

# Constitutional crisis erupts in Papua New Guinea

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An unresolved constitutional crisis in Papua New Guinea (PNG)—the South Pacific’s most populous and resource-rich country—highlights the political instability generated throughout the region by intensifying great power rivalries, particularly between the United States and China.

Following extraordinary events over the past two weeks, including the arrest of the deputy prime minister and attorney-general, the PNG Supreme Court is due to rule on December 9 on the constitutional legitimacy of the government of Prime Minister Peter O’Neill.

O’Neill took office on August 2 when the parliament voted by 70 to 24 to declare that the prime ministership had been vacated by long-time leader Sir Michael Somare, who had been critically ill in a Singapore hospital for four months. Somare was also stripped of his parliamentary seat, on the pretext that he had missed three sittings of parliament.

O’Neill, the son of a former Australian magistrate in PNG, is more closely aligned to Australia, the country’s colonial ruler until 1975, and the US. Somare had adopted a “look north” policy of turning toward China, which has become a substantial mining investor and purchaser of PNG’s mining exports. As yet, there is no evidence of direct US and Australian involvement in O’Neill’s takeover, but diplomatic cables from 2005 and 2009, published by WikiLeaks, show that senior Australian and US officials were concerned by Somare’s trajectory.

Last week, while O’Neill was attending the Asia-Pacific Economic Cooperation (APEC) summit in Hawaii, his government sought to short-circuit a legal challenge by Somare and his supporters. Deputy Prime Minister Belden Namah announced that Chief Justice Sir Salamo Injia had been suspended, ostensibly for alleged financial misconduct dating back to 2009. Injia heads the five-judge panel that is due to decide the government’s status.

The manoeuvre backfired, however, when the Supreme Court ordered the jailing of Namah and Attorney-General Allan Marat for contempt of court. The pair found themselves in Port Moresby’s notoriously harsh Boroko jail cells.

O’Neill’s government then performed a back flip. It withdrew Injia’s suspension, suddenly claiming to support the “rule of law.” The chief justice agreed to the release of the two ministers on bail of 5,000 kina (\$US2,367), on the condition that they not interfere in the December 9 verdict.

In the meantime, opposition MPs are refusing to take their seats in parliament. Somare has returned from Singapore, and evidently wants his son Arthur (who previously served as public enterprise minister) to succeed him in the prime minister’s post, which Somare had held for a total of 17 years, on and off, since independence in 1975.

Given the fragmented character of the PNG parliament, which largely consists of various small regional-based parties, the government’s fate is uncertain.

Moreover, a general election is due next year, giving O’Neill little time to consolidate his position, even if he prevails in the short-term. His present parliamentary majority is the result of blatant political payoffs. Soon after taking office, he reinforced his numbers by appointing 11 vice-ministers in addition to the cabinet of 33—shoring up the support of nearly half the MPs.

O’Neill leads the People’s National Congress, a minority party in the governing coalition, still dominated by Somare’s National Alliance. O’Neill was a prominent businessman before entering parliament in 2002, representing a constituency in the Southern Highlands province where a huge ExxonMobil-led liquefied natural gas project is being developed.

The \$16.5 billion investment is expected to double PNG’s annual gross domestic product from 2014, intensifying the scramble for control of the country’s resources.

One of O’Neill’s first acts as prime minister was to repudiate an announcement by Mining minister Byron Chan, the son of former Prime Minister Julius Chan, that the government would hand over ownership of all PNG’s underground resources to traditional landowners. Chan’s move was designed to head off anger over the super-profits being made at the expense of the impoverished population. It threatened to force mining companies to haggle with local

tribal leaders over the proceeds of their operations.

O'Neill quickly disowned the announcement after it provoked dire warnings from the mining industry. "This is playing with fire," Greg Anderson, executive director of the Chamber of Mines and Petroleum, had declared.

In mid-October, O'Neill confirmed a shift away from Somare's "look north" orientation by bringing a delegation of nine cabinet ministers with him to Canberra for a bilateral ministerial forum. Australian Prime Minister Julia Gillard hailed a "new chapter in Australia-PNG relations." Heaping praise on O'Neill, Gillard announced that Australia would provide "technical assistance" for the establishment of a PNG sovereign wealth fund to invest the proceeds from mining developments.

The most significant and controversial outcome of the Canberra meeting, however, was that Australia would resume substantial police and military activity in PNG. The Gillard government would place Australian Federal Police (AFP) officers in "senior, strategic" roles within the PNG police force, providing extra police "support" for the conduct of next year's elections and stepping up Australian involvement in the training of the PNG military.

According to a report in the Sydney *Daily Telegraph*, the Australian Defence Force is also drawing up contingency plans to evacuate up to 15,000 expatriate Australians in case PNG descends into "anarchy" following "what are expected to be the most tense national elections since independence in 1975."

In 2005, the Australian government of Prime Minister John Howard was humiliated and forced to withdraw 150 AFP officers attached to the PNG police after the PNG Supreme Court ruled that it was unconstitutional to give them immunity from prosecution. The Somare government subsequently chose not to pass legislation to overturn the court's ruling.

The outcome scuttled the Enhanced Cooperation Program (ECP), under which Australian police, legal officials, economists, and bureaucrats had taken effective control of sections of the PNG state apparatus. The intervention was modelled on the Regional Assistance Mission to Solomon Islands (RAMSI) which took over the Solomons in 2003.

This strategic rebuff was the subject of a terse May 2005 cable from the US embassy in Canberra. A senior Australian official told visiting US East Asia Pacific Assistant Secretary Christopher Hill: "Australia had no choice but to continue to engage with Port Moresby and could not let the country 'go down the gurgler'." The cable warned that the collapse of the ECP could have "far-reaching effects" for Australia's operations in the region. It would allow "unsavoury political elements" in other countries to "follow the lead of PNG and rebel in their own way against

Australia's presence."

During the lead-up to the 2007 PNG elections, the Howard government actively sought to prevent Somare's re-election and then considered a "regime change" operation like the one it had recently carried out in East Timor, and was preparing in the Solomons (see: "Canberra weighs up "regime change" in Papua New Guinea").

Canberra also targetted Somare for his alleged assistance to the then pending Solomon Islands Attorney-General Julian Moti, who was flown out of PNG in 2006 after being unlawfully arrested there at the instigation of the Australian Federal Police. A threatened prosecution of Somare was only dropped after a change of government in Australia in late 2007. Labor's Prime Minister Kevin Rudd made a tactical shift, seeking to cut a deal with Somare (see: "Papua New Guinea report highlights illegality of Moti arrest").

Renewed tensions with Somare were evident however, after his government gave favourable treatment to the development of the \$1.6 billion Chinese-owned Ramu nickel mine project in Madang.

A July 2009 US diplomatic cable highlighted concerns in Canberra about "institutional capacity and transparency" and "wasteful spending of windfall profits" in "Australia's former protectorate." Last September, Somare was feted in China. He attended the "Summer Davos" meeting in Tianjin and was told by Premier Wen Jiabao that China wanted to "enhance cooperation" with PNG for its social and economic development. Somare applauded China's "unselfish help."

During last month's visit to Canberra, O'Neill struck a different tone, delivering a public lecture in which he spoke of a "watershed" in strengthening relations with Australia. At the same time, he said that China's entrance into the Pacific Islands should not be considered a threat because every country was increasing their trade with China.

Whatever the immediate outcome of the constitutional crisis in PNG, the aggressive push by the Obama administration to counter China's role in the region can only fuel instability. US Secretary of State Hillary Clinton pointedly visited PNG last November to reinforce US interests, and earlier this year she accused China of trying to "come in behind us, come in under us" in PNG.



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