal charges against Somare and Lady Veronica. Anjo's accusations were reported to police more than a year after the alleged incident and were seen as opportunistic in collusion with the Opposition to bring down Somare.

In a dramatic turn of events in December, Somare temporarily stepped aside from his political post, several hours after Acting Public Prosecutor Jimmy Wala Tamate asked Chief Justice Sir Salamo Injia to appoint a tribunal to investigate allegations that the prime minister had failed to file his annual returns and had filed them late or incompletely on numerous occasions since 1994 (see Kantha 2009, 365). This will be the first time in the history of the country that a prime minister is referred for allegations of misconduct in office.

While announcing that he was stepping aside, Somare appointed Minister for Foreign Affairs, Trade and Immigration Sam Abal as acting prime minister instead of Deputy Prime Minister Don Polye. The Opposition immediately criticized Somare for overlooking Polye, who was the third person to hold the deputy prime minister's post in 2010. Acting Prime Minister Abal took over the reins and assured businesses and the people of Papua New Guinea that the government was intact and all policies and programs developed over the last eight years would be implemented. Somare returned after four weeks of "holiday" to take

the helm from Acting Prime Minister Abal after a delay in the appointment of a tribunal.

The police force was also beset with problems and faced an allegiance crisis when Police Commissioner Gari Baki was suspended by the government for allegedly misleading the NEC in requesting K10 million for operations at the LNG project sites. Baki's longtime rival Anthony Wagambie, who was suspended earlier by Baki for alleged misconduct, was appointed acting police commissioner. Wagambie immediately made changes to the key positions within the police hierarchy, including appointing NCD Metropolitan Superintendent Fred Yakasa as his deputy and chief of operations. There were fears that the suspension of Baki and the appointment of Wagambie would factionalize the police force, thus affecting police performance and putting public safety at risk.

Baki described his suspension as "improper, morally and ethically wrong." He said that the government had a national responsibility and that the request for K10 million was to support police operations in the LNG areas and to avoid leaving the responsibility to the developer of the LNG project, ExxonMobil. Baki described his suspension as politically motivated and accused the government of using politics to destroy the police force. Vanimo-Green MP Belden Namah accused the prime minister of tribalism and said that Somare had placed the country's national security and sovereignty under serious threat by tribalizing the nation's forces. The new police commissioner and the heads of the PNG Defence Force and the Cor-

rectional Service are all from the prime minister's province of East Sepik (*Post Courier*, 12 Nov 2010).

Compensation claims against the State have been one of the major impediments to development in Papua New Guinea. The government has over the years paid millions of kina as compensation, sometimes to unreasonable claims. It was reported in November that Parliament would entertain a proposed law to do away with claims against the state. This is the first time a PNG government has taken steps to legislate claims against the State for damages, and it seeks to amend rights and freedom provisions of the constitution to deal with the problem. It was reported that the government is pushing the bill through Parliament under the auspices of maintaining greater public welfare and public order as stipulated under the constitution.

There were also a number of high-level visits to Papua New Guinea by foreign dignitaries. US Secretary of State Hillary Clinton finally visited Port Moresby on 3 November after a planned trip in January was cancelled due to the earthquake in Haiti. In her key message, Secretary Clinton reaffirmed the United States' commitment to help Papua New Guinea avoid the "resource curse" by building institutional capacity to govern revenue from its natural resource extraction. "Thanks to your abundant natural resources, Papua New Guinea has the opportunity . . . to become a strong regional leader. . . . but there will have to be a commitment to good governance and accountability and transparency. . . . The United States stands ready to help translate your country's natural resources into widespread

prosperity,” said Clinton. She said the Energy Governance and Capacity Initiative would seek to bolster institutional capacities related to governance, revenue management, and technical capabilities (Clinton 2010).

During her six-hour visit, Secretary Clinton announced that the United States will give more than US\$100 million in climate-related funding to developing small island nations worldwide. Of this amount, more than US\$21 million will be targeted specifically for climate adaptation programs and projects in Pacific Island countries over the next two years. Clinton also paid tribute to Papua New Guinean Thomas Maniwavie, who has committed his life to the protection and preservation of mangroves. The visit was also a boost for women pushing for the twenty-two reserved seats in Parliament.

Earlier in March, Indonesian President Dr Susilo Bambang Yudhoyono paid a two-day visit to Somare in Port Moresby. On the occasion of the visit, Papua New Guinea and Indonesia signed a Defense Cooperation Agreement, a Double Taxation Agreement, and Letters of Exchange in Agriculture (*The National*, 12–14 March 2010). The two leaders also discussed issues of climate change, regional stability, and Indonesia’s support of the PNG effort to become a full member of the Association of Southeast Asian Nations (ASEAN).

Although the governor-general has no decision-making power and merely plays a symbolic role as the representative of the Queen of England, signing government appointments to formalize them, the position became politically contentious in the reelection of Sir Paulias Matane, who was

the government’s favored candidate. It was alleged that Matane’s reelection was a constitutional blunder due to numerous breaches of the election process. According to lawyer Dr John Nonggor, the open ballot breached section 88(2) of the constitution, which states that “a decision of the Parliament to nominate a person for appointment as governor-general shall be made by a simple majority vote, in an exhaustive secret ballot conducted in accordance with an Organic Law” (*Post Courier*, 29 June 2010).

The Supreme Court similarly ruled that Speaker Jeffery Nape breached section 88(2) of the constitution when he did not allow Parliament, through a simple majority, to vote for the new governor-general, nor did he allow other candidates to be considered for nomination from the floor. Nape had also breached section 95(4) of the constitution by exercising the powers, functions, duties, and responsibilities of the Speaker when he was, by virtue of section 95(2)(a), the acting governor-general. As a consequence of the serious nature and extent of the Speaker’s breaches of the constitution, and the circumstances in which they were committed, all proceedings of Parliament on 25 June over the nomination of the next governor-general, including all votes, decisions, determinations, rulings, and declarations, were declared unconstitutional and invalid (*The National*, 13 Dec 2010).

The court explained that at midnight on 26 May when Sir Paulias’s six-year term expired, Nape automatically took over as acting governor-general by operation of law; no formal advice or instrument of appointment had to be in place. From then until a new governor-general was appointed,

Deputy Speaker Francis Marus was to take charge of all parliamentary proceedings. However, according to the court, this did not happen. Nape had remained Speaker and did not perform any of the powers, functions, duties, or responsibilities of the acting governor-general (*The National*, 13 Dec 2010). The Speaker would only be relieved of this obligation (which would then be designated to the chief justice) if he was on leave, absent from the country, or out of reach of speedy and effective communication. There is no evidence that any such circumstances existed.

The Supreme Court reasoned that if it did not give such orders, there would be uncertainty, confusion, and too many unanswered questions, such as what action should the Parliament take next? What is the status of the incumbent governor-general? What is the status of the Speaker? (*Post Courier*, 17 Dec 2010).

On 10 December, the Supreme Court ruled that the election of Sir Paulias Matane as governor-general on 25 June was unconstitutional and instituted a forty-day directive for Parliament to elect a new governor-general. (The Opposition took the opportunity to announce their intention to institute a motion of no confidence against the prime minister when Parliament resumed to elect the governor-general.) The government sought legal advice on whether the Supreme Court had the powers to order Parliament to meet within forty days for this election. Public Services Minister Moses Maladina said that it was proper for the government to go back to the Supreme Court and seek its clarification on separation of powers between the legisla-

tive, executive, and judicial arms of government.

In summary, the year 2010 was mired by several major political episodes: Parliament adjourned frequently and the Speaker refused to entertain votes of no confidence against the prime minister. The Opposition was determined to remove the prime minister by using every parliamentary sitting since the annulment of the provisions of the OLIPPAC, and often proposed members without solid background as alternative prime minister. Ministerial portfolios were constantly being swapped and the deputy prime minister was frequently replaced. While the OLIPPAC has significantly prevented party hopping, there appears to be a need for a similar mechanism to prevent or at least minimize changes in ministerial portfolios and departmental heads, as appointments are currently subject to the whims of the prime minister. There seems to be a strong preference for foreign investment over landowner rights and environmental protection, and the government must be cautious when it comes to accountability and liability issues for environmental catastrophes resulting from negligence. On the plus side, there is a dynamic participation of nongovernmental organizations, interest groups, women's groups, and youth groups in debate on political issues and laws passed by Parliament. The involvement of these groups is vital to the scrutiny of government and the maintenance of democracy and must continue to ensure that the government does not arbitrarily use its powers.

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THE VIEWS EXPRESSED *in this review are those of the author and do not represent those of his employer, the International Organization for Migration.*

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## SOLOMON ISLANDS

The Coalition for National Unity and Rural Advancement (CNURA) government entered 2010 with a focus on the national general elections several months ahead. In the last two or so years that they were in power, the government recorded passing a higher number of legislations than any other government since independence. They also stabilized diplomatic relations with neighboring countries, and the case of a former attorney general—which was instrumental for the downfall of the government before CNURA—was brought before relevant authorities. The World Bank and Asian Development Bank have set up offices in Honiara and are working well with the government. The first half of 2010 was occupied with the registration of voters and preparation for the national elections. This review concentrates on events leading up to the national elections, government formation, and some notable developments and events that occurred throughout the year.

Just before the dissolution of Parliament in 2010, then Prime Minister Dr Derek Sikua attempted to push through what was called the Political Parties Integrity Bill, which was aimed at reducing political instability in government—an endemic feature of Solomon Islands politics (SSN, 22 April 2010). Unfortunately (or fortunately), it was defeated because of what Dr Sikua believed to be a move orches-