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Three issues that will shape PNG politics from 2020 to 2022

By Michael Kabuni
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After the change of government in May 2019, members of parliament in Papua New Guinea kept [changing sides](#) throughout 2019. This year will continue to be another busy year for PNG politics. Three issues to watch are: the Supreme Court ruling on the validity of Prime Minister James Marape's election on 30 May 2019; Kerenga Kua's challenge against the appointment of Belden Namah as the opposition leader; and the expiry of the 18-month post-election grace period from a vote of no confidence on 28 November 2020. The stability of the current Marape-led coalition depends on these three issues.

Validity of James Marape's election

After voting for James Marape to be the prime minister, National Alliance Party and opposition leader Patrick Pruaitch filed a Supreme Court reference questioning the validity of Marape's election. There were three prime ministerial candidates nominated: Sir Mekere Morauta, James Marape, and Peter O'Neill. Peter O'Neill withdrew his name after the nomination had closed, and parliament proceeded to electing James Marape as prime minister. Pruaitch argued that Peter O'Neill's withdrawal after the nomination had closed was in violation of Parliamentary Standing Orders and sought a Supreme Court interpretation of the legality of the prime minister's election.

The judges ruled that Pruaitch as the opposition leader had standing and sufficient interest to pursue the issue in court. However, this ruling also meant that he would only be entitled to pursue or withdraw the case if he remained the opposition leader, and not as an ordinary member of parliament. When Pruaitch switched from opposition to the government side without first withdrawing the case on 10 September 2019, he lost the power to withdraw or pursue the case as he was no longer the opposition leader. When he subsequently sought to withdraw the case, the court refused to grant him the decision. Belden Namah, who was appointed as the new opposition leader, immediately declared his intention to pursue the

question of validity of Marape's election before the Supreme Court.

Some say that Patrick Pruaitch only used the case to bargain for a ministerial portfolio from the Marape-led government. After he moved to the government side, he was given the position of Minister for Foreign Affairs and International Trade. If Namah is successful in his application, the prime minister's position will immediately become vacant and the parliament will elect a new prime minister.

Namah's appointment as the opposition leader challenged

Kerenga Kua, another opposition MP, who voted against James Marape in May 2019 but was given the Ministry of Petroleum and Energy, is not challenging the validity of Belden Namah pursuing the case against James Marape. Kua argues that even though Pruaitch announced his departure from the opposition camp on 10 September 2019, he had not officially resigned from the opposition leader's position before Namah was appointed, and subsequently sought to pursue the case against Marape. The case has been adjourned. If Kua is successful in this case, the opposition leader's position will immediately become vacant, and another process of appointment will follow. This decision will not, however, affect the case against the prime minister's election, unless it is withdrawn by a leader of the opposition.

It is also possible that Kerenga Kua is pursuing this case to delay the case against the validity of the election of James Marape. With Namah's standing being questioned, the courts cannot proceed with the case against Marape until Namah's standing before the Supreme Court to pursue the case is determined.

Vote of no confidence

After the election of a prime minister, either after a national election or through a vote of no confidence, legislation prevents the removal of the prime minister through a vote of no confidence for 18 months. The grace period for Marape will expire on 28 November 2020, leaving it open for MPs to challenge James Marape for the prime minister's position. This phase where the prime minister is subject to a vote of no confidence will last from 28 November 2020 to 24 July 2021, an eight-month window. From 24 July 2021, the 12-month grace period prior to the issue of election writs (in July 2022 for the 2022 elections), no vote of no confidence will be possible.

What are the possible scenarios in the eight months where the prime minister will become subject to a vote of no confidence? From previous experience, the parliament has strategically manipulated parliament sitting days and adjournment of parliament to avoid a

motion for a vote of no confidence. For instance, parliament may minimise the parliamentary sitting days during the eight-month period, limiting the chances of a vote of no confidence. Because the next grace period starts on 24 July 2021, the parliament may meet briefly in February 2021, when parliament usually meets, then adjourn and schedule the next sitting to fall after 24 July.

Finally, can a vote of no confidence proceed if cases related to the election of the prime minister are before the courts? There is no provision in the standing orders of the parliament on this matter. Standing Order 284 states that any matter not governed by standing order, the Speaker shall decide in accordance with the practice of the House of Representatives and House of Commons. Job Popat, the Speaker of the Parliament, is also the deputy leader of the People's National Congress, the party of former prime minister Peter O'Neill. However, is not clear whether he would make such an unpopular call.

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