

Melanesia in Review: Issues and Events, 2013

Papua New Guinea is not reviewed in this issue.

FIJI

The adoption of a new constitution figured centrally in 2013, as Fiji geared up for elections scheduled before the end of September 2014. Seven years on from the December 2006 coup, many in Fiji had become habituated to life under the military commander Voreqe Frank Bainimarama. Formerly prominent politicians hoped to make a comeback at the 2014 polls and often prepared for this by reviving old alignments. There was no sign throughout the year of the coup leader's own much-anticipated political party. Economic recovery continued, but many investors held off, awaiting the outcome of the election. Bainimarama's anti-Australian Pacific diplomacy figured prominently, but the stomach for continued squabbles with Fiji's government was steadily waning in Canberra. In September, an election in Australia ended the Rudd-Gillard Labor Government and brought to office the Liberal-National Coalition under Tony Abbott with Julie Bishop as foreign minister committed to "normalizing" relations with Fiji.

The year commenced with the ditching and attempted suppression of the interim government's own Fiji Constitutional Commission (FCC) report, the shredded proofs of which were burned by police officers in the presence of a visibly distraught com-

mission chair, Professor Yash Ghai (see Fraenkel 2013). Although the six hundred copies were impounded, the document was soon leaked and freely available on the Internet (FCC 2012). In January, President Ratu Epeli Nailatikau denounced the FCC draft as threatening "financial and economic catastrophe and ruin" (Nailatikau 2013). The commission, he said, had "succumbed to the whims of the few who have an interest in perpetuating divisions within our society." These were bizarre claims, inspired by the regime's discomfort with the groundswell of popular political engagement occasioned by the FCC's deliberations.

The FCC had accommodated all of Bainimarama's "nonnegotiable" demands, even endorsing—at least for those swearing an oath of allegiance—the far-reaching immunity provisions in its enabling decrees not only for perpetrators of the 2006 coup but also for those responsible for the 1987 and 2000 coups (FCC 2012, schedule 6, section 27; Fiji Government 2012a, 2012b; Fiji Government 1990, chapter 14). Its core fault was that it had offered a political settlement that was palatable to those still, more or less publicly, opposed to the regime. This was an affront to a government that was depicting its origins as a glorious social revolution rather than as a military coup aimed at ousting Bainimarama's archenemy, the former Prime Minister Laisenia Qarase. The military commander's close ally, Land Force Commander Colonel Mosese Tikoi-toga, accused Ghai of "falling in with

the wrong crowd,” claimed that the law professor’s attempts to distribute the FCC draft were illegal, and said that the Ghai constitution would have entailed a catastrophic return to the pre-coup order (*Fiji Sun*, 5 Jan 2013). For Tikoitoga, who was to become Fiji’s new military commander in early 2014, it was the army’s nation-saving experience on United Nations (UN) peacekeeping missions that was the inspiration for what he saw as its heroic role within Fiji (*The Australian*, 2 April 2013), and nothing could be allowed to turn back the clock.

One of the locally based constitutional commissioners, women’s rights activist Peni Moore—once an enthusiast for the Bainimarama reform project (see McGeough 2009)—expressed bewilderment at the rejection of the FCC report (*Fiji Times*, 22 Jan 2013). Attorney General Aiyaz Sayed-Khaiyum said that “it would be highly discourteous for anyone to comment on or preempt the statement made by his excellency to the people of Fiji” (*Fiji Times*, 22 Jan 2013). President Nailatikau had reserved particular opprobrium for Ghai’s plans for a 144-member National People’s Assembly (including civil society appointees and representatives from the Great Council of Chiefs and tasked with initiating a national dialogue and electing the head of state), which he described as “anathema to democratic representation.” He also disliked provisions for a “transitional cabinet,” which he claimed would empower “corrupt” and often “incompetent” civil servants (Nailatikau 2013). Like his predecessor Ratu Josefa Iloilo, the president was obviously dancing to a heavily scripted tune.

Despite this major disruption to the Fiji government’s own roadmap toward an election, there were signs of an approaching accommodation between Canberra and Suva. Echoing Fiji’s president, Australian Foreign Minister Bob Carr caused some consternation within his own ministry and across the Tasman when he expressed sympathy for the Fiji government’s ditching of plans for a “largely unelected national people’s assembly” and for the “re-creation of an unelected Great Council of Chiefs” (ABC, 14 Jan 2013). In fact, both bodies would have had few powers under the FCC’s proposed arrangements other than selecting a largely ceremonial president. Although accompanied by much rhetoric about doing away with ethno-nationalist traditional rulers, Bainimarama’s disbanding of the Great Council of Chiefs was better identified as just one among many postcoup steps to remove or assume control over organs of popular or communal representation, including also the municipal authorities, the provincial councils, and the Sugar Cane Growers’ Council. In any case, both provisions might easily have been amended by the scheduled constituent assembly.

In contrast, New Zealand Foreign Minister Murray McCully reacted in horror at the wastage of his country’s aid money entailed by the ditching of the FCC report (ABC, 11 Jan 2013). According to one of the Fiji-focused Weblogs, PricewaterhouseCoopers’ audited accounts indicated that, of the F\$1.6 million used by the FCC, New Zealand had provided F\$582,510 (36.4 percent), Australia F\$601,772 (37.6 percent), and the European

Union F\$248,054 (15.5 percent), with the remainder coming from the British High Commission (F\$108,330) and the American Bar Association (F\$59,648) (Coups Four Point Five, 18 Dec 2013; F\$1.00 is equivalent to US\$0.54). No funding had come from the Fiji government, although Yash Ghai's team had been allowed to use the otherwise empty parliamentary complex at Veiuoto.

There were also other reasons for weak Fiji government commitment to the FCC process. The Ghai draft created the possibility of revival of court proceedings to seek redress for past injustices (FCC 2012, schedule 6, section 24), potentially opening the door to action by disgruntled pensioners angered by reforms to the Fiji National Provident Fund. Critically, the "transitional arrangements" would have entailed Bainimarama and his cabinet colleagues relinquishing power ahead of the 2014 elections to a "caretaker cabinet" comprising a maximum of fifteen "former senior public officers" recommended by a "Transitional Advisory Council" (FCC 2012, schedule 6, section 10 [5], section 17 [3]). This the government was manifestly unwilling to do. Indeed, as the year elapsed, it became ever clearer that the scheduled election was not intended to permit the ouster of the Bainimarama/Sayed-Khaiyum government but rather to supply it with the oxygen of popular legitimacy.

In a January address to the nation, Bainimarama promised a new draft constitution by the end of the month and said that the scheduled Constituent Assembly would gather in February, with the constitution to be finalized in April (Bainimarama

2013a). Yet the weeks rolled by, and self-imposed deadlines slipped. In the meantime, the government issued a decree requiring Fiji's established political parties to register within twenty-eight days, with party names to be in English and each party to collect 5,000 signatures (2,000 in the Central Division, 1,750 in the Western Division, 1,000 in the Northern Division, and 250 in the Eastern Division) (Fiji Government 2013f). In a February amendment, trade unionists were disqualified from holding office, parties were forbidden from complying by changing names but retaining the same acronym, and media organizations were threatened with F\$50,000 fines or five-year prison terms for depicting non-registered groups as "parties" (Fiji Government 2013e).

The new rules drew protest from both the politicians and overseas lawyers about breaches of human rights and International Labour Organization Convention rules (RNZI, 22 Feb 2013). In the Australian Senate, Foreign Minister Carr rejected suggestions that his government had "gone soft" on Fiji and justified continuing travel bans on military officers and interim government ministers by referring to Fiji's draconian political party regulations (Carr 2013b). Fiji's established political organizations eventually complied with the new decrees, but the interim government suggested that they had collected fraudulent signatures. The new rules most obviously targeted the deposed Prime Minister Qarase's Soqosoqo Duavata ni Lewenivanua (SDL), which in response initially changed its name to the Social Democratic Liberal Party so as to conform with the requirement

for an English rather than Fijian name while retaining the publicly well-known acronym SDL (RNZI, 28 Jan 2013). After the second decree forbidding continued use of earlier initials, the party modified its acronym to SODELPA (SOcial DEMocratic Liberal PARty), a shift that generated such hilarity as to give the new title rather unexpectedly wide currency.

Only in March did the government release its draft constitution (Fiji Government 2013c), together with a new decree that dropped plans for its deliberation and finalization by a regime-selected Constituent Assembly. This was yet another breach with the regime's own road map as set out in decrees 57 and 58 of 2012 (Fiji Government 2012a, 2012b). The explanation Bainimarama gave was that this was "forced upon us because of the lack of commitment by the political parties to register under the requirements of the law." He announced to the nation, "Instead of presenting the draft to the Constituent Assembly under the previous arrangement, we will be presenting it directly to you. My fellow Fijians, you will be the new Constituent Assembly" (Bainimarama 2013b). The real reason for the cancellation was, at least in part, simply a matter of timing, that is, because of delays occasioned by the rewriting of the constitution. But this was not the first indication of government discomfort with public dialogue, even of a type involving handpicked supporters: planned consultations on the FCC report had been canceled in October 2012, and in 2009, dialogue sessions with political parties and plans for a President's Political Dialogue Forum had been dropped.

On 21 March, a new deadline of 5 April was announced for public submissions, only two weeks away. After protests, the deadline was extended. By this time the enthusiasm stimulated by the 2012 constitutional review process had given way to a wave of despondency and disengagement, at least among the political elite and civil society groups. In total, the government claimed to receive 1,093 fresh submissions, well below the 7,000 obtained by the FCC throughout 2012. The new submissions were not publicly released, unlike those received by the FCC. The 2012 submissions had initially all been publicly available on the FCC website, although the links were soon broken, and by the end of the year the website itself had vanished.

The deliberations of Attorney General Sayed-Khaiyum and his legal team were held mostly behind closed doors. Once the draft was released, Sayed-Khaiyum toured the country explaining and extolling the virtues of its new provisions (Ministry of Information 2013; *Fiji Sun*, 30 April 2013). When a former education minister, Rewa chief Ro Teimumu Kepa, led a delegation to the attorney general's office to present a submission criticizing the draft constitution in April, neither Sayed-Khaiyum nor his solicitor general made himself available to receive it (Fiji TV News, 3 April 2013). A few days later, Bainimarama told villagers in Naitasiri that Fiji's people weren't interested in politics; they "were more concerned on developments like electricity, water and education" (Fiji TV News, 6 April 2013). For the urban and overseas audiences, the government's Washington-based public rela-

tions firm, Qorvis, produced carefully designed propaganda footage about the new draft constitution for public consumption. One of the Qorvis speechwriters privately admitted that those few people presently in command of the government knew very well that their position was unsustainable (Hooper 2013, 54).

The government's March draft envisaged Bainimarama's cabinet remaining in office not only after the serving of writs for election but also up to the first sitting of Parliament. As with the FCC draft, communal constituencies—in which Fiji's ethnic communities have since colonial days voted separately for candidates of their own ethnicity—were to be abolished. There was to be a forty-five-member Parliament serving a four-year term, but no upper house. Gone were the FCC's plans for a National People's Assembly and for a closed-list proportional representation (PR) system together with a New Caledonia-style law on parity designed to increase women's representation. Instead, there was to be an open-list PR system under which voters would choose not only their favored political party but also their preferred candidates within political parties. This echoed the recommendations of the 2008 National Council for Building a Better Fiji and of Catholic priest Father David Arms, a locally resident electoral specialist who soon found himself appointed to the new electoral commission.

The new draft constitution entailed a considerable concentration of power in the hands of the prime minister and his attorney general (see CCF 2013b). The International Senior Lawyers Project (ISLP) concluded that it was

“not designed to establish a stable constitutional democracy in Fiji.” Insofar as the draft addressed “the deep divisions in Fijian society that have contributed to the instability of Fiji for the past century,” it did so by “ignoring them—by insisting on ethnically blind constitutional arrangements” (ISLP 2013, 4). In the FCC draft, the Republic of Fiji Military Forces (RFMF) had been primarily responsible for “defence and protection of the sovereignty and territorial integrity of the Republic” but could be deployed domestically only under the control of the police commissioner and with the “prior approval of the Minister responsible for defence” (FCC 2012, section 176). The new draft reverted to the controversial 1990 constitution's provision granting the RFMF broad-ranging responsibility “to ensure at all times the security, defence and well-being of Fiji and all its residents” (Fiji Government 2013c, section 130 [2]). It was to be exceptionally difficult to amend the constitution. After approval by a supermajority in Parliament (75 percent), a constitutional amendment would also require a 75 percent majority in a referendum—a threshold far higher than that usually adopted for democratic constitutions. The “coup to end all coups” had found for itself a new legal framework that was only ever likely to be changed by illegal action.

In March, a survey was released by the Pacific Theological College's Institute of Research and Social Analysis (Boege and others 2013). It entailed discussions with focus groups involving 330 people and in-depth interviews with 82 people over 2011–2012. The interlocutors found that “the vast

majority” of respondents wanted a reform of the electoral system, thought the military should be reduced in size, rejected coups as a method of bringing about change, and wanted “the military to return power to the people as soon as possible” (Boege and others 2013, 42, xv). However, there was also “virtually unanimous criticism of political parties and politicians”; a majority indicated distaste for “deficiencies of the leaderships of previous democratically elected governments,” and most did “not want a return to the pre-2006 state of affairs” (Boege and others 2013, 37, xvi). These were the sentiments Bainimarama tapped into in his regular attacks on “dirty politicians” (Australia Network TV, 24 April 2013; FBC, 21 Jan 2013). The Pacific Theological College’s survey found a stark division between supporters and opponents of the current government, with the former “slightly outnumbering those expressing criticism,” support tending to be stronger in urban and semi-urban areas than in rural areas, and backing for the military particularly strong among young people (Boege and others 2013, 39). Another 2013 survey, by Minority Rights Group International, found that “a clear majority of indigenous Fijians (iTaukei) expressed disquiet about what they perceived as the government’s anti-Fijian policies,” while “non iTaukei respondents were predominantly supportive of government policies and generally felt that inter-ethnic relations had improved since 2006” (Naidu 2013, 31).

By 2013, the media inside Fiji were carrying a little more criticism of government policies and initiatives than during 2009–2012, but self-censorship

was nevertheless rampant. The threat of punitive actions for overly critical comments was also clear: in August, a local nongovernmental organization, the Citizens’ Constitutional Forum (CCF), was fined F\$27,000, and CCF Chief Executive Officer Akuila Yabaki was sentenced to three months in prison (suspended) for publishing excerpts of a 2011 UK Law Society Charity report titled “Fiji: The Rule of Law Lost” (High Court of Fiji 2013). The *Fiji Sun* was particularly sycophantic. When the prime minister publicly denounced former civil servants’ protests about provisions in the new constitution draft that allegedly threatened indigenous land rights, the *Fiji Sun* published his comments under the headline “Stop Lies. PM to Former Civil Servants: End Playing on Old Fears” (*Fiji Sun*, 30 April 2013). Appearing on a panel at the University of the South Pacific, former Vice President Ratu Joni Madraiwiwi contrasted the 2006 coup with previous coups when the military had swiftly handed power back to civilian leaders. Before publishing a story on Madraiwiwi’s comment, the *Fiji Sun* contacted Bainimarama in France for a response, and the resultant story focused centrally on the prime minister’s denunciation of “critics” and “past leaders” under the headline “Not Swayed. PM Tells Critics: Change Mindset” (*Fiji Sun*, 17 May 2013).

In August, the government released the finalized constitution, although changes by the cabinet were still to be allowed before the end of the year. The new draft showed some signs of responsiveness to domestic criticism, particularly regarding protection of indigenous land rights and the concen-

tration of powers. Outrageous restrictions on the right to life in the March draft—“Deprivation of life shall not be regarded as inflicted in contravention of this section when it results from the use of force which is no more than absolutely necessary” (Fiji Government 2013c, section 8 [2])—had been criticized by the CCF (CCF 2013b, 9) and were deleted from the August version. As in the earlier draft, there was an extensive bill of rights, including significant new socioeconomic rights, but the government would still be allowed to override freedoms of expression, association, and assembly “in the interests of national security, public safety, public order, public morality, public health, or the orderly conduct of elections” (Fiji Government 2013b, sections 18 [2] [a], 19 [2] [a]; see also section 17 [3]). Parliament was to be slightly enlarged to 50 members, still considerably below the 71 who sat in the pre-coup Parliament. An open-list PR system was retained, but in place of the four-constituency model, there was now to be a single national constituency with a 5 percent threshold. Inevitably, the result was likely to be a complex and confusing ballot paper.

That districting change may have been triggered by the difficulty of fitting the smaller Eastern Division into a four-constituency model without disturbing proportionality between party vote and seat shares, but it also made sense politically from Bainimarama’s standpoint. The smaller constituency model would have played out better for the established political parties, who were more likely to draw on localized bases of support. Open-list PR systems entail a counting of party

votes and a separate tallying of which candidates within each party have the largest number of votes. In a single constituency model, such systems benefit parties that have candidates with nationwide appeal who can stack up party votes that enable other, lesser-known candidates to get elected. With a 5 percent threshold, Fiji’s new electoral system will penalize the smaller parties (and independents), who are likely to require a minimum of around twenty thousand votes to get a single candidate elected.

Sayed-Khaiyum compared Fiji’s new electoral model with those of Israel and Holland (FBC, Aug 22 2013), but this was inaccurate. Israel may have a single nationwide constituency, but it uses a closed-list PR system, which is easier to manage in large constituencies. The Netherlands uses a so-called semi-open or flexible list and has eighteen multimember constituencies. Real-world examples of open-list PR systems with large or nationwide constituencies are Colombia’s Senate, with a hundred members, and Brazil, which has some districts and state legislatures that use open-list PR systems and are around the size of or larger than Fiji’s fifty-member Parliament. Aside from the complexity of the ballot paper, and the potential for vacancies to generate by-elections that entail costly nationwide general elections, the new electoral arrangements will eliminate the connection between members of Parliament and specific areas within Fiji. The attorney general said this would help address the sense of neglect felt by people in remote parts of the country, although most would conclude the exact opposite. Large constituencies are sometimes

chosen to create a close proportionality between party seat and vote shares, but some electoral specialists argue that smaller multimember districts are able to achieve reasonable proportionality while retaining close ties between members of Parliament and their constituents (Carey and Hix 2011).

Bainimarama's 2012 "nonnegotiable" provisions for the new constitution had included "the elimination of ethnic voting" (see Fraenkel 2013, 373), triggering a protracted but confused debate (for the background, see Fraenkel 2009). Ending the use of ethnically reserved seats was, by this time, widely supported within Fiji (see Boege and others 2013), but this could not, in itself, halt voting along racial lines, nor would any of the various proposed voting systems prevent communal attachments from influencing electoral allegiances. To prohibit this kind of voting would be impossible under any form of democracy, although bans on allegedly ethnic parties have been a frequent resort of military regimes claiming to transcend tribal divisions in Africa. Yet such was the political climate that many of the submissions to the FCC review and during the government's 2013 deliberations extolled the virtues of this or that electoral system as ideally suited to eliminating "ethnic voting." For similar reasons, a New Zealand- (or German-) style mixed-member PR system was often unfairly rejected because it might entail two votes (one at the constituency level and another for the party)—a provision deemed to run counter to the "nonnegotiable" provision for "one person, one vote, one value."

In February, Ghai's partner Jill

Cottrell explained the FCC's rejection of an open-list PR system as sensible because "research shows that all open list systems tend to encourage voting on ethnic lines" (Cottrell 2013)—a claim that was hard to reconcile with the evidence from open list-using countries like Finland, Brazil, or Indonesia. After the government released its new constitution in September, a common protest was that an open-list PR system would be inconsistent with the government's "nonnegotiable" objectives. "Nothing in the Fiji Government Constitution restricts ethnic voting," protested the Citizen's Constitutional Forum. "When voters can choose who to vote for on open party lists, especially given Fiji's history, they are likely to vote along the usual ethnic lines" (CCF 2013a, 26; *Fiji Times*, 23 Sept 2013).

This implied that if a closed-list PR system had been selected, as the FCC had proposed, party elites would have been more likely to select politicians on a nonethnic basis—a claim that might equally be doubted on the basis of Fiji's troubled political history. After all, Fiji's use of "above-the-line" or "ticket voting" at the 1999, 2001, and 2006 polls granted considerable control to political parties over which candidates were elected, without thereby encouraging selection of members of Parliament particularly disposed to bridging the ethnic divide. Fiji's ticket voting provision borrowed an institution from the Australian Senate, where it is sometimes seen as transforming preferential voting into something similar to a closed list PR system (Sawer 2005, 286). The main scholarly debate among political scientists has been between

those who believe that all PR systems foster ethnicized voting (Horowitz 1985) and those who contest this (see Lijphart 2004; Huber 2012). Much less research has focused on the difference between open- and closed-list systems, in part because the border is often hazy (many countries have “semi-open” or “flexible” lists, as in the case of the Netherlands or, in 2004, Indonesia).

The first line of the new constitution reads, “We, the people of Fiji, . . . hereby establish this constitution for the Republic of Fiji.” Such phrasing is more usually reserved for settings in which there has been considerable public engagement in the process of constitutional design. As Randall Powell (one of the judges on the Fiji Court of Appeal, which in April 2009 declared the Bainimarama government unconstitutional) pointed out, “The draft Constitution has not been put to a referendum. It’s been imposed on the people” (ABC Pacific Beat, 23 Aug 2013). Amnesty International said that the constitution fell “far short of international standards of human rights law” (Amnesty International 2013), while Human Rights Watch said that it represented “a major step backwards” (HRW 2013). Ghai doubted whether Bainimarama had actually read the constitution and claimed that he usually “just repeats what his attorney-general tells him to say” (Australia Network TV, 23 Oct 2013). Within Fiji, the SDL, or SODELPA, as well as the Fiji Labour Party and the National Federation Party opposed the new constitution. Under the auspices of the United Front for a Democratic Fiji (UFDF), these parties wrote a letter of protest to the president, but none

looked likely to boycott the 2014 elections. On the day of the presidential assent, a small crowd of protestors gathered to denounce the new constitution, and fourteen were temporarily taken into custody.

Some within Fiji praised the new legal framework. Tui Tavua Ratu Jale Waisele Kuwe Ratu was particularly supportive, as were 1987 coup leader Sitiveni Rabuka (*Fiji Sun*, 25 Aug 2013) and Fiji’s high commissioner in London, Solo Mara (Mara 2013). One of the FCC commissioners, Satendra Nandan, inelegantly applauded Bainimarama’s achievement through the “subtle force of arms” of an end to “communal constituencies, racial categorisation, colonial hierarchies, feudal patriarchy, discrimination and dispossession of many kinds, coupled with inventions of traditions and institutions to rule rather than to serve” (Nandan 2013).

More eloquently, those at the apex of the now formally disbanded chiefly order expressed the pervasive sense of victimization among Fiji’s once-powerful traditional rulers. Rewa chief Ro Teimumu Kepa and Cakaudrove’s Ratu Naiqama Lalabalavu issued a statement denouncing the “interim military government” for “failure to protect the group rights of indigenous Fijians,” for usurping control over “native Fijians semi autonomous government (Matanitu Taukei),” and for trashing the Ghai draft constitution (Naiqama and Kepa 2013). Among those chiefs, there were some signs of preparedness to make necessary political adjustments in order to confront the imposed new order. At the first gathering of the freshly rebranded SODELPA in June, party president Ro

Teimumu saluted all three of Fiji's deposed prime ministers, including Dr Timoci Bavadra (deposed in 1987), Mahendra Chaudhry (deposed in 2000), and Laisenia Qarase (deposed in 2006) (Coup Four Point Five, 23 June 2013).

Chiefly institutions have been greatly weakened since the coup. The Great Council of Chiefs had not been allowed to meet since 2007, and it was formally disestablished in 2012. In 2010, the government changed the formula governing disbursement of rents obtained by the Taukei (formerly Native) Land Trust Board (TLTB). After deductions of 15 percent for administration, income had formerly been distributed to Fijian chiefs at various levels (15 percent to the *turaga ni mataqali*, 10 percent to the *turaga ni yavusa*, and 5 percent to the *turaga ni taukei*), with the remaining 70 percent going to ordinary members of the *mataqali* (lineage or clan). New regulations in December 2010 provided instead that rents "shall be distributed by the Board to all the living members of the proprietary unit, in equal proportion" (Fiji Government 2010).

Three years on, the practical impact of that ostensibly egalitarian reform was difficult to accurately gauge, but a requirement from 2012 that rents be paid electronically into bank accounts slowed down disbursements. TLTB General Manager Alipate Qetaki admitted in June 2013 that there were thirty thousand landowners without bank accounts, that the board was finding it difficult to establish how many living and deceased members of the *mataqali* should actually receive payments, and that unpaid rents were accumulating at a rate of F\$5 million a month

(FBC 9 June 2013). Many landowners who do hold bank accounts are chiefs, and the effort to eliminate the role of traditional leaders thus always potentially simply empowered some alternative middlemen. In November, Bainimarama implicitly acknowledged problems when he publicly criticized TLTB "lethargy" and said that "equal distribution will be fully implemented and automated by the beginning of next year" (*Fiji Sun*, 6 Nov 2013). The underlying dilemma may not be susceptible to a narrowly technological solution.

Whatever the truth about broader rent disbursements, indigenous chiefs from Western Viti Levu and the Macuata region of Vanua Levu, who were formerly recipients of substantial incomes from sugarcane farm leases, have lost major sources of income, and some of these chiefs are now being forced to earn a living by other means. Ironically, the eastern chiefly elite—Bainimarama's main focus of attack—are less affected because rental incomes have never been vast in these parts of the country. More broadly, there is nowadays less incentive to speedily resolve title disputes. Of the 1,305 *turaga ni yavusa* (heads of clans) titles in Fiji, the Taukei Lands and Fisheries Commission revealed in October that 544 (42 percent) remain vacant. Of the 4,348 *turaga ni mataqali* (heads of lineages) titles in Fiji, 2,189 (50 percent) were not filled (*Fiji Sun*, 27 Oct 2013; translation follows Toren 1999, 183). The prevalence of vacant titles should not necessarily be seen as signifying an erosion of the chiefly order. Often, those functioning in traditional roles—albeit uninstalled—assume positions that entail de facto

recognition of the customary framework, even if the formal succession is contested.

Chiefs such as Ro Teimumu Kepa and Ratu Naiqama Lalabalavu were angered not only by government reforms to rent disbursal but also by efforts to acquire native lands for Bainimarama's "land bank." Harking back to the 1874 Deed of Cession to the British Crown, they reminded Fiji's citizens of "the government's treaty obligation to our ancestors and to our chiefs in exchange for . . . surrendering the sovereign authority of these lands." In retaliation for the imposition of the 2013 constitution, they suggested that ethnic Fijians in government should "cut off their connection with their native groups" and delete their "names from their respective vKB [Vola ni Kawa Bula—Register of Native Births] of Mataqalis, Yavusas and tribes" (Naiqama and Kepa 2013).

The reactions to the new constitution from the Australian and New Zealand governments reflected a wider rapprochement that gathered pace through 2013. Australia Foreign Minister Carr "welcomed" the new constitution (Carr 2013a), while New Zealand Prime Minister John Key said that the immunity provisions were not a "deal-breaker" (*New Zealand Herald*, 2 Sept 2013). By this time, both Canberra and Wellington were aware that their travel sanctions were having negligible impact on Fiji's coup-makers, beyond generating hostility toward Australia and New Zealand. There was also a palpable sense of irritation among many diplomats that so much time was being taken up by Fiji-related affairs. Britain and the

United States, as well as other regional players, were critical of their Southern Hemisphere allies' policy stances toward Fiji, although the credibility of British foreign policy was rather besmirched when a sting operation conducted by the *Daily Telegraph* and the BBC program *Panorama* exposed Tory MP Patrick Mercer for accepting £4,000 to press in the British Parliament for Fiji's readmission to the Commonwealth (*The Times*, 1 June 2013; £1 is equivalent to US\$1.66). After 2010, Australian think tanks such as the Lowy Institute and the Australian Strategic Policy Institute devoted much energy to drawing attention to Fiji's closer ties with China and the associated loss of Australasian regional influence, with the objective of encouraging an accommodation with the Fiji interim government.

Ultimately, Australian policy realignments were really driven by developments within Fiji, even if this was not always obvious to the diplomats themselves or to Australian think tanks, which became more vociferous in almost exact proportion to the quieting of criticism from within Fiji. Whereas Fiji had witnessed a succession of severe crises in the three years immediately following the coup—including public sector strikes in 2007, threats of a Methodist uprising and the interim government's breach with Mahendra Chaudhry's Fiji Labour Party in 2008, the abrogation of the constitution in 2009, and schisms in the military senior command in late 2010—the domestic situation had stabilized since 2011. Meaningful change now looked less likely to come from another crisis or an insurrection and

more likely to follow the regime's own July 2009 road map toward elections in 2014, if these were to be credible. Both the Australian and New Zealand governments—rightly or wrongly—anticipated that Bainimarama would win that election, and they wanted to better position themselves for that eventuality.

Forging closer ties with Fiji was not straightforward. Following the signing of an official “agrément” in December 2012, Carr announced that Margaret Twomey would be Australia's next high commissioner to Fiji (filling a position vacant since the expulsion of James Batley in 2009) (Dobell 2013). Yet Fiji soon reneged on that arrangement. When Carr commented that Fiji was “diminished” by not accepting the appointment, Sayed-Khaiyum accused Canberra of being “prescriptive and highhanded” (Sayed-Khaiyum 2013), and Bainimarama told Radio Tarana that “they don't treat us with consideration and respect, and I can assure you it's the same with all the Melanesian countries” (Australia Network TV, 27 July 2013). Such criticisms struck a chord among Pacific leaders and earned Bainimarama some popularity across the region.

During 2013, Fiji's prime minister seized every opportunity to embarrass Australia and New Zealand, perhaps well advised that to do so would likely bring favorable results. One week after the withdrawal of the decade-old military component of the Australian-led Regional Assistance Mission to Solomon Islands (RAMSI), he took more than one hundred military and police officers to Solomon Islands for the 7 July independence celebrations. “We also have Fijian civilians present

at many levels to assist your efforts at nation building,” Bainimarama told the luncheon gathering in Honiara. “Be assured that Fiji stands willing and ready to take that assistance to another level with more personnel and resources, if that is the wish of the Government and people of Solomon Islands” (Bainimarama 2013e). He did not mention that nearly all of those Fiji citizens working in Solomon Islands were opponents of the 2006 Fiji coup, often deposed public servants who had fought with Bainimarama, left Fiji, and found themselves senior positions overseas as part of a post-2006 diaspora of dissident Fiji professionals that was evident across the Pacific Islands. The barely concealed challenge to Australia was that Fiji might provide foot soldiers for the occasionally anticipated Melanesian rapid deployment force, although the big unanswered question was who would pay for this.

Speaking at the Australia-Fiji Business Forum in Brisbane in late July, Fiji Foreign Minister Ratu Inoke Kubuabola criticized “behaviour on the part of the Australian Government that is inconsiderate, prescriptive, highhanded and arrogant” (Kubuabola 2013). The Australian opposition spokesperson for foreign affairs, Julie Bishop, was in the audience. She spoke later that day acknowledging Kubuabola's “very powerful speech” and said it was “refreshing to hear the frustration that the Fijian Government feels about Australia's approach.” At the time, Labor was still in office in Canberra, but the Liberal-National coalition was expected to win the September election. As Bishop told the forum, “normalising relations between

Australia and Fiji is a priority of an incoming [Coalition] government” (Bishop 2013).

In August, much attention was focused on the inaugural meeting of the Pacific Islands Development Forum (PIDF), hosted by Bainimarama in Nadi and attended by East Timorese Prime Minister Xanana Gusmao, the prime minister of Solomon Islands, and the presidents of Nauru and Kiribati (Tarte 2013). In a thinly veiled critique of the Pacific Islands Forum, from which Fiji remained suspended through 2013, Bainimarama promised that the new grouping would be the “antithesis of most bureaucracies” and would not have an “army of over-paid officials” (Bainimarama 2013d). Indeed, Bainimarama said Fiji would not rejoin the Pacific Islands Forum unless major organizational changes were made to the region’s established political architecture (RNZI, 13 Sept 2013).

Fiji’s 2013 Pacific diplomacy was not always smooth sailing. In his speech in Brisbane at the business forum, Ratu Kubuabola said that his government was “decidedly less than happy” with the Australian arrangements to “dump” asylum seekers on Manus Island in Papua New Guinea (PNG), and he demanded “thorough regional consultation” (*Sydney Morning Herald*, 30 July 2013). Instead of traveling to the Pacific Islands Development Forum in Nadi in August, offended PNG Prime Minister Peter O’Neill instead undertook a state visit to New Zealand. Only days later, a deal for Vodafone (Fiji) to take over the management of Papua New Guinea’s Bemobile collapsed (*The National*, 6 Aug 2013). In October, Fiji Televi-

sion Ltd moved to relinquish its stake in Papua New Guinea’s EMTV station after Peter O’Neill’s government said it was preparing new media ownership legislation (*Islands Business*, Oct 2013). And the fallout continued. In December, the Fiji government refused to accept the appointment of PNG High Commissioner Peter Eafeare as dean of the Diplomatic Corps, despite his being the most senior foreign representative in Suva (*Post-Courier*, 9 Dec 2013), and Mr Eafeare departed Fiji in early 2014.

Yet this PNG-Fiji feud was neither long lasting nor too disruptive of ongoing business linkages. Despite the diplomatic difficulties, Papua New Guinea agreed to deliver F\$50 million in assistance for Fiji’s 2014 polls. In August, PNG investors acquired the Pearl Resort and the nearby golf course for F\$32 million and soon afterward announced a major refurbishment and extension of the Pacific Harbour Marina (*Fiji Sun*, 19 Aug, 4 Nov 2013). As funds start to flow from its Southern Highlands liquefied natural gas and other mineral resource developments, Papua New Guinea is increasing its investments across the Pacific region.

Fiji’s economy experienced a third year of recovery in 2013. The International Monetary Fund (IMF) estimated real GDP growth at 3 percent for the year, and inflation was down to 2.9 percent after averaging 6 percent per annum over the previous five years (IMF 2013; see also ADB 2013a, 2013b). Sugar output—once the mainstay of the Fiji economy—had reached a trough below 150,000 tonnes in 2010, half the level of a decade earlier, but performance stabilized over

2011–2013 with a new leadership team at the Fiji Sugar Corporation and technical assistance from the now American-owned company Tate & Lyle. That company purchased four of Fiji's five shipments of sugar in 2013 for its refinery on the banks of the River Thames in London.

In March, Mauritian Tate & Lyle consultant Dan Boodhna told Tagitagi farmers near Navua that “at an average of 40 tonnes per hectare, Fiji has the lowest production per hectare in the world,” partly due to increasing acidity in the soils (*Fiji Times*, 13 March 2013). Other problems have also affected the quality of cane delivered to the mills. The practice of burning cane before harvesting has been increasing in Fiji for many years, particularly since the late 1980s, partly to ease cane cutting, partly to eliminate rodents and hornets, and above all, more mischievously, to jump the queues for supplying cane to the mills (Davies 1998, 14–15). In September, Police Commissioner Brigadier General Ioane Naivalurua and Sugar Ministry Permanent Secretary Lieutenant Colonel Manasa Vaniqi announced a new program of police deployment on horseback to halt fires in the cane fields (*Fiji Times*, 5 Sept 2013). A more major threat to the industry is the loss of duty-free access to European markets. In June, Bainimarama—in his capacity as chair of the International Sugar Organization—called for the extension from 2015 until 2020 of European Union duty-free quotas for the African, Caribbean, and Pacific (ACP) countries (*Fiji Times*, 5 June 2013).

The year saw further strengthening of Fiji's ties with China. In May, Baini-

marama traveled to Beijing and met Chinese President Xi Jinping (Fiji Government 2013a). Lieutenant General Wang of the People's Liberation Army was hosted at the Sofitel resort near Nadi in August, and three months later a reciprocal delegation of senior military officers accompanied Defence Minister Jocketani Cokanasiga to China (*Islands Business*, 28 Aug 2013; ABC, 27 Nov 2013). Three hundred of Fiji's civil servants are scheduled to travel to China for training over a three-year period.

Closer diplomatic ties have assisted the expansion of Chinese investment. In October, the Shandong Province–headquartered Zhongrun International Mining Company moved to acquire a controlling stake in Vatukoula Gold Mines on northern Viti Levu and announced a F\$40 million investment package pending approval from Chinese foreign exchange authorities (*Fiji Sun*, 5 March, 4 Oct 2013). The Chinese-owned bauxite mine in Bua on Vanua Levu exported seven hundred thousand tonnes in twelve shipments, earning Fiji approximately F\$28.8 million in 2013 (*Fiji Times*, 19 Dec, 20 Dec 2013). The long-gestating China Railway First Rawai housing project ran into difficulty early in 2013 but was resuscitated after intervention by the prime minister secured an additional F\$9.3 million grant from the government in Beijing to complete the work (FijiLive, 30 Sept 2013).

The link with China was potentially politically sensitive. When Bainimarama announced an intention to change the Fiji flag so as to remove the British Union Jack from its top left corner in January, Catholic priest Kevin Barr—once a vocal supporter

of Bainimarama's poverty alleviation reforms—wrote in jest to the *Fiji Sun* that it might be replaced with the Chinese flag. That triggered Bainimarama to hurl a torrent of expletives at the disenchanted priest over the telephone and afterward to threaten him with deportation (*The Australian*, 18 Jan 2013). The embarrassed Barr soon rediscovered his humility and was allowed to remain in Fiji.

Fiji's government was more ruthless in dealing with its longer-standing enemies. Deposed Prime Minister Qarase was released from prison in April, having served seven months for alleged corruption. An appeal against his conviction was quashed in May (*Fiji Times*, 31 May 2013). That barred him from contesting elections and drove the SDL/SODELPA to seek a new leader. Further charges against Qarase brought by the Fiji Independent Commission against Corruption were in the pipeline (*Fiji Sun*, 4 June 2013), transparently aimed at destroying his political career. Labour leader Mahendra Chaudhry, who served as finance minister under Bainimarama during 2007–2008, was also brought before the courts in 2013 on charges of financial irregularities (RNZI, 16 May 2013; *Fiji Sun*, 26 Feb 2014). The Bainimarama government had shown itself quite prepared to drop such cases when rivals relinquished aspirations to hold public office, as in the case of former Chief Justice Daniel Fatiaki in December 2008. The treatment of dissident soldiers was less forgiving. Pita Driti, the former Land Force commander who was alleged to have plotted against Bainimarama and Sayed-Khaiyum in 2010, had since sought to make his peace with the regime, but

he was nevertheless sent to prison in December 2013 for five years.

In March, Bainimarama casually announced his intention to stand for elections from the running track of the new ANZ Stadium in Suva (*Fiji TV News*, 22 March 2013), and he promised to stand down as commander of the Republic of Fiji Military Forces in early 2014. The prime minister courted conservative indigenous support by denouncing same-sex marriage and promising strong legal protections for indigenous land rights (*Fiji Sun*, 27 March 2013; RNZI, 3 May 2013). In September, he authorized the Public Services Commission to agree to substantial pay raises for top civil servants. The Fiji Trades Union Congress reported a trebling of salaries from F\$75,000 to F\$221,894 for the permanent secretaries in the prime minister's office, finance, education, health, and works; an increase from F\$60,000 to F\$160,000 for other permanent secretaries; and a raise from F\$160,000 to F\$221,894 for the military commander and the chiefs of police and prisons (*Fiji Times*, 24 Sept 2013). In November, across-the-board pay raises of between 10 and 23 percent were announced for the civil service (*FijiLive*, 8 Nov 2013), which dissident economist Wadan Narsey described as “a blatant ‘vote-buying’ tactic” (Narsey 2013). The 2014 budget included a substantial increase in government expenditures—with large provisions for road building—and unlikely plans to finance these through F\$475 million in sales of state assets (*Fiji Government* 2013d). Youths demonstrating on the occasion of the budget announcement, sporting T-shirts adorned with the slogan

“C’mon Fiji—Make Budgets Public now,” were briefly taken into custody (ABC, 8 Nov 2013).

The *Fiji Sun* claimed great public support for Bainimarama, but critics warned that *liu muri* (deceitful; literally, “front-back”) voters might say one thing publicly but do another at the polls. Certainly, people in Fiji seemed keen that there be an election. During 2013, using the new biometric registration system, over half a million signed up—an estimated 87 percent of those entitled to do so. With the voting age reduced from 21 to 18 and the new dual nationality provisions enabling many citizens overseas to register, the 2014 polls promised to be very different from Fiji’s earlier elections. In the past, tiny communal electorates had their own members of Parliament, and district design overall favored rural communities. With a single nationwide constituency, the historical bias against Fiji’s urban population was at last removed.

Some analysts believe that Bainimarama’s party is likely to perform well in the rural areas but will “struggle to win the support of the urban middle class who felt victimised by the coup” (Steve Ratuva, quoted in the *Fiji Sun*, 23 May 2013)—a verdict opposite to that offered by the Pacific Theological College’s survey. Others consider that the election itself will be a sham. And still others pointed to the great difficulty Bainimarama and his government have experienced with dialogue processes and questioned whether military leaders and their acolytes can easily or effectively make the transition to civilian politics, build a political party, and venture onto the campaign trail. Deliberations over the new

legal framework in 2012 and 2013 had brought “hope and expectations,” concluded Fiji’s former vice president, Ratu Joni Madraiwiwi, “which may generate a great deal of momentum that the government may eventually be unable to control” (Madraiwiwi 2013). Whichever way, more worryingly, the postelection government will face a 2013 constitution that cannot easily be changed by democratic methods.

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NEW CALEDONIA

In a year leading up to the 2014 municipal and provincial elections and a possible choice to hold a referendum on independence (or another negotiated accord), French loyalists and Kanak nationalists debated and postured, with some crossover on particular issues, while questions of sustainable development and reducing inequalities loomed in the background. The most dramatic event of the year was a massive protest against the high cost of living, as autonomy powers continued to devolve from Paris, which maintained its high levels of financial and technical aid. Defining local citizenship and voting rights became contentious, and environmental concerns haunted the expanding nickel mining and processing industry that fuels much of the local economy. It was also a year of commemorations, reconciliations, and regionalism.

In a survey conducted by the local government (NC, 27 Feb 2013), only three political leaders garnered public confidence ratings of 40 percent or higher: Paul Neaoutyine (47 percent), the pro-independence president of the Kanak-ruled Northern Province; Philippe Gomès (44 percent, though 40 percent said they distrusted him), deputy to the French National Assembly and leader of the loyalist Calédonie Ensemble (CE, Caledonia Together) party; and Gaël Yanno (40 percent), who had lost his deputy seat to Gomès in 2012, became a dissident within the loyalist Rassemblement–Union pour un Mouvement Populaire (RUMP), and finally created his own party, the Mouvement Populaire Calédonien (MPC), as well as a new coali-

tion against independence, the Union pour la Calédonie dans la France (UCF). Taken together, these leaders represent the three largest political groupings in the country today, though Neaoutyine's Parti de Libération Kanak (Palika) is rivaled in the independence movement by leaders such as Rock Wamytan of the Union Calédonienne (UC), who is president of the Congress of New Caledonia, and Yanno is challenging his former RUMP boss, Senator Pierre Frogier. The pro-independence Front de Libération Nationale Kanak et Socialiste (FLNKS), of which the UC and Palika are the largest of five member parties, has been trying to act together, but the loyalist factions of Gomès, Yanno, and Frogier have been waging bitter internecine politics for some time now. The CE has accused the RUMP of working in ad hoc coalition with the UC-FLNKS (that combination brought down the Gomès presidency of the executive cabinet in 2011), while Yanno's MPC/UCF has accused Gomès of agreeing too often with Palika on socioeconomic issues. In September 2013, cabinet president Harold Martin of the Avenir Ensemble party (AE, Future Together, an ally of the RUMP) closed the doors of Congress temporarily after political disputes over whether to finance moderate rental housing, leading the local paper to ask, "Is the country ungovernable?" (NC, 11 Sept 2013). In view of the 2014 elections, it may become a challenge to elect a new cabinet president.

Yet the delegation of governing powers from Paris to Noumea continues, in compliance with the 1998 Noumea Accord. The Overseas Ministry of the Socialist government

in Paris created a new structure to "accompany" New Caledonia as new administrative authority was being granted to the country, such as control over secondary and higher education, commercial and civil law, accident insurance, audiovisual communications, maritime and domestic aviation security, and civil defense (including fire departments). Because some transfers have been controversial or have languished for lack of preparation, a special delegate of the ministry will supervise and facilitate administrative reorganization and personnel training (NC, 19 April 2013). Commissioners sent by the French Parliament to examine the local situation expressed regrets that so little groundwork had been done since 1998 to enable such devolutions, which they had hoped would help the country to reduce socioeconomic inequalities. They concluded that local political quarrels over the country's future status had become an impediment to addressing problems of high living costs and unemployment, so Paris needed to take a more active role in pursuing a "decolonization" that offered better wealth distribution (NC, 9 Sept 2013). The French Parliament passed a special law that enables New Caledonia to create "independent" institutions as needed, such as a local antitrust authority to promote more competition. Deputy Gomès in the National Assembly saluted this reform, passed unanimously in both houses of Parliament, which allows for such a local "gendarme" to combat monopolism among importers who keep prices too high. The modified law also allows new government-subsidized businesses and associations to grow at the coun-

try, provincial, and municipal levels and empowers local governments to regulate expansion in the mining industry (NC, 3 Oct 2013).

The question of future status in the currently “autonomous” (a vague term) but *sui generis* (unique) country (for which no term adequately describes its place in the overseas French political system) continued to be discussed by an advisory French “pilotage” (steering) committee of experts, at the annual follow-up meeting of the committee of signers of the Noumea Accord, and in political and legal debates over definitions of a local citizenship in terms of voting rights and job hiring priorities. The 2010 signers’ committee meeting in Paris had called for expert advice and information to enable local leaders to decide what options were available to fulfill the provisions of the Noumea Accord. After three years of research into issues such as what is sovereign independence in a globalized world and can citizenship differ from nationality, two metropolitan experts offered a report that included four possibilities: (1) full sovereignty after a referendum that would devolve to the country the so-called “reserved” powers of defense, public order, foreign relations and trade, and currency; (2) full sovereignty in partnership, as in France’s relationship with Monaco (a sovereign city-state and United Nations member, but defended by France); (3) expanded autonomy in a federal arrangement (which is what is already happening); or (4) permanent autonomy, ie, the status quo engraved in marble, as the local newspaper put it (NC, 26 Sept, 9 Dec 2013). In 1960, the United Nations

suggested the options of independence, free association, or integration, but France has preferred to invent its own “internal” categories. In comparing the two approaches, they basically resemble each other, though the three French alternatives to full sovereignty appear to be variations on association (a negotiated arrangement in any case, as demonstrated by the five countries in Oceania that are freely associated with either the United States or New Zealand), all of which imply more self-government than integration (eg, Hawai’i’s statehood). In a sense, the three alternative options are designed to allow loyalists some wiggle room, since most of them prefer self-rule that is close to but still short of sovereignty because of security concerns.

In October, the annual signers’ committee meeting was collegial, in anticipation of the May 2014 provincial elections that will also choose a new Congress, which can decide whether to hold a referendum on independence (if 60 percent of members want one) or to negotiate a lasting accord on future status. Loyalists touted the degree of consensus reached in the talks, which focused mainly on educational, administrative, financial, and economic issues, including ongoing French aid. Pro-independence leaders such as Wamytan agreed to examine the four options the experts had proposed, but they also stressed the need to re-verify voting rights (only long-term residents can now vote in provincial elections, the results of which proportionally determine Congress members) and to accelerate the rate of transfers of authority to the country from Paris that the Noumea Accord specified (some of which the

loyalists consider optional). Neaoutyine urged more coordination in the mining industry, since nickel will someday run out and three processing plants were now competing during a world nickel price slump. (One idea floated was not to export any more raw ore in order to keep the value added via processing.) The French government also empowered its high commissioner in Noumea to monitor bank charges and if necessary reduce them to moderate the cost of living. A commission of the local congress was said to be making progress in coming up with a common flag for the country (both the French and Kanak flags now fly in tandem over public buildings), and an exposition of Kanak art had opened at the Quai Branly museum in Paris (NC, 14 Oct 2013).

Citizenship was a contentious subject as a possible referendum loomed, and Wamytan wanted more Kanak qualified for and some non-Kanak disqualified from the voter rolls. He took his case to the French court of appeals, the European Court of Human Rights, and the United Nations, so a team of judges arrived to certify the electorate (NC, 4 March 2013). New Caledonia has three voter categories: those who can vote in local municipal, French legislative, and French presidential elections; a smaller group who could vote in 1998 (or their resident offspring) and are thus eligible to vote in provincial elections; and a still smaller group who can vote on “exiting the accord” (ie, choosing future status), for whom the qualifying date is 1994 (another small group can vote in European Union elections). Restricting the electorate on important matters, as eventually approved and enshrined in

the Noumea Accord, was something the FLNKS long struggled for ever since the massive nickel boom in the late 1960s and early 1970s when government immigration policies deliberately skewed the electorate against local autonomists despite explicit UN resolutions against such tactics. A local citizenship identity card is in preparation, to fulfill a neglected Noumea Accord provision, and favoring locals in hiring (depending on job skills needed) is now a country law (NC, 6 April 2013; NCLatere, 4 April 2013).

Pro-independence parties, like their opponents, began to campaign in this lead-up year to the 2014 elections. At the Palika party congress, Neaoutyine raised the issue of whether all FLNKS members were still pursuing full sovereignty or some were content to remain within the confines of expanded autonomy. Palika had been founded in the mid-1970s by leftists, unlike the UC, which had been founded in the 1950s by churches and chiefs. Neaoutyine wanted full sovereignty, and his question during the party congress was likely referring to the UC’s quasi-cooperation with the RUMP since 2011, which itself might be due to an older generation’s becoming satisfied with well-paid government positions (in replacing some colonial settlers) and a relative independence at the mercy of global financial institutions and multinational corporations, without making significant structural changes in the country (NC, 29 Jan 2013). Naku Press said that Kanak had become a minority due to nickel boom immigration, which led to 1980s violence and then to the softening process of dialogue while France continued its “cornucopia” policy of financial largesse, which

institutionalized economic dependency and diverted politics into a struggle for self-interest and incomes among local leaders on both sides. Leaders should serve the people, it said, not the reverse, and that requires delivering more concrete actions: “The slogan no longer suffices, the independence advocate must now go farther to defend his socio-economic project” (MNP, 8 Feb 2013).

For its part, the UC wanted to get out the vote better, considering the lingering apathy among some alienated Kanak, notably in the outer islands, and to promote unity in the form of a “nationalist bloc” to take advantage of disunity among loyalists and perhaps even gain a majority in the Congress (where 43 percent of seats are currently held by pro-independence parties, who need nine more votes in order to hold a referendum). Concrete projects were needed to rally popular support and to persuade opponents of self-rule what its real benefits would be for everyone. Revealingly, a former UC president was suspended for a year for supporting a CE (Gomès) motion of censure against the current cabinet president, Martin, who is an ally of the RUMP (NC, 11 Feb 2013). Aloisio Sako, president of the Rassemblement Démocratique Océanien (RDO), which is a full member of the FLNKS, hopes to convert more resident Polynesians to the independence cause by emphasizing the need to obtain New Caledonian citizenship, since they have often voted loyalist in the past for fear of losing their right to work there (NCLaIere, 17 June 2013). Wallis and Futuna, his homeland, is almost totally economically dependent on France and on

remittances from its mostly working-class diaspora in New Caledonia. The FLNKS held a series of “citizen meetings” to urge independence supporters to vote (NC, 15 July 2013).

In August, Wamytan was elected president of the Congress for the third time, after one year in which a CE Kanak held the post. This year, the loyalists did not combine their thirty-one votes on the third round of balloting, suggesting the unwillingness of the CE and the RUMP to work together anymore and, in effect, the RUMP’s tacit willingness to share some top posts with the UC-FLNKS, despite the consequent defeat of its own loyalist Kanak candidate. The mostly settler loyalists still control all four New Caledonian seats in the French Parliament in Paris as well as the presidencies of the executive cabinet and the populous Southern Province. The CE Kanak incumbent, Gerard Poadja, was seen as too partisan in his management of the dossiers in the Congress and in his opposition to allowing the chair of the Melanesian Spearhead Group (MSG) to head the meeting of that regional organization in New Caledonia because the chair was Commodore Voreqe Bainimarama of Fiji, who had come to power in a military coup in 2006. Poadja criticized the RUMP for even fielding a candidate (former Senator Simon Loueckhote) and thus helping the FLNKS, whereas Loueckhote blamed the CE for his not being elected. Palika backed Wamytan’s election, obtained the post of first vice president of the Congress (out of eight vice presidents who make up a kind of congressional mini-cabinet that examines proposed bills), and touted the success

of pro-independence unity with 2014 in mind. The final vote was 23 for Wamytan, 17 for Loueckhote, and 13 for Poadja. Wamytan, a Kanak high chief and former president of the UC, FLNKS, and MSG, gave a conciliatory speech but emphasized the need to move forward in fulfilling the Noumea Accord's goal of a consensual "common destiny" while recognizing the country's diversity, decolonization with economic rebalancing, and the integration of the country into the Pacific region: "Each of you is here by the will of the Caledonian people. It's you who make the laws. It's you who fashion the look of Caledonia of tomorrow" (NC, 6 Aug, 9 Aug 2013). Daniel Goa, president of the UC, proposed the creation of a constituent assembly after the FLNKS wins the 2014 elections in order to hold a referendum, create a constitution, and clarify New Caledonia's relationship with France. That idea drew criticism from both Palika and loyalists as a bit premature, but Goa still asserted that "independence is inevitable" (NC, 9 Aug 2013; NClatere, 4 Nov 2013).

In August, the Congress voted unanimously to respect the UN Declaration on the Rights of Indigenous Peoples, which France had supported in 2007. But despite that encouraging consensus, loyalists still showed bitter divisions. When the Congress had to choose someone to prepare a country law that froze prices on necessities, the RUMP and CE traded jibes, passing the task to each other sarcastically and evoking laughter from others. Cabinet President Martin reminded them that the May 2013 strike against the high cost of living had disrupted the country, so they should take responsibility

and not mock their colleagues. But the CE accused Martin's cabinet of asking the high commissioner to intervene instead of signing the protocol with the unions, so Martin traded angry insults with the CE. Jacques Lalié of the FLNKS finally volunteered to prepare the law (NC, 20 Aug 2013). Gomès's CE had earlier splintered from Martin's AE party, which had then allied with the RUMP, against whose domination the AE had first arisen in 2004! Now, Yanno's faction had split from the RUMP, which Yanno felt was not taking a strong enough stand against independence, yet he also promised, like Gomès, to unite the loyalists. At first, Yanno allied with a splinter group of the Gaullist metropolitan Union pour un Mouvement Populaire (UMP) in Paris that arose when Nicolas Sarkozy lost his reelection bid in 2012 to Socialist François Hollande. Frogier of the RUMP had then suspended Yanno and Sonia Backes for party disloyalty, so in March they had formed their own party, the MPC. When Yanno decided to run against the RUMP as candidate for mayor of Noumea, the capital, the metropolitan UMP conducted a poll among its local followers to choose which candidate to endorse, and Yanno won, thus reentering the UMP fold—but not that of the local RUMP (NClatere, 21 Nov, 19 Dec 2013). The conflict appears to be among strong personal egos and settler "clans."

Centrist Didier Leroux, formerly of the original AE/CE, warned loyalists that patronage politics and electoral maneuvering risked "gangrenizing" local society without addressing pressing issues such as socioeconomic

inequalities and stable future status (NC, 5 April 2013). Frogier, a part-Tahitian descendant of a deported convict, argued that the old blocs of independence versus loyalism were obsolete and that the majority could not impose itself on the minority. Instead, leaders of vision needed to achieve an enduring solution. He said independence was not feasible, but he was unclear as to what would replace that goal other than the ill-defined status quo. He wanted a new accord, perhaps even a form of independence in association with France, though he hotly denied actually using that specific term, as the CE asserted (NC, 10 April, 22 April 2013). He also proposed opening up citizenship and voting rights to make the country “generous and attractive”; changing the division of revenues so the populous, multiethnic, mostly loyalist South would benefit more (since 1988, to promote economic rebalancing, the two Kanak-ruled regions receive 75 percent of nickel income); and implementing a form of self-government that did not mean separation from France (NCLaire, 19 Sept 2013). Meanwhile, the sale of firearms has increased so much that perhaps 100,000 are owned in a country of 250,000 inhabitants, partly because of a possible independence referendum (and the growing problem of juvenile delinquency). Gomès, the high commissioner, and Overseas Minister Victorin Lurel called for tighter restrictions on guns (NCLaire, 8 Nov, 16 Dec 2013; PIR, 15 Nov, 23 Dec 2013).

To acknowledge the success of the CE in winning both deputy seats from the RUMP in 2012, Martin agreed to reshuffle some cabinet portfolios (NC,

16 April 2013). Loueckhote claimed he could unite the loyalists, but the CE was not interested. Instead, Gomès announced his plan for a “clarified” referendum choice, not just yes or no, so that people would understand exactly what their real options were. His party had been rather centrist and social democratic in its policies when he held the cabinet presidency before Martin, but after the UC-RUMP tandem ended the Gomès reign in 2011, he gathered up some remnants of other small loyalist groups, including the right-wing Front National (FN), which had lost its congressional seats in 2009, partly due to a more restricted electorate of long-term residents. At his party congress in June, Gomès said he had supported the reconciliation ceremonies this year and wanted peace for the country through a consensual solution like the accords of 1988 and 1998, not a “guillotine” referendum that would produce winners and losers and lingering tensions. He noted that pro-independence groups, most notably the Parti Travailiste (PT, Labor Party), which was affiliated with radical labor unions, expected to win the 2014 elections, while Frogier was colluding with the UC for a status somewhere between becoming independent and remaining French. Gomès warned that New Caledonia did not have the resources for defending itself, maintaining public order, and running the courts or higher education system—hence the ongoing need for financial aid from France. He warned of foreign threats from instability in neighboring Melanesian countries as well as rising Chinese power (even at the United Nations). He wanted the two choices of becom-

ing independent or remaining part of France to be clearly spelled out, but so far he has failed to do so himself (NClairere, 20 June 2013). Nor have the situations of the five “associated” countries in Oceania been seriously studied for what might bear on New Caledonia’s case.

The most dramatic grassroots protest of the year was the twelve-day union strike in May against the high cost of living (one-third higher than in France), which people often blame on importer monopolism and the doubled salaries and benefits paid to metropolitan contract workers and retirees. Didier Guénant-Jeanson of the largest labor federation, the Union Syndicale des Ouvriers et Employés de la Nouvelle-Calédonie (USOENC), in alliance with three other unions and with encouragement from Gomès’s CE, mobilized marches in Noumea and elsewhere involving 20,000 protesters, demonstrations in front of supermarket chains, and barricades at intersections and the port, among other actions that were reminiscent of a similar effort in 2011. In pushing the government to act on accumulated studies and recommendations over the years, the USOENC leader vowed not to give up the quest for a fair share of business profits through lower prices, after two years of failed negotiations. Experts agreed that the importers and distributors needed to lower their markups, especially on essentials like foods and fuel. Guénant-Jeanson said he wanted “a new equilibrium, a different sharing of the wealth . . . to build our country” (NC, 16 May 2013). Because the strike was announced in advance, the cabinet passed two measures just beforehand,

in the form of tax code revisions lowering income taxes on the middle class and taxes on the construction of middle-income rental housing, while also seeking fuel from Singapore, extending the Paris-funded “jobs for the future” program for youth, and subsidizing workers with incomes below the minimum wage (NC, 13 May 2013). The protocol signed by the unions and government lowered prices by 10 percent on 300 food and hygiene products, as well as 200 non-food products such as fuel; created a streamlined, new general tax on commercial activity that reduces multiple markups and taxes on products; and enacted other measures such as reduced bank charges and better deals on bus, air, and sea transport tickets and telephone cards, to be enforced, ironically, by the French high commissioner (NC, 27 May 2013).

Critics from both ends of the political spectrum argued that such Band-Aid measures would not really address deeper structural problems, such as the lack of an equitable mining royalty fund (which French law actually prohibits), tax reforms that benefit the middle class more than workers, insufficient state regulation of private enterprises, and needed reforms such as the construction of affordable housing. The second largest-labor coalition, Union Syndicaliste des Travailleurs Kanak et Employés (USTKE), which is affiliated with the PT and supports independence, called it an “agreement for nothing” because it failed to address wage increases, limiting hiring to locals whenever possible, and inter-provincial rebalancing (NC, 31 May 2013). The local Socialists, led by Michel Jorda, praised the organization

of the strike but said the superficial outcome that neglected affordable housing, renters' rights, higher taxes on the rich and on luxury homes, and other progressive social measures was "a great ridiculous moment of the whole political class" because it relied on the high commissioner to enforce it instead of local leaders: "We walk on our heads" (NC, 31 May 2013). Frogier of the RUMP said the agreement could have been reached two years earlier, while Pierre Bretegnier of the same party said it might even increase unemployment. Gomès of the CE denounced the cabinet's middle-class tax reforms as "dishonest and scandalous," in effect agreeing with Caroline Machoro of the FLNKS that they did not address the work of the special congressional commission on broader fiscal reforms (NClatere, 29 May 2013). As economist Gaël Lagadec of the local university put it, every subsidy produces new costs: "The horizon of a politician is almost always that of the next election, thus it's short-term." Even in France, incurring new debts instead of making structural changes leaves it to future generations to solve the problem (NC, 21 May 2013). The visiting head of the Bank of France recommended gradual elimination of the "indexing" (doubling) of metropolitan civil servant salaries in New Caledonia (NClatere, 12 June 2013), which Wamytan had also called for. Before the end of the year, the USOENC was again calling for deeper reforms (NClatere, 4 Nov 2013).

Visiting French Premier Jean-Marc Ayrault did not favor ending "indexation" for metropolitan salaries overseas (even though it suggests neocolonial "hardship pay" in colonies, since

it doesn't apply to New Caledonians who move to France), but he said that France would enforce the agreed-to reforms and continue to maintain aid levels for affordable housing and education. The struggle to reduce inequalities was important, he said, because metropolitan salaries overseas were twice as high in New Caledonia as in France, and the political campaigning for 2014 should not mask the country's socioeconomic challenges. When asked if the state ownership of the Société le Nickel (SLN) via its multinational holding company, Eramet, would hinder New Caledonia's ability to increase its own share of control from 34 to 51 percent, the premier said vaguely that Eramet's international scale also needed to be considered (NC, 27 July 2013). The world nickel industry was suffering from a glut and lower prices, due mainly to the economic crisis in Europe and a consequent decline in the demand for stainless steel, while China was becoming a major consumer and also producer by processing imported ore from Indonesia and the Philippines. New Caledonia has one-fourth of the world's nickel reserves, and, in addition to the SLN's Doniambo processing plant outside Noumea, two new plants were starting production, at Koniambo in the North and Goro in the South, creating more local competition and environmental concerns (eg, Goro's repeated crises). Local leaders and outside experts have called for "synergy" in nickel mining and processing in New Caledonia as well as more planning for a future when the nickel supply will inevitably run out, but such a vision still awaits concrete actions (MNP, 28 June 2013; PIR, 1

July 2013; NClairere, 2 July 2013). Meanwhile, the overall economy of the country is stagnant, as new jobs and household expenditures are both in decline. Squatter camps continue to grow around Noumea while the CE argues with the RUMP in the Congress and in the courts about whether to build more affordable housing or to renovate the existing camps. The Congress finally resumed the construction of affordable housing, with French aid and CE and FLNKS votes, after the RUMP (which runs the South) had stopped construction. The Islands Province, however, lacks nickel and remains less developed, so it exports young people to the main island, where some unemployed Kanak resort to delinquency (NClairere, 10 July 2013; NC, 25 Feb 2013).

Independence supporters continue to try to reorient the country toward Oceania instead of Europe. The Melanesian Spearhead Group had formed in the 1980s to support the Kanak decolonization struggle, and the FLNKS is a member. Kanak play roles in the MSG staff, and the Kanaky flag flies over all MSG offices, alongside the flags of the other four members, which are, however, independent countries (Papua New Guinea, Solomon Islands, Vanuatu, and Fiji). Wamytan is a past chair of the MSG, and this year Victor Tutugoro of the FLNKS became chair (NC, 5 April 2013; PIR, 5 April 2013). In a leaders' meeting in New Caledonia, despite objections by the CE that the outgoing MSG chair, Prime Minister Bainimarama of Fiji, was allowed to participate, the organization signed various juridical and economic cooperation agreements and endorsed the establishment of a

Department of Peacekeeping Operations within the MSG secretariat (PIR, 24 June 2013; NC, 19 July 2013). A delegation of the Pacific Islands Forum also visited New Caledonia, where Cabinet President Martin repeated his request that the country could become a full, not just associate, member (he also wants the country, not the FLNKS alone, to belong to the MSG), to no avail. Both the Forum and MSG await more progress in fulfilling the Noumea Accord (NClairere, 18 July 2013). The FLNKS continues to report to the UN Decolonization Committee, on whose list New Caledonia was reinscribed in 1986, and French Polynesia joined it this year, despite objections from France and its notoriously corrupt client leader in Tahiti, Gaston Flosse (NClairere, 17 May 2013; TPM, June–July 2013). Kanaky and Vanuatu continue to nurture close ties apart from Martin's dollar diplomacy, and the FLNKS and the Customary Senate of New Caledonia are trying to help Vanuatu resolve a maritime border dispute with France. The New Caledonia Museum also returned some traditional red feather money to Solomon Islands (PIR, 20 Dec, 24 Dec 2013). But France still regards New Caledonia as a strategic asset, for intelligence listening stations; geopolitical, military, and trade cooperation in the Asia-Pacific region; and a potentially profitable exclusive economic maritime zone. As the French defense minister said, "France is a power of the Indian and Pacific Oceans. She has territories where certain inhabitants have recently expressed their desire to live within the national community . . . which necessitates security and protection" (NC, 2 June 2013).

The year 2013 was also one of commemorations of past tragedies and peace accords, as many people of goodwill tried to nudge the country along the path of decolonization and reconciliation in quest of a “common destiny,” as the Noumea Accord prescribed. In 2012, a film by Matthieu Kassovitz had stirred up local emotions with its depiction of the bloody Ouvea conflict of 1988 (in the Islands Province) between Kanak nationalists and French troops, and this year Kassovitz said the conflict could have been avoided if France had respected Kanak traditions more than a century earlier, instead of marginalizing and dispossessing the indigenous people: “France must make honorable amends to close the wounds. . . . Respect opens every door” (Caledosphere.com, 1 Feb 2013). Annually, for twenty-five years, a French priest and supporters have relit a flame at the Arc de Triomphe in Paris, hoping for a monument to the dead on Ouvea: “The politicians should not have sent in the army” (NC, 20 April 2013). There are multiple monuments on Ouvea and elsewhere to the French and Kanak dead from that conflict, and this year a visual exposition was displayed in the local Gossanah church. It featured Djubelly Wea, who killed Jean-Marie Tjibaou and Yeiwene Yeiwene in 1989 for compromising in signing the Accord of Matignon after the tragedy and was then himself killed. His relatives now said, “Young people must absorb this history”; “They shout Kanaky and sometimes insult whites, but they don’t really know what happened”; “We must remember for the children, never forget. Whites, Kanak, we’re all brothers. It’s up to

us to build the country together” (NC, 22 April 2013). Robert Kapoeri, an attacker on the police station twenty-five years ago, felt sorrow that they had underestimated the risks that led to so many deaths on both sides: “What a waste!” (NClairere, 2 May 2013). But Jacqueline Deteix said to New Caledonian loyalists, “It’s time to decolonize your heads and understand that we cannot NOT demand the independence of our country” (NC, 6 May 2013). Premier Ayrault, visiting Ouvea, vowed to see the Noumea Accord through to self-determination on behalf of all local citizens (NC, 27 July 2013). In Koné in the Northern Province, where local Kanak had also attacked a police station in 1988 (and had revolted in 1917), people draped a statue of a French soldier in the world wars and a statue of a Kanak warrior with their respective flags, the tricolor and that of Kanaky (NC, 3 May 2013).

In July, the local TV news reminded people of the Nainville-les-Roches round table of 1983, thirty years earlier, when Paris, Kanak, and settler leaders had almost reached a peace agreement, only to have the settler Rassemblement refuse to sign the document, which led to five more years of violence before the Matignon Accord (NClairere, 8 July 2013). In another reconciliation effort, the French Museum of Natural History said that in 2014 it would finally return home the skulls of Chief Atai and his priest, both leaders of the 1878 Kanak revolt (NC, 21 Nov 2013). A colloquium was held in Paris to commemorate the quarter century of peace since the Matignon-Oudinot Accords of 1988. Among the speakers, legal scholar Mathias Chauchat reminded listeners,

“Only the reduction of inequalities and the agreed to project of a common society will enable an exit from communitarianism” (NC, 27 June 2013). Pro-independence Naku Press said that most of the French dignitaries present were leftists because all the peace accords had been negotiated by the Socialists, but even so, the discourse had evolved considerably since the 1980s talk of “terrorism.” The Noumea Accord is not a simple decentralization, it said, but is explicitly a decolonization, and Neaoutyine and Machoro had reminded the audience that much work remained to do (MNP, 1 Nov 2013). Wamytan suggested that when the current power transfers are complete, the legal difference between expanded autonomy and full sovereignty will be no thicker than “a cigarette paper.” Michel Rocard, who negotiated the Matignon Accord with Tjibaou and Jacques Lafleur in 1988, agreed that the path had mostly been completed (NC, 11 Oct 2013). Local historian Louis-José Barbançon, a convict descendant whose centrist party had worked with Tjibaou’s independence coalition in the early 1980s, calculated that the violence during that decade had taken seventy-three lives and created 1,200 refugees and was thus a war, which could have been avoided. Over half the loyalists had rejected even the Matignon Accord, similar to the failed Nainville talks, but overall a majority of the country prevailed, and the Noumea Accord ten years later was approved by 72 percent of voters. The country had therefore changed, as socioeconomic conflicts had replaced communal ones, and an educated Kanak middle class had arisen. He

read aloud the names of the 1980s dead and said the peace accords were written with “the ink of their lives” (Barbançon 2013). Fellow convict descendant Bernard Berger is writing a three-volume history of the country to educate young citizens; it is entitled, “We Cannot Remake History.” Two new local TV stations have started up, and the one in the North is run by trained Kanak, who are promoting “the best of common destinies” (NC, 24 Jan 2013).

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PAPUA

In 2013, the Indonesian government faced the increasingly complex political challenges of separatism in Papua as well as the internationaliza-

tion of Papuan issues. The government's approach of trying to promote the welfare of the people of Papua along with security concerns has not made any headway. The political and security situation in Papua worsened as the government grew increasingly repressive and less transparent. The deteriorating human rights situation was also reflected in the rising number of political prisoners and detainees.

Amid the conflicts, the lack of trust among various strategic stakeholders and the political opportunism in Jakarta and in Papua have fostered manipulative exercises in a proliferation of administrative regions as well as fraudulent and disruptive regional elections. These current practices have plunged the local government into administrative and public service crises, resulting in the neglect of the people's welfare.

During the year, a bold attempt was made by Governor of Papua Lukas Enembe to resolve the Papuan problem by introducing for the first time the idea of the *Otonomi Khusus Plus* (Special Autonomy Plus, also known as *Otsus Plus*), which was to be derived from a revision of the *Autonomy Law of 2001*. Detailed later in this review, the new bill was supposed to offer comprehensive answers for the fundamental problems in Papua, though the broad participation of Papuan people and full support from Jakarta would always be required for it to succeed.

One can learn from the experiences of the Papua Peace Network (PPN) in creating public consultation and in building support from various parties in Papua and Jakarta. Lukas Enembe might succeed with *Otsus Plus* if a

civilized and honest dialogue approach is adopted. But no matter how exemplary the substance of *Otsus Plus* may be—or that of any other propositions to solve the Papuan problem, for that matter—unless the process truly involves various stakeholders, particularly those in the opposition, no resolution is likely to succeed. Such involvement is essential for any result to be acknowledged as legitimate.

The year 2013 should also be seen as a special one for the eradication of corruption in Papua and West Papua. Compared to the previous period, over the course of this year the government made a serious effort to eradicate corruption through the hard work of Police Chief of Papua Tito Karnavian, who established an Anticorruption Force, and Chief Prosecutor of Papua E S Maruly Hutagalung, who made a breakthrough by prosecuting many officials involved in corruption. All the legislative and executive officials involved, from the highest to the lowest ranks, were put on trial. This also shows that corruption in the two provinces has been very prevalent, from the village to the provincial level. This year, law enforcement efforts as well as findings of corruption have increased significantly.

The government believes that the essence of the problem lies in the welfare of the Papuan people. Their view is that if they can manage to improve the people's welfare, then Papuan aspirations for independence will fade. Therefore, the government has been fully exploiting resources for "accelerated development," for programs categorized as "quick wins," and for projects with high political value. Their intentions were revealed

in the incredible amount of “autonomy funds” (totaling nearly 40 trillion IDR by 2013) and other disbursements flowing from the central government to Papua and West Papua. (One US dollar is approximately 11,338 Indonesian rupiah [IDR].) The establishment of the Unit for Acceleration of Development in Papua and West Papua (UP4B) and some breakthroughs in the coordination of socioeconomic development further affirmed the government’s vision.

Concerning the freedom of expression, the government is of the opinion that, even if carried out in a peaceful and orderly manner, rallies voicing aspirations for Papuan independence should be categorized as acts of treason under articles 106, 110, and 116 of the Criminal Code (KUHP). In Papua, Regional Chief of Police Tito Karnavian also applied Law 9/1998 and Law 12/1951. The police chief confirmed that demonstrations raising the issue of Papuan independence are prohibited because they do not support national unity. This policy is believed to be in line with the government’s vision for combating separatism and preserving the integrity of the Unitary State of the Republic of Indonesia in Papua (NKRI). The government does not consider such demonstrations part of civil rights and political freedoms of expression as guaranteed by article 28 of the 1945 Constitution and article 19 of the International Covenant on Civil and Political Rights.

Dealing with the civil political movement, in 2013 the police grew more repressive and issued no notification receipts (STTPS, which are used by police as de facto permits to hold

demonstrations) for any demonstrations that were deemed separatist. A large group of policemen, sometimes combined with the army, was always present in order to control the rallies. The police prohibited mass mobilization of citizens and even watched over meeting points on the nights prior to demonstrations. They also dispersed those who joined the demonstrations, arrested and interrogated the activists, and prosecuted the leaders. Only a few rallies were carried out without being dismissed. The police even raided “prayer sessions” organized by groups that were considered separatist.

Throughout the year, the police arrested or interrogated more than 500 people. In 2012, the number of political prisoners and detainees had reached about 26 people, and in 2013 the police arrested at least 49 new political prisoners and detainees, bringing the total to approximately 75 people. During the processes of detention and investigation, some allegations about persecution, torture, and even murder of activists emerged. No allegations of human rights violations have yet been proven because there is no institution that is able to conduct an investigation impartially. All information is monopolized by the police, and the allegations of human rights activists and campaigners have been ignored by the state.

Confronting the armed group of the National Liberation Army/Free Papua Movement (TPN/OPM) who launched several attacks, killing Indonesian National Armed Forces (TNI) soldiers and then seizing their weapons, the government has not substantially increased its military operations

or developed any new strategies to immobilize the organization. In 2013, the government made an assessment that the civil political movements in the urban areas of Papua and their networks overseas are far more dangerous and require special handling. Apparently this was the reason why the Papuan police reacted more strongly to the demonstrations of the National Committee for West Papua (KNPB) than to the occasional shootings in Puncak Jaya.

Recognizing that the security approaches from the end of 2010 to early 2012 were not effective, Indonesian President Susilo Bambang Yudhoyono has started using a dialogue approach to resolve the Papuan problem. At the end of 2010, he appointed Farid Husain to explore prospects with the TPN/OPM and other political leaders. In late 2011 and early 2012, the president openly declared that he was ready for a dialogue with the leader of the Papuan people. Unfortunately, the suspicion of Papuan leaders was still very palpable. In 2013, the circle of powerful people around President Yudhoyono considered that, behind the support for a dialogue agenda, there was an agenda of referendum and “internationalization” of Papua. The president’s elite circle was not capable of distinguishing hardliners demanding a referendum from moderate groups truly interested in dialogue. As a result, Yudhoyono’s efforts have stalled.

Since 2009, the civil and political activities in urban areas of Papua and West Papua have been dominated by the KNPB. The network of the organization has grown rapidly in key cities in Papua and supports having a

referendum for Papuan independence. It was noted in 2012 that the demonstrations conducted by KNPB were not always orderly and peaceful. Some of their rallies disrupted traffic, with KNPB supporters attacking settlements and civilians, terrorizing journalists and members of the Parliament of Papua, and persecuting those who did not support their cause. The KNPB’s rallies always liaised with the overseas Free Papua Movement (OPM), particularly with Benny Wenda, who is based in Oxford, England.

In 2013, realizing the fact that the police force has grown increasingly repressive and intending to garner public sympathy, the KNPB continually emphasized that it would conduct its rallies in an orderly and peaceful manner. Despite being subjected to harsher repression, throughout the year the KNPB held ten demonstrations in various cities in Papua and West Papua. On one hand, the KNPB stressed the point that peaceful demonstrations are part of the freedom of expression and democracy that must be respected, and they accordingly criticized the oppressive measures of the police. On the other hand, the KNPB took advantage of the alleged oppression and violence that infringed on its members’ human rights to support the campaign for Papuan independence in international forums.

Since mid-2012, the armed groups of TPN/OPM have chosen “General” Goliath Tabuni, whose base is in Puncak Jaya, as their supreme commander. Other leaders in Timika, Biak, Paniai, and elsewhere acknowledged the appointment. The number of weapons controlled by the group has gradually increased, as has the number

of members. Furthermore, the TPN/OPM collaborated with the well-established KNPB, which possesses broader political knowledge and experience. The Indonesian police and national army have not managed to capture and uncover the groups residing in the forest, resulting in a greater potential for security disturbances. While it is increasingly difficult for the security forces to suppress these armed groups, the latter are still not likely able to incapacitate local governments.

In 2013, the armed groups of TPN/OPM were less aggressive than in 2012. The Puncak Jaya Group perpetrated six fatal violent actions against a total of 27 victims. Nine TNI members were killed and two others were injured. There were also four civilians killed and ten wounded, while two members of the TPN/OPM were killed. In one attack by the TPN/OPM, seven members of the military were killed at once. Quite unusually, the TNI did not carry out any military operations in retaliation, fearing a further excess of human rights violations. They decided instead to transfer the cases to the police.

In 2013, the Free West Papua Campaign (FWPC) led by Benny Wenda in Oxford successfully attracted international attention and agitated the Indonesian government. First, on 28 April 2013, Wenda held the official opening of the FWPC office in Oxford, which was attended by Lord Mayor of Oxford Mohammad Niaz Abbasi and other prominent British figures. The Indonesian government reacted quite strongly to this. Indonesian Minister of Foreign Affairs Marty Natalegawa criticized the opening of the office and immediately asked the British ambas-

sador to Indonesia for clarification. Second, on 1 December 2013, Wenda managed to open a representative office of FWPC in Port Moresby, Papua New Guinea (PNG), with the governor of Port Moresby, Powes Parkop, in attendance. Even more unsettling was the hoisting of West Papua's Morning Star flag (used as a pro-independence symbol) alongside the PNG flag in a government office. PNG Prime Minister Peter O'Neill, who has been friendly with the Indonesian government, tried to prevent the incident, but failed.

In 2013, the Free Papua factions based in Vanuatu and Australia, collectively represented by the West Papua National Coalition for Liberation (WPNCCL) led by Vice Chairman Dr John Ondowame and Secretary General Rex Rumakiek, also managed to secure the support of the Melanesian Spearhead Group (MSG). The decision about WPNCCL membership in the MSG was postponed, however, despite the fact that both Vanuatu and Solomon Islands believe that there are human rights violations in Papua and support the struggle for Papuan independence. Such backing for the opposition has forced the Indonesian government to step up its efforts, for example, by lobbying the MSG leaders to postpone WPNCCL membership, sending Coordinating Minister for Legal Political and Security Affairs (Menkopolhukam) Djoko Suyanto to Fiji, and inviting PNG Prime Minister O'Neill to Jakarta for economic cooperation talks.

International criticism of the Indonesian government increased during 2013, along with growing sympathy for the people of Papua due to the

hampered implementation of the Special Autonomy Law and the problems of human rights violations, particularly the lack of freedom of expression for Papuans. Serious attention by various nongovernmental organizations such as Amnesty International, Human Rights Watch, Asian Human Rights Watch, and others has become routine. Recently there have also been increasingly critical appraisals of various government representatives in the Universal Periodic Review forums, the debates in the British Parliament, and the official and open support expressed by certain member countries of the MSG for Papua's struggle for independence.

The OPM factions in various countries (Australia, Vanuatu, the Netherlands, the United Kingdom, and the United States) have been increasingly synergistic in enhancing the Free Papua campaign in international forums. The FWPC in Oxford coordinates rigorously with the KNPB in Indonesia and supports overseas activities by rallying protests in Papua and in other areas of Indonesia. Previously, OPM's struggle was only supported by nongovernmental organizations, universities, and a small circle in the Parliament. In 2013, however, official and open support also came from government officials and state institutions. As a movement with few resources, the achievements of these groups are very significant.

During the year, the recently inaugurated governor of Papua, Lukas Enembe, attempted to revise Law 21/2001 on Special Autonomy (Otsus) to become Special Autonomy Plus (Otsus Plus), which was to be embodied in a new bill, the Papuan

Government Bill. With approval from President Yudhoyono in April 2013, as well as the support of a number of leaders of the Papuan Legislative Council (DPRP), Enembe engaged the assistance of a team from Cendrawasih University in June 2013 to edit the draft. In order to broaden political support, the Papuan People's Assembly (MRP) was also involved in the completion of the writing of the bill. Enembe also consulted the governor of West Papua, Abraham Octavianus Atururi.

While preparing the new bill, Governor Enembe charged the MRP with evaluating special autonomy status by organizing a Public Consultation Meeting (Rapat Dengar Pendapat [RDP]) with indigenous Papuans. Prior to the RDP, which took place 25–27 July 2013, the MRP had organized a survey to collect opinions from indigenous Papuans on the implementation of special autonomy since 2001. The results of the survey were brought to the RDP, at which at least 318 indigenous Papuans were present.

In general, the RDP concluded that special autonomy has failed, especially in sectors of health, education, economy and infrastructure. Therefore, the chairman of the MRP concluded, "99 percent [of the participants] recommended quickly resuming the Jakarta-Papua dialogue, to be mediated by a neutral third party in a neutral venue" (MRP 2013). Moreover, the participants reminded Governor Enembe not to use the RDP as justification for the idea of Otsus Plus. The RDP emphasized that revision of special autonomy would only be possible after dialogue between Jakarta and Papua (*Tabloid Jubi*, 28 July 2013).

The results of the RDP were also reported to the president and the National House. In Jakarta, the RDP results created uneasiness and, as usual, the government chose not to offer an official response. In Jayapura, as if nothing had obstructed his plans, Governor Enembe delivered the draft of Otsus Plus to the MRP on 21 October 2013 for discussion in light of the results of the RDP. Interestingly, the chairman of the MRP did discuss the draft and suggested some changes without referring to the recommendations for dialogue from the RDP. Governor Enembe brought the final draft to Jakarta at the end of January 2014.

In terms of its substance, the West Papuan version of the Papuan Government Bill is more concrete and comprehensive than Law 21/2001. The most important issues of Papua and West Papua are covered in a more detailed manner. The subjects of natural resource management, restrictions on migration to Papua, local political parties, the court of human rights and reconciliation, central and local authorities, education and health, the proliferation of administrative regions, international cooperation, sports, and communal land are clearly formulated for the maximum benefit of indigenous Papuans. If both versions were to be carefully combined, the bill could essentially become the new road map for the resolution of the Papuan problem.

However, the revision of the Special Autonomy Law is still problematic in terms of its process. From the beginning, it gave a strong impression of being elitist, for it merely involved the

elite provincial government, the DPRP, and the MRP. The process was deemed closed-door since it was quite difficult for others to get hold of the initial draft. Religious, nongovernmental, and other civil society organizations were not consulted, nor were hardliners. Groups of students who are members of the Youth, Student and People's Movement of Papua (Gempar) rallied against the Otsus Plus. The bottom line is that since public consultation was not carried out, there was no public support and no political legitimacy. Worse still, many Papuans already believed that the Otsus Plus was manipulated by Jakarta.

The biggest challenge of the Otsus Plus is indeed coming from Jakarta. First, the regime of President Yudhoyono is nearing its end. His power is becoming less effective, and his party is more concerned with the upcoming presidential election in 2014. Support for the bill from the Indonesian House of Representatives (DPR-RI) has yet to be secured. Second, the substance of the bill, particularly those parts concerning the court of human rights, local political parties, and restrictions on migration to Papua, might raise suspicion among conservatives in Jakarta about a "separatist" hidden agenda. Based on the experience with Law 21/2001, some resistance is expected. Unless consultations with Jakarta are conducted intensively with full support provided by the president and various political parties, the bill will likely not be passed.

In 1999, the province of Irian Jaya (transformed to "Papua" in 2000) had only nine regencies (*kabupaten*) or municipalities (*kota*). In line with the regional autonomy and decen-

tralization process in Indonesia, the proliferation of administrative regions also affected this province. Until 2012, the land of Papua had two provinces: Papua, consisting of one municipality and 28 regencies; and West Papua, comprising one municipality and 12 regencies. At the end of 2013, the DPR-RI approved a bill authorizing administrative regions consisting of 30 new regencies and three new provinces. With the government's approval, Papua will have 72 regencies and municipalities, with a population of only 3.6 million people (2010 census).

The administrative proliferation process has resulted in new government buildings, hospitals, and schools. However, the new buildings are largely empty and do not function optimally. Civil servants are often absent from work, school, or puskesmas (district health centers) where they are supposedly working, and yet such behavior results in no penalties. Based on various analyses, administrative proliferation has lowered the performance of local governments, particularly in the public service. In 2011 the Indonesian Ministry of Home Affairs (Kemdagri) ranked West Papua Province as the worst in performance, and seven of ten regencies identified nationally as worst in performance were in Papua and West Papua.

The proliferation has also triggered the creation of bogus data from fictitious populations, villages, and districts for the allotment of legislative seats and increased civil service positions. With the proliferation of administrative regions, approximately 1,800 members of Parliament (DPRD) and 144 regents or mayors and their depu-

ties would be elected. There would also be a thousand local government officials and tens of thousands of new civil servants. Local government budgets would likely be devoted primarily to paying the salaries of those officials and civil servants and covering costs of other government facilities and operational expenditures. The overly rapid administrative expansion, whose process was full of manipulation, was conducted without any strategic planning for inclusive development in Papua.

The administrative proliferation also has expanded the incidence of corruption. In 2013, West Papua was named by the government as the most corrupt province in Indonesia, while Nduga, in Papua Province, was identified as the most corrupt regency. The Indonesian Forum for Budget Transparency noted that the Nduga Regency was the most corrupt nationally in terms of capital expenditures for public facilities. The regency recorded eight cases of corruption, involving 89,452,480,000 IDR in total.

In January 2013, John Ibo, the incumbent chairman of the DPRP, was sentenced to twenty months in jail for a fictitious residential construction project worth 5.2 billion IDR. Not long after, the Supreme Audit Agency (BPK) also found that a large number of members of the DPRP were implicated in the abuse of the social aid fund of 2012, ranging from tens to hundreds of millions of rupiah per person. Of note, President Yudhoyono's special staff Velix Wanggai also allegedly enjoyed a share of 200 million IDR siphoned from the fund. The police chief promised to investigate the case.

The chairman of the DPR of West Papua (DPRPB), Joseph Auri, was also put on trial in November 2013 for allegedly misappropriating 22 billion IDR from the state-owned enterprise PT Padoma. The case also involved other members of the DPRPB. Most of the funds have been returned, but the DPRPB members who were involved are still awaiting trial. It is unlikely that all members of the DPRPB are going to be jailed, and corruption appears to affect lower levels of government as well. The leaders and members of the Legislative Council of Sorong City (DPRD Kota Sorong) were also allegedly involved in the misappropriation of funds amounting to 5.4 billion IDR for the inauguration of the mayor of Sorong in 2012.

Not only were legislative officials involved in corruption but also many provincial government officials, such as West Papuan Regional Secretary Marthen Rumadas, Head of Finance of Papua Province Edi Sirait, and Head of Treasury Marthen Erari. Other cases of corruption kept surfacing, with regents and chiefs of departments as well as officials of lower rank under suspicion, such as former Regent of Merauke John Gluba Gebze and his subordinates. Many tribal and village chiefs were also implicated for corrupt practices in creating fictitious villages in order to secure community development block grant (RESPEK) funds.

Corrupt practices were also found within the higher ranks of law enforcement. National Police of Papua Adjutant First Inspector (Aiptu) Labora Sitorus was arrested for his involvement in a case involving illegal fuel smuggling and logging. The

Financial Transaction Reports and Analysis Center found transactions during 2007–2012 in the account of Sitorus that reached 1.5 trillion IDR. In order to protect his illegal business, Sitorus confessed that from 2012 to 2013 he had transferred as much as 10 billion IDR to high-ranking police officers. Another fellow law enforcement officer, former Kajari (Head of State Attorney) of Sorong Djasman Sumardi, was also a defendant in the Corruption Court of West Papua for allegedly disbursing the proceeds of the auction of illegally logged timber from state-owned land into his personal account in four separate incidents.

The Papua Peace Network (PPN or JDP), a civil society group formed in Papua and Jakarta, has been active since 2010 as a facilitator that connects the government to a variety of groups, including the government opposition in Papua and overseas. The JDP has been campaigning and advocating for a dialogue approach to the resolution of the Papua conflict. The network has also been working to build the foundation of a peaceful process of conflict resolution in Papua so that the results will be seen as legitimate and acceptable to the conflicting parties, particularly by Papuan leaders and the government.

In Papua, Jakarta, and overseas, numerous consultations, discussions, and personal meetings with civil society groups have been carried out to build constituencies and active networks to support the dialogue. Campaigns were conducted through mass media, various social media, and the publication of numerous books. By 2013, support had been garnered

from Papuan traditional leaders, local nongovernmental organizations, churches, and students, as well as from civil society organizations at the national level. At the international level, groups concerned with human rights and justice issues also showed their support. Moderate pro-independence factions have also noticed the constructive possibilities of the dialogue process.

The JDP also established communication with many private figures and key government agencies to promote the dialogue approach as an option. In early 2013, some communications and exploratory meetings were conducted to find common ground among the conflicting parties. The main objective was to build trust by providing space and opportunities to speak, hear, and talk to each other openly and equally. Exploratory meetings were also carried out to establish common ground in order to build a peaceful Papua in security, sociopolitical, and socio-economic domains as well as in sociocultural ones.

By the end of 2013, the Indonesian government had grown more cautious in responding to the issues of Papua due to the increasingly complicated development of various civil political movements in Papua, the activities of civil armed groups, the internationalization of the Papuan conflict, as well as the forthcoming legislative and presidential elections in 2014. As a result, Papuan advocacy seems to be temporarily at an impasse. To reduce the communication gap that has resulted in the decline of mutual trust between the government and Papuan society, the Indonesian Institute of Sciences (LIPI), in cooperation

with the JDP, will strive to continue facilitating any future exploratory meetings.

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SOLOMON ISLANDS

The year 2013 was another trying one for Solomon Islands, with some promising developments and also problematic hangovers from 2012. In the region, national leaders participated in the discussions and activities of the Pacific Islands Forum, the South Pacific Community, and the Melanesian Spearhead Group (MSG). Nationally, the ruling government reiterated its areas of policy emphasis, formally established a national university, commenced the formal transition of the Regional Assistance Mission to Solomon Islands (RAMSI), and initiated reconciliation efforts in parts of the country, albeit amidst criticism and a range of controversial decisions.

One of the memorable and positive events of 2013 was the country's

hosting of the South Pacific Pageant, which brought in ten contestants from neighboring Pacific Islands to vie for the South Pacific Queen crown. The contestants brought to the forefront issues facing contemporary Pacific societies. Notably, they all highlighted the widespread concern for domestic violence and its impacts on women, children, and society in general; as the Fijian contestant declared, it “is not acceptable” (ss, 15 Dec 2012). Solomon Islands was honored to host such an important regional event, and Deputy Prime Minister and Minister of Home Affairs Manasseh Maelanga reiterated this in his speech welcoming the contestants by stating that “events like this bring together people from the Pacific to the Solomon Islands and reinforce our image as the Hapi Isles” (ss, 2 Dec 2013).

Fiji Prime Minister Voreqe Bainimarama was the guest of honor during the country’s thirty-fifth anniversary of independence on 7 July 2013. This gesture showed the closeness of Solomon Islands and Fiji as Melanesian neighbors; moreover, it was a statement of their solidarity in the Melanesian Spearhead Group, where Solomon Islands and Fiji have stood by each other’s side during times of trouble. The message behind Bainimarama’s selection might have been directed at the bigger countries in the region and those outside of the MSG family who were not very happy with the Fijian prime minister and his path to power. Prime Minister Bainimarama boldly affirmed the countries’ close relationship by saying, “We are now working with our Melanesian partners—including Solomon Islands—to build a new and better region in the

South West Pacific, a stronger region with more economic clout and a louder voice in global affairs” (Fiji Government 2013). There were concerns locally about the cost of hosting Bainimarama and his delegation on his trip. Just the vehicle that was purchased for Bainimarama’s use cost taxpayers approximately US\$41,340 (ss, 9 July 2013). (One US dollar is approximately S1\$7.27.) Nevertheless, this invitation and visit by Fiji’s prime minister demonstrated the genuineness of the two countries’ relationship. To some extent, such visits boost Solomon Islands’ image. As Dorothy Wickham told Radio New Zealand (10 July 2013), Bainimarama noted that some ordinary, rural Solomon Islanders have expressed admiration for some of his policies.

Another noteworthy visit was that of King Tupou VI of Tonga in his capacity as chancellor of the University of the South Pacific (USP) to award certificates, diplomas, and degrees to 146 graduates at the USP Solomon Islands Centre in September. It was an important event, as the king represented both his country and the Pacific’s regional university. As with Bainimarama’s visit, people were happy that another neighboring Pacific Island leader visited the country and that King Tupou VI took time to share the experiences of Tonga and the university community with his subjects living in the country as well as with various government dignitaries, including Deputy Prime Minister Maelanga (*USP Beat*, 11 Oct 2013). The significance of this visit is that Solomon Islands continues to benefit from regional cooperation arrangements and is working closely with

other Pacific Island states on what matters to its people.

The year 2013 also celebrated hidden successes achieved by local and ordinary Solomon Islands businesses. Although these were not very well covered by the local media, there were certain positive changes throughout the country that are worth acknowledging. These are achievements in communities, spearheaded not by political leaders but by visionary Solomon Islanders and community groups in their own ways. One such success that stood out was the purchase and commissioning of a third interisland cargo and passenger vessel by the Isabel Development Corporation (IDC) to service the local population and other remote provinces (IDC, 11 March 2014; SIBC Online, 12 Feb 2014). The Isabel Province-based shipping company has grown steadily since its establishment by visionary leaders forty years ago.

Another commendable success celebrated in 2013 was the move by the Guadalcanal Plains Landowners Association (GPLA) to venture into tourism development. It has long been noted that landowning groups in the country do not always invest money from their resources for sustainable revenue. Indeed, since the establishment of Solomon Islands Plantations Ltd in the late 1960s, landowning groups rarely invested their money in profitable businesses but rather shared it among themselves for consumption. This changed with the emergence of visionary leaders in the group after the civil strife of 1998–2003. The establishment of the GPLA in 2005 saw the diversion of shares by landowners into worthwhile undertakings and invest-

ments. In late 2012, the landowners shared dividends to the tune of S\$15 million from their investments—the first return of investment of its kind by landowning groups in the country (ss, 14 Dec 2012). In 2013, the GPLA ventured into the tourism industry by purchasing their first motel/hotel to run, providing a positive model for other groups in Solomon Islands to emulate in order to ensure that services and sustainable revenues are offered to their own people.

The year closed with the nomination and knighting of Paul Tovua in recognition of his service to the nation (ss, 6 Jan 2014). Sir Paul Tovua was recommended for knighthood in 2013 and was appointed Knight Commander of the Order of St Michael and St George during the 2014 New Year's awards, a fitting award for a leader and statesman who struggled to bring peace back to the country. Sir Paul was a former member and Speaker of Parliament and chair of the Peace Council, among other positions in which he served the welfare of citizens.

On the political front, the age-old game of finger pointing and accusations of corruption and unethical decision making continued to feature prominently in both provincial and national politics. In Malaita Province, Premier Edwin Suibaea was accused of weak leadership and poor financial management, leading to the resignation of two ministers in March (ss, 4 March 2013). Suibaea managed to defer a motion of no confidence at the time, giving him the opportunity to secure enough support to continue ruling (ss, 29 April 2013). Guadalcanal Province has struggled with

an unstable government since 2012. In September 2013, eight executive members resigned from the Stephen Panga-led provincial government (ss, 25 Sept 2013). With some delaying tactics and persuasion, three members joined Panga's camp in early 2014, although Panga's deputy also resigned (ss, 10 Jan 2014).

Political wrangling also occurred at the national level. Throughout the year, the opposition group in Parliament and civil society organizations accused the government of making unethical decisions on certain issues, including the diversion of landowner royalty funds by various government ministries as well as compensation claims from former Attorney General Julian Moti. From the royalty funds, a total of “[S1]\$3,704,602.53 was paid to the Guadalcanal provincial government, in cash, between 13th February 2013 to 3rd May 2013” (ss, 11 July 2013). The question was why such funds were paid outside of the provisions of the Mines and Minerals (Royalties) Regulations 2011 (SIG 2011). Prime Minister Lilo stepped in and vowed to pursue the culprits, appointing a task force to investigate the issue (ss, 26 Sept 2013). To date, little has been done to catch those responsible.

A decision made in 2007 by the governments of two former prime ministers, Manasseh Sogavare and Derek Sikua, also returned to haunt the Solomon Islands government in 2013: the Moti affair. The current Lilo-led government was reportedly making contact with deported former Attorney General Julian Moti to settle his claims out of court. The government, together with Sogavare, strongly felt that Moti should be compensated

and that the national government is obliged to pay. The ruling government sent current Attorney General Billy Titiulu to negotiate directly with Moti on how to settle the claims (SIBC, 24 Dec 2013). Opposition leader Derek Sikua, however, disagreed with the out-of-court settlement, saying that “any claim for compensation in relation to Mr Moti’s 2007 deportation should be made through the courts” (SIBC, 28 Jan 2014). Meanwhile Andrew Muaki, a lawyer and former government advisor, pointed out that no Solomon Islands court has declared Moti’s deportation illegal and therefore the government is not obliged to compensate him (ss, 17 Jan 2014). The government could have settled the issue out of court, but with criticism from the wider community, the issue is being sidelined, at least for the time being. This will likely return as an issue during the 2014 national election.

The Solomon Islands government was able to realize its long-term dream of having its own university in 2013. The Ministry of Education and Human Resource Development introduced a bill in Parliament (SIG 2012) that changed the name of the Solomon Islands College of Higher Education (SICHE) to Solomon Islands National University (SINU), amending the SICHE Act of 1984 (SIG 1984). The move was met with both criticism and praise. Some congratulated the government on this achievement, though critics mostly pointed to the lack of trained manpower, financial resources, and will to complete the transition from SICHE to SINU.

Barely a year after SINU’s founding, critics’ fears began to be seen as well

founded. The government was reportedly faced with financial difficulties, which resulted in its failure to meet its obligations toward SINU in 2013. The university management was left to deal with student demonstrations over late payment of their allowances and was even forced to ban students from the dormitories if they didn't pay their fees (SIBC, 7 Feb 2014). It should be stressed that over the years, successive governments have made it a practice to provide full scholarships to students doing teacher training and nursing health studies at SICHE as well as to other students in regional universities in Fiji and Papua New Guinea, and even those in Cuba. Otherwise, they face tremendous difficulty in paying tuition and fees and supporting themselves and their families on the student allowances. The move to ask students to pay a certain percentage of their tuition and fees was met with mixed feelings. This year, SINU students were still calling on the Ministry of Education and Human Resources Development and their respective members of Parliament to pay their fees and other essential education costs (ss, 7 Feb 2014). Indeed, the recent decisions by the government to award education fees to members of Parliament exacerbated the "waiting for a free handout" mentality on the part of the students.

At the primary and secondary school levels, teachers and the government were at loggerheads throughout 2013. The teachers staged a sit-in protest to force the government to look at an overdue pay increase following a salary adjustment (ie, a re-leveling exercise) that had been agreed to in 2011 (STO, 7 Dec 2011). The strike was resolved with the intervention of

the Ministry of Education promising teachers that their past-due increases would be paid through a S\$38 million fund approved by government (ss, 5 Feb 2013). But the government failed to meet the stated deadline, and throughout 2013 the relationship between the state and teachers continued to be a thorny one. The education sector faced a lot of difficulties with its administration and came under much criticism for failing to live up to agreements with the teachers' association. All national examinations were delayed until November 2013, which ultimately delayed the start of the 2014 school year, progression of students to high classes, and the selection and sending of new students to regional universities (ss, 5 Nov 2013).

The law-and-order situation in Solomon Islands continued to be fragile, although it has greatly improved compared to the tense period of 1998–2003. In 2013, RAMSI announced its transition away from playing a leading role in the three pillars of its intervention: law and order, governance, and development. These functions are now slowly being returned to the Solomon Islands government and its institutions. RAMSI's transition was initiated ten years after the intervention began in 2003. Speaking at the official commencement of the transition phase, Secretary-General of the Pacific Islands Forum Tuiloma Slade stated: "Solomon Islands is now a secure and stable country, open for business and its people free from intimidation" (RAMSI 2013, 1).

There are mixed feelings in Solomon Islands about the transition, but there is nothing much that the people

or their government can do to halt it, as the decision to proceed was made by Australia and New Zealand, the main sponsors of the intervention project. Part of local skepticism is attributable to the uncertainty over the Royal Solomon Islands Police Force's readiness to take on the role of policing. However, the police did some things well in 2013. For instance, with the help of the people of the Weather Coast of Guadalcanal, the police recaptured three prison escapees who were closely associated with the warlord Harold Keke at the height of the tensions (ss, 8 Nov 2013). The escapees were apprehended after months of terrorizing their own people of South Guadalcanal. Police also attended to many other crimes around Honiara and throughout the other nine provinces. Unfortunately, Edmund Sae, a fugitive who has been on the run since the arrival of RAMSI, has yet to be captured on Malaita. Malaitan communities did not cooperate with the police for fear of their own lives. In his New Year's speech, Solomon Islands Governor General Frank Kabui called on Mr Sae to do the right thing and give himself up to police (ss, 6 Jan 2014). It should be pointed out that the possibility of another amnesty recently proposed by Prime Minister Lilo might just serve to encourage wanted criminals like Sae to keep holding on to their guns.

There is also public concern over the delay in appointing a new police commissioner. In late 2013, five individuals were shortlisted for the post. One name was selected and forwarded by the Police and Prison Service Commission to the Prime Minister's Office in a formal recommendation to the

governor general for appointment. Unfortunately, the person appointed was disqualified because of an age limit. This did not sit well with some groups in Solomon Islands, especially the Malaita Maasina Forum (MMF), which alleged that Prime Minister Lilo already had a person in mind, resulting in the disqualification of the recommended candidate. Although not substantiated, the MMF continues to accuse the Prime Minister's Office during the latest round of the search for a new police commissioner (SIBC, 26 Feb 2014), despite the urgent need for a commissioner to enhance the people's trust in police leadership and the force.

The failure of the government to officially release the 2012 report by the Truth and Reconciliation Commission on the roots of the ethnic tensions continued to confuse people in 2013. A version of the report was leaked and there is no indication when the report will be officially made public. Meanwhile, the reconciliation between the people of the Weather Coast and the government was criticized as selective and insensitive (SIBC, 17 Dec 2013). Hardy Kona, a critic of the government in this particular effort of reconciliation, stated that "reconciliation must be fair and inclusive otherwise it would only be disadvantageous and discriminatory" (SIBC, 17 Dec 2013).

In Honiara, the basic demands of city living continue to be problematic. City dwellers continue to experience water and electricity shortages and traffic congestion. In 2013, a Parliamentary Task Force was set up to look into the ever-increasing transport congestion in Honiara and the subsequent "short bus routes" taken by buses.

Because of short routes, some passengers are forced to take more than one bus to get to their destination, and a trip that used to cost S1\$3 may now cost as much as S1\$15. The task force consisted of all members of Parliament, and a report was produced after several consultation meetings. The task force recommended various strategies to address the short bus routes that adversely affect the Honiara traveling public (National Parliament of Solomon Islands 2013). Although the cabinet has yet to deliberate on the recommendations, the continuous insistence by bus owners to exploit the general public of Honiara must be addressed, and government intervention is needed. Whatever the outcome, this issue will continue to be a matter for deliberation in 2014.

On the regional, subregional, and international fronts, one of the critical issues for Solomon Islands was its lack of a clear position on the independence movement for West Papua. The country was accused of having a double standard when it came to discussing the issue in various forums. Unlike Vanuatu, the position of Solomon Islands was not obvious at the United Nations General Assembly. Prime Minister Lilo was also accused of following the wishes of the Indonesian government when a Solomon Islands delegation allegedly used Solomon Islands government funds to pay for a trip to Indonesia, despite Lilo's claiming that the trip was fully funded by Indonesia. After protests by the public and in the media about the value of spending taxpayer dollars on the trip, the Indonesian government reportedly refunded the monies. Reports confirmed that funds were received from

somebody within Indonesia, although whether the source of the refund was actually the government of Indonesia could not be determined (ss, 22 Aug 2013). Earlier in the year, Solomon Islands was again accused of blindly following the interests of Fiji during the Melanesian Spearhead Group's trip to Indonesia. The trip resulted in much criticism of the MSG, and a proposed meeting to decide on the MSG's position on West Papuan membership in the organization was delayed. Vanuatu withdrew from the MSG delegation, indicating where it stands on the issue (Radio New Zealand, 13 Jan 2014). West Papua will likely continue to be featured in MSG discussions in 2014.

Issues related to land and economic development continued to be featured throughout 2013. The tensions over environmental threats and pollution by the Gold Ridge mine on downstream and surrounding communities appeared sporadically throughout the year. Media statements, roadblocks, and strikes indicate that there are differences to be sorted out between the company, the state, and affected communities on these various concerns. Similar incidents and disruptions to logging companies occurred in other parts of the country. Disagreements with extractive industries continue to trigger conflicts among community members and companies. In Temotu, a church leader and his followers destroyed a logging company camp after all their attempts to ask the company to stop logging failed to bear fruit throughout the year (ss, 8 Jan 2014). The destruction was estimated at S1\$1.1 million, and the perpetrators were arrested and charged (ss, 8

Jan 2014). Similar incidents happened in Malaita and Isabel provinces in 2013. The increased incidence of such actions by community groups should serve as a warning that landowner concerns must be attended to when there are initial signs that the community and company disagree. Land issues also frustrate the government's development efforts: the government's program on economic growth centers was stymied by land disputes and disagreements. In order for such and similar undertakings to proceed, landownership and disputed area issues must be addressed.

The year 2013 saw the government rearticulate its priorities and what it hopes to achieve during the remainder of its term. Toward the end of the year, Prime Minister Lilo put out a list of priorities that his government will pursue in 2014 (SIBC, 22 Jan 2014), ranging from the forthcoming general elections to multilateral cooperation (OPMC, 21 Jan 2014). The irony is that the national general election will be held in late 2014; why the government only came out with its priorities toward the end of its tenure leaves much to be desired, and one only hopes that at least one of its priorities is achieved before the national elections.

At the close of 2013 and the beginning of 2014, international reggae bands and artists visited Solomon Islands. Julian Marley, the son of reggae king Bob Marley, visited the country and put on a show. Unfortunately, it was marred by stone-throwing fans who were unable to make it into the concert area, resulting in police and youth casualties (STO, 23 Dec 2013). In early 2014, Shaggy (Orville Rich-

ard Burrell), another world-renowned artist from Jamaica, visited Solomon Islands. The show had no incidents of bad behavior, in contrast to the Marley performance (STO, 4 Feb 2014). Both of these stars sang songs about love, oppression, politics, and people. One was a very peaceful show while the other resulted in casualties. These disparate outcomes may be an indication of the uncertainty and mixed reactions of Solomon Islanders as they await the results of the 2014 general elections and the RAMSI transition. Whatever happens, time will tell the status of the country's social, economic, and political situations in 2014.

GORDON LEUA NANAU

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VANUATU

This analysis covers a two-year period—2012 and 2013—that encompasses national elections in late 2012 and the eventual change of government the following year. As 2012 began, however, moves by the Opposition, led by Edward Natapei, to bring down the Kilman-led government had all but ceased, while rivalry within and between political parties increased as individual politicians sought to position themselves in anticipation of the national election, which was expected in October. At the same time, allega-

tions of corruption within the government increased to unprecedented levels related to misuse of funds, shady land deals, questionable dismissals of public service officials, and the unexplained death of the minister of infrastructure and public utilities, Harry Iauko, rumored to be related to the arrival in Port Vila harbor of a mysterious super-luxury yacht, the *Phocea*, and its detention by the government due to fraudulent ownership documentation.

One of the hottest issues during 2011, which was not completely resolved by the end of that year, was ratification of Vanuatu's bid to join the World Trade Organization (WTO). The government introduced a bill in Parliament in December and, despite opposition by most of the major non-governmental organizations such as the Malvatumauri (National Council of Chiefs), Chamber of Commerce, Vanuatu Christian Council, and Vanuatu National Workers Union, it passed by a vote of 25 in favor, 20 against (including that of Minister of Justice Ralph Regenvanu), and one abstention (Van Trease 2012). The bill, however, remained unsigned by the president, His Excellency Iolu Johnson Abbil, who had gone overseas for health reasons as the year ended. The acting president (the deputy speaker of Parliament) explained that he could not sign the bill, as the president had left instructions that he would not assent to WTO ratification if it was unconstitutional, which had yet to be determined (VDP, 17 Jan 2012).

According to the Vanuatu Constitution, "when a bill has been passed by Parliament it shall be presented to the President of the Republic who shall assent to it within 2 weeks." Other-

wise, if the president considers that the bill may be unconstitutional, “he shall refer it to the Supreme Court for its opinion. The bill shall not be promulgated if the Supreme Court considers it inconsistent with a provision of the Constitution” (chapter 4, article 16 [3] and [4]). On his return to Vanuatu in mid-January, however, the president did not act on the bill, and the government was forced to bring a constitutional case against him. In his judgment, Chief Justice Vincent Lunabek noted that the president had not assented to the bill, nor had he referred a case to the Supreme Court in accordance with article 16 (3) and (4) of the constitution. In response to the government’s case, the president expressed his concern about what he viewed as the “considerable lack of consultation, as expressed by the public before the bill was passed by Parliament.” The president was expressing his disapproval of the bill rather than seeking a judgment on its constitutionality—in effect, posing the question of “whether or not the president can refuse to assent to a bill.” The chief justice, however, made it clear in his judgment that under the constitution the president did not have the power to refuse to sign a bill—only to refer a constitutional question about the bill to the Supreme Court within two weeks of the bill having been presented to him. The president’s inaction constituted a “failure of omission” on his part under the constitution, and he was, therefore, “invited to assent to the Bill for the Protocol on the Accession of Vanuatu (Ratification) Act No. 19 of 2011 by signing the copies of the Bill” (Supreme Court 2012; *VDP*, 23 June 2012).

While it took until June 2012 for the issue of Vanuatu’s membership in the World Trade Organization to be completely resolved, there had been a significant political casualty in January following the vote in Parliament the previous December. Having voted against the bill, Ralph Regenvanu was terminated as minister for justice by Prime Minister Kilman and replaced by Charlot Salwai, member of a new breakaway group from the Union of Moderate Parties (UMP) who called themselves the UMP for Change (UMPC). In his termination letter, Kilman criticized Regenvanu for his “continued actions and support for issues that have been contradictory to the collective policy decisions of the Council of Ministers . . . [which] raised serious questions of loyalty within the Council and members of the government coalition” (*VDP*, 17 Jan, 18 Jan 2012).

Regenvanu expressed disappointment at his termination in a long interview reported in the *Vanuatu Daily Post*, describing how he had supported Kilman continually since the 2008 election and by joining the coalition in December 2010. He agreed that he had not supported the WTO bill, nor the controversial appointment of Thi Tam Goiset, member of the well-known Dinh family, the previous December as roving ambassador to Russia (*VDP*, 3 Jan 2013). Likewise, he pointed out that he had opposed and was the only member of Parliament (MP) to vote against the government bill to increase salaries and benefits of politicians and had publicly expressed his opposition to the purchase of new vehicles for several ministers. At the same time,

Regenvanu described the significant results he had achieved while heading three different ministries during the previous year (Ni-Vanuatu business development, lands, and justice). On the positive side, Regenvanu noted that he was now free to practice the policy that he had espoused while campaigning in the 2008 election: “to provide a role model for good leadership as an MP and a national leader” and to focus on preparing the candidates of his *Graon mo Jastis Pati* (GJP, land and justice party) to contest the national elections at the end of 2012 (VDP, 19 Jan 2012).

While Vanuatu’s membership in the World Trade Organization was finally resolved and did not feature prominently in the coming election debate, several other issues from the past spilled over into 2012. The status of West Papua continued to concern many Ni-Vanuatu—representatives of the Free West Papua movement have had an office in Vanuatu since the early 1980s. Prime Minister Kilman’s decision in April 2011 to side with Fiji’s strongman, Frank Bainimarama, to support granting observer status to Indonesia in the Melanesian Spearhead Group (MSG) was very controversial and elicited numerous articles and letters to the editor condemning the move as a betrayal of Vanuatu’s Melanesian brothers and sisters in West Papua (Van Trease 2012, 428). The Kilman government had also negotiated a Development Cooperation Agreement with Indonesia that concerned the leader of the *Vanua’aku Pati* (VP), Edward Natapei, because it recognized Indonesian sovereignty over West Papua and stated specifically that the two signatory countries

must not interfere in each other’s internal affairs. Natapei declared in February 2012 that any future government of which the VP was a part would review the agreement (VDP, 3 Feb 2012).

Despite strong protest from various elements of the community, Kilman pressed on with his new strategy to engage with Indonesia. In May, he met the Indonesian ambassador to Vanuatu in Port Vila to discuss possible police and paramilitary training, and the next day an Indonesian military plane arrived loaded with promised aid, including computers, tractors, and other vehicles. That afternoon, a peaceful demonstration at the airport by pro-West Papuan youths resulted in police arrests, to the dismay of many Ni-Vanuatu, who viewed support for West Papuan independence as an established policy of the government. A spokesman for the Kilman government responded by saying that after thirty years of failing to change the situation it was time for Vanuatu to try a new strategy of engagement with Indonesia (VDP, 15–19 May 2013). As the election approached, there were suspicions that Indonesia was funneling money into Vanuatu to support particular politicians (VDP, 28 Sept 2012).

The politics of land in Vanuatu is another issue that never seems to be resolved. Numerous land disputes were reported in the daily press during 2012, usually about custom ownership related to proposed leasing to foreign investors. The ongoing problem is that, under Vanuatu law, the minister of lands had been given the right to grant a lease in any cases in which land was disputed, the proceeds to be

held in trust until the rightful custom owner(s) could be determined. It is not uncommon for disputes to be invented when an investor is unable to persuade Ni-Vanuatu landowners to grant a lease (*VDP*, 11 Jan, 24 Feb, 4 July 2012). Calls to take away the minister's power to grant leases under such circumstances have been made for a number of years—this was one of the twenty-one resolutions of the Vanuatu Lands Summit, held in 2006—but no government since that time has had the courage or inclination to act, and, as a result, widespread dissatisfaction continues among Ni-Vanuatu landowners and chiefly authorities (*Malvatumauri* 2006).

Of even greater concern during 2012 was the increasing practice of the minister of lands to approve the sale of state land under value and without tender (*VDP*, 31 March, 4 April 2012). The usual sequence of events was for the land to be sold to a Ni-Vanuatu friend or associate at a low price, who then sold it on to a waiting buyer at a much increased price, pocketing the profit and, it is commonly believed, sharing it with the minister concerned (*VDP*, 2 April 2012). This practice has been occurring for years and led to a Council of Ministers' decision in 2010, when Natapei was prime minister, declaring "that there will be no more sale of state owned land assets," but the practice continued unabated under the Kilman government and is illustrative of the increase in the level of corruption experienced in Vanuatu (*VDP*, 13 April 2012).

Although the Prime Minister's Office also announced in June 2012 that it would no longer tolerate the sale of state assets, the practice

persisted, reaching a new level during the last few weeks before the election when Minister of Lands Steven Kalsakau instructed the director of lands to allocate state land in Luganville and Port Vila to staff in the Department of Lands at grossly reduced values (*VDP*, 12 Sept, 21 Sept 2012). The Land Management and Planning Committee announced in early October that it had approved forty urban land leases for Lands officers in Luganville, many of which involved existing leases that the Department of Lands had canceled due to the failure of lessees to pay their land taxes (*VDP*, 17 Oct, 19 Oct 2012). With the election only a few days away and the outcome uncertain, the minister of lands urged the acting director of lands to "organize this as a priority and forward all certificates and leases to me for approval" (*VDP*, 24 Oct 2012).

Relations between Vanuatu and Australia took a surprising turn for the worse in late April 2012, when Australian Federal Police (AFP) arrested Clarence Marae, the private secretary in the Prime Minister's Office, at Sydney Airport as he transited with the prime ministerial delegation, who were on a trip to Israel. According to Australian authorities, he was arrested over a matter that had occurred ten years earlier in which he, along with Australian nationals operating in Vanuatu, was alleged to have been involved in activities to defraud the Commonwealth and for which a warrant of arrest had been issued. Marae was subsequently transferred to Brisbane, charged with one count of conspiracy to defraud the Commonwealth, and confined to jail without bail.

On his return to Vanuatu, Prime Minister Kilman protested at the way in which the incident had occurred and demanded an apology from Australia. The prime minister's party had been shuffled into the immigration hall instead of the VIP lounge, as is the normal procedure, and at that moment, the AFP arrested Maraë. Reactions in Vanuatu were mixed. Some people saw the incident as showing disrespect for Vanuatu's prime minister, while others were less critical. The Nagriamel Movement demanded that the government expel AFP personnel working in Vanuatu as part of the Australian Government's Police Force Strengthening Project. In contrast, Edward Natapei (president of the VP and leader of the Opposition) noted that the AFP had merely been executing a court-sanctioned warrant of arrest, and he criticized the prime minister for engaging someone who had, indeed, previously been convicted for misconduct by Vanuatu courts. However, with no official apology forthcoming, on 9 May 2012, Kilman ordered the AFP to leave Vanuatu within twenty-four hours (VDP, 1-11 May 2012).

As it turned out, the decision to expel the AFP worked to Vanuatu's significant disadvantage by depriving local police authorities of vital support in dealing with a criminal incident involving suspicious international players. On 22 July 2012, twenty police officers took part in a joint operation with Customs, Immigration, and Quarantine officers to board the *Phocea*, a mega yacht that had recently arrived in Vila harbor. After checking Internet sources, police officials reported that the yacht was

“highly suspicious of being involved in smuggling high powered arms, money laundering and breaching related laws of maritime borders” (VDP, 25 July 2012). A court warrant was issued and a search of the yacht discovered numerous documents related to bilateral arrangements and others with forged signatures, which were confiscated. “A substance in a plastic bag that may be opium” was also discovered (VDP, 28 July 2012).

On board the yacht were sixteen crew members, including a Samoan and a Tongan who in March 2012 had been involved in a case related to their obtaining Vanuatu citizenship by false and misleading statements. Both men were arrested and subsequently appeared in court. Tongan police also became involved in the investigation when it was revealed that the *Phocea* had stopped over in Tonga on its way to Vanuatu from Europe via the Panama Canal and that cabinet members had been entertained on board. Internet investigations also found suspicious changes in the yacht's registration and discovered that the yacht had been registered in Vanuatu in 2005 as a diplomatic yacht of Vanuatu owned by Anh Quan Saken, who became a citizen in 2012 and was alleged to have been appointed as Vanuatu consul to Vietnam (VDP, 24, 25, 26, 30 July 2012).

It came as a surprise when the police investigation revealed that the *Phocea* had actually been moored for several days outside the harbor near a small resort without clearing customs and immigration and that at least two government ministers and possibly three other members of Parliament had been on board. Photographs of

the ministers found on board—Minister of Foreign Affairs Alfred Carlot and Minister of Education Marcelino Pipite—confirmed this (*VDP*, 27 July 2012). They were subsequently charged with and pleaded not guilty to the offence of “boarding before a customs officer—contrary to section 16 (1) CAP257” (*VDP*, 24 Oct 2012). The case had not been heard even by the end of 2013.

The police investigation had begun to make significant progress in raising questions, if not finding out concrete answers, about the circumstances surrounding the *Phocea* when it was reported that Minister of Internal Affairs George Wells had decided to suspend the head of the Fraud Unit, Andrew Kalman, who was investigating the *Phocea* affair. Initially, no reasons were given for the suspension, except that Kalman was “jeopardizing the case,” but subsequently he was accused of causing delays in the investigation and selling information. Kalman denied all the allegations and was preparing to challenge them in court (*VDP*, 1 Aug, 8 Aug 2012).

Over the next two months, the captain and crew of the *Phocea* were prevented from leaving Vanuatu while cases were prepared against them for breaching customs and immigration regulations related to their delay in seeking clearance when they first arrived in Port Vila. Most were given relatively modest fines and eventually allowed to depart the country. The circumstances remain unclear, however, how the yacht’s owner, Anh Quan Saken, was able to board a plane within three days of the arrival of the *Phocea*. Clearly, someone in authority facilitated his departure. He was called

to appear in court to face charges with the captain, but he did not return to Vanuatu to do so. Indeed, there were many questions regarding Saken’s true identity and his relationship with Minister of Foreign Affairs Alfred Carlot.

In December 2011, Carlot had appointed longtime resident of questionable character, Thi Tam Goiset, as Vanuatu’s roving ambassador to Russia and other eastern European countries (*VDP*, 3 Dec 2011). She has been involved in politics for decades and has a reputation for shady activities, having been arrested in New Caledonia several years ago while using a diplomatic passport with no official status and in possession of a number of unexplained passports and VT5 million (One US dollar is approximately 93.5 Vanuatu vatu [VT]). Under her contract, Goiset was not entitled to any remuneration for services rendered but would be entitled to 15 percent of any money granted to the government of Vanuatu as a result of her representations to other foreign government agencies. The *Daily Post* noted that it was ironic that Goiset’s contract came to light physically (a copy was printed on the front page of the newspaper) after Prime Minister Kilman “reiterated his government’s stand against corruption”; the newspaper also noted that Goiset was linked to the decision of Carlot and Kilman in 2011 to recognize the pro-Russian, breakaway republic of Abkhazia (*VDP*, 3 Jan 2012).

The prime minister’s first secretary, Richard Kaltongga, produced documents alleging that the minister of foreign affairs had also appointed Saken as ambassador-at-large to Peru, Colombia, and the United States as

well as Vanuatu commissioner of trade, business development, and culture for Central America and Panama. Carlot denied the accusations, claiming that the documents were forged, but he did confirm that Saken had made significant financial contributions to the running of the Vanuatu embassy in Brussels. He also recommended that Goiset be removed as Vanuatu's roving ambassador to Russia, but the Prime Minister's Office insisted she remain (*VDP*, 29 Sept 2012). Goiset's involvement with Saken and the *Phocea* remained mysterious at this point, as did the true nature of her relationship with members of the Kilman government. By October, the *Phocea* had become a permanent feature in the harbor, and the affair began to fade somewhat from public view as attention shifted to the national elections scheduled for the end of the month. The yacht had been impounded by the Vanuatu government and would remain so well into 2013.

The Kilman government was significantly damaged by the way it handled the *Phocea* affair and by its involvement in what seemed to be potentially criminal activities. Indeed, the government had developed the reputation of being soft on corruption, whether through the actions of certain of its own ministers or through its lackluster approach to dealing with embedded corruption and incompetence in the public service—a problem, in fact, that has been neglected for years by previous Vanuatu governments. The land issue has already been mentioned, but there were others. In June, Minister of Education Marcellino Pipite signed

a deed of release payment with the director of a local stationery store, for which he had cabinet approval, for the payment of VT17 million, despite the fact that the State Law Office had advised that there was nothing to pay, as the store's claim had been struck down by the Supreme Court several years earlier. The money was reportedly drawn out of funds earmarked under the Teaching Services Commission for outstanding payments to teachers (*VDP*, 8 June 2012). By October, the *Daily Post* reported in front-page headlines that the Ministry of Education had run out of money, attributing the situation to the non-budgeted VT17 million that had been taken out of operating funds, resulting in teachers not being paid and overseas students on scholarships not getting their stipends (*VDP*, 18 Oct 2012).

Another concern among some members of the public, which was attributed to policies of the government, was the increasing number of Chinese workers being allowed into the country. They were mostly employed on construction sites, an area of employment that is reserved for local people, and thus appeared to be taking jobs away from Ni-Vanuatu. The government seemed to ignore the problem, and there was suspicion that special favors were being given to certain local contractors to allow them to recruit foreign workers (*VDP*, 7 Jan, 28 Jan 2012). Likewise, worries surfaced in the country when the government reported that it had established a scheme in Hong Kong to sell permanent resident visas to wealthy Chinese as a source of government revenue and potential investment, with

nearly seven hundred having already been sold by the end of the year (VDP, 27 Oct 2012). This is clearly a difficult issue for the government to deal with, as Chinese-Vanuatu relations go back to independence, and the People's Republic of China is a generous aid donor.

Of particular concern has been the government's practice of using its power to dismiss officials for no apparent reason, rather than using established Public Service procedures. In addition to the dismissal of the head of the Fraud Unit investigating the *Phocea*, a series of senior police officers were dismissed without clear reasons being given. For example, there has never been an adequate explanation why Police Commissioner Joshua Bong was "told" to take leave in May and was replaced by Acting Police Commissioner Arthur Coulton (VDP, 22 May 2012). The same applies to the suspension of the senior commander south the following month—the minister of internal affairs gave no explanation in response to inquiries (VDP, 27 June 2012). Even more confusing was the imprisonment of several senior police officers in late May for "suspicion of inciting a mutiny"—no explanation given—and Bong's reinstatement as police commissioner pending a court challenge (VDP, 2 Oct 2012). Within a few days, the Supreme Court struck down the mutiny charges, ten other senior police officers were suspended, and Bong was again terminated as chief of police (VDP, 8 Oct 2012).

Several major political parties faced severe problems in the months leading up to the election, mostly related to individual power struggles,

some dating back months or years. In January 2012, tensions that had been building within the UMP since the previous December between longtime leader Serge Vohor from Santo and a younger rival, Charlot Salwai from Pentecost, began to take form. Salwai announced that a group within the party who supported him would be called UMP for Change (UMPC). Evidence of the split became obvious in the following months as individuals declared which group they identified with, culminating in February with two party congresses competing for participants and the Vohor-led faction officially expelling the rebels (VDP, 17 Feb, 29 Feb 2012). Following a court case by the Vohor faction, which was subsequently appealed and disallowed, the Supreme Court ruled that Salwai's group could not use the UMP or UMPC name to identify themselves in the coming election (VDP, 28 Aug 2012). As a result, Salwai renamed the UMPC as the Reunification of Movement for Change (RMC).

The Vanuatu Republican Party had also experienced a power struggle in 2011, with Alfred Carlot leading a breakaway group from his uncle, the party's founder, Maxime Carlot Korman. Differences continued between Marcellino Pipite and Korman, who attempted to expel Pipite from the party, but this was ruled null and void in a ruling by the appeals court (VDP, 12 May 2012). Pipite was subsequently elected president of the Vanuatu Republican Party (VRP), which was confirmed after a court challenge (VDP, 30 June, 21 Sept 2012). The effect of this was to sideline Korman, who responded by establishing his own Vanuatu Democratic Party (VDP,

24 Sept 2012)—the second time in his political career that he had been forced to take this action. He also made the decision to run as a candidate in the Efate Rural constituency rather than continue to challenge for one of the six Port Vila seats, which he had held since he first entered Parliament in 1979. One positive development for Korman was the decision by the Kilman government to seek his reinstatement in Parliament. He had been stripped of his parliamentary privileges eleven months earlier after being found in contempt of Parliament in 2011 due to unconstitutional rulings he had made as Speaker (*VDP*, 28 Aug 2012).

One of the most significant disputes—the attempt by Tanna MP Harry Iauko to replace Edward Natapei as leader of the Vanuaʻaku Pati—was resolved barely two weeks before the election. The dispute focused on recognition of two competing party congresses held in 2010 on the island of Tongoa—the Iauko faction at Lumbukuti village and the Natapei faction at Panita village—both of which elected executives. Following several last-minute appeals, the court ruled in favor of the Panita congress and Edward Natapei. This meant that Iauko would have to find another name for his group by the time of the election, if he chose to contest separately (*VDP*, 10 Oct 2012). Iauko appealed but was turned down at the last minute. As a result, he went into the election under the name “the Iauko Group.”

During 2012, most of the other major parties—eg, the Peoples Progressive Party headed by Prime Minister Kilman, the Green Confederation

headed by Moana Carcasses, and the National United Party headed by Ham Lini—had been negotiating for support throughout the country, each claiming to have convinced groups from different islands to switch allegiance in their favor. Ralph Regenvanu traveled around the country holding awareness sessions in an attempt to broaden recognition of the GJP. He was its only elected member of Parliament, representing the Port Vila constituency. Two former political strongmen who had been defeated in earlier elections also decided to run again: Barak Sope continued to lead his own Melanesian Progressive Party (MPP), and Willie Jimmy founded a new party, the Liberal Democratic Party. The Nagriamel Movement, which dates back to independence, also expected to field more candidates.

An interesting addition to the political alignment was a new party calling itself the Presidential Party. Its founders, who included several former presidents of the Republic of Vanuatu—Ati George Sokomanu, Kalkot Matas Kelekele, Jean Marie L  y  , and Father John Bani—believed that the way for Vanuatu to overcome the political instability that it had been experiencing since the early 1990s was to replace the Westminster model with a presidential system patterned on that of the United States. They and their supporters attracted a lot of publicity over the four years since the previous election in 2008, and in 2012 they established the Presidential Party as a means of promoting their ideas and bringing about change (*VDP*, 3 May, 21 Aug 2012). While the problem of political instability is indeed very real, the idea of changing the voting system

did not seem to win over many voters. Most people understood their proposals and would have seen changing the voting system as far too radical a solution. The Presidential Party got slightly fewer than three thousand votes in the national election—a mere 2 percent of the total (Vanuatu Government 2012).

The election was scheduled for 30 October 2012, with the campaign set to run from 10 to 27 October, but due to the high interest nationally, campaigning and recruiting of supporters had been going on unofficially for months. Preparations by the Electoral Office began earlier in the year with a voter-awareness program, while the task of updating the electoral roll had been going on regularly at designated times throughout the year.

A major controversy occurred in mid-October, when the Electoral Office published its first list of names of candidates who had qualified to stand for the election, that is, those who had met the requirements as specified under the law in the Representation of the People Act (Vanuatu Sessional Legislation 2006): Vanuatu citizenship, minimum twenty-five years of age, not disqualified from voting, not currently imprisoned or under a suspended sentence not yet ended, and not in bankruptcy. Among those not qualified was the prime minister, Sato Kilman, who had fallen victim to a new requirement, added to the act in 2007, that an individual would be disqualified as a candidate if he or she was “in default of payment of any rates, charges or other debts due to the Government or Government agency” (Vanuatu Sessional Legislation 2007). According to the Electoral

Office, Kilman owed Value Added Tax and rents amounting to VT13 million (VDP, 12 Oct 2012). The following day, the prime minister’s first political advisor, Richard Kaltongga, denied the existence of the debt and threatened the media with “stringent legal controls” to ensure ethical reporting (VDP, 13 Oct, 16 Oct 2012). Within a few days, the Council of Ministers decided to remove the principal electoral officer, Lawson Samuel, and replaced him with the commissioner of labor because of alleged “complications faced by candidates who submitted their names,” which included the prime minister (VDP, 19 Oct 2012). Kilman was allowed to contest the election and won, but newly elected MP Willie Jimmy instituted an appeal in the Supreme Court to clarify whether the prime minister had in fact cleared the debt (VDP, 9 Nov 2012). The court did not make a ruling until February, quashing the petition (VDP, 9 Feb 2013).

There were a few minor incidents at polling stations, but the voting and counting went off without major incident. Nevertheless, a number of political leaders labeled the election as the “worst in history” due to many irregularities in voting—in particular, inaccuracies in the electoral roll (eg, missing names) and alleged fraud relating to proxy voting. In addition, there were alleged widespread attempts to bribe voters during the campaign period and promises of cash to newly elected members of Parliament during the government formation period (VDP, 10 Nov 2012).

The problem with the electoral roll is that it is very difficult to maintain in its present form. Updating is done by

electoral and provincial administrative officers traveling around the islands and through the neighborhoods of Port Vila and Luganville, interviewing individuals and family members. There is no automatic way to remove the names of people who are deceased or to easily amend the registration of people who have changed residence—an increasing problem, as the movement of people in search of employment is on the rise. According to the 2009 national census, Vanuatu's total population was 234,023, of which 143,050 were age eighteen years or older. At the same time, the official count of total registered voters was 192,632—nearly 50,000 more than possible, given the census data (Vanuatu National Statistics Office 2009). The *Daily Post* ran a story with these figures, which elicited a number of letters from the public in response, expressing outrage at the situation (VDP, 12 Oct 2012).

The degree of the obvious inaccuracy of the electoral roll cast doubt over the validity of the final election results and, in particular, the problems concerning proxy voting. In Vanuatu, individuals can designate someone in their home islands to vote on their behalf by sending their electoral cards through electoral officials. Given the present registration system, there is no way to check to see whether people have more than one card. It is common knowledge that this is the case; thus double voting is commonplace, which can easily tip an election result one way or the other. Indeed, several of the electoral challenges dealt with by the court after the election involved alleged illegal proxy voting. The severity of the problem faced in

the 2012 election has led the government to seek development assistance to introduce a biometric voting system involving photograph and thumbprints before the next anticipated election in 2016.

The 2012 election continued several trends of previous elections. Beginning in the 1990s, the number of parties and candidates contesting elections has been steadily increasing, splitting the vote to the degree that no single party has been able to win a majority of the seats in Parliament. In 1979, there were 14 parties and 69 candidates, compared to 37 parties and 345 candidates in 2012. The Vanua'aku Pati was able to form majority governments following the 1979, 1983, and 1987 elections, but when the party split in 1991, no single party captured a majority of the votes, leading to the formation of a coalition government. This has been the pattern ever since and is the main factor contributing to Vanuatu's political instability. Likewise, the increase in vote splitting has had a negative effect over the years on the degree of representation in Parliament. The percentage of the total vote won by successful candidates has declined almost every year since independence—from a high of 76.4 percent in the 1979 election to a mere 35.7 percent in 2012—meaning that Vanuatu's Parliament was elected by only a minority of the voters (Van Trease 2005).

To the surprise of many, Sato Kilman's coalition was returned to power, gaining 29 seats versus 23 for the rival alliance led by Edward Natapei, the former prime minister whom Kilman had replaced in a vote of no confidence in December 2010

(VDP, 19 Nov, 20 Nov 2012). Of special significance was the gain made by Graon mo Jastis Pati—an increase of three rural seats in addition to that held by the party's leader, Ralph Regenvanu in Port Vila. The 2012 election also marked the end of long political careers for two senior politicians—Maxime Carlot Korman (VRP), who was elected to the country's first Parliament in 1979, representing Port Vila, and Sela Molisa (VP), representing Santo, who was first elected in the early 1980s (Vanuatu Electoral Commission 2013).

The resulting coalition government included Kilman's own People's Progressive Party (6); Green Confederation (3); Iauko Group (3); Nagriamel (3); RMC (3); National United Party (3); Natatok (2); Peoples Service Party (1); Vanuatu National Party (1); Vanuatu Republican Party (1); Vanuatu Development Progressive Party (1); Independents (1); and one member of the Union of Moderate Parties (1)—Tanna MP Silas Iatan—who refused to join the rest of his party in opposition. The Opposition, led by Edward Natapei, was made up of his own Vanua'aku Pati (8); Union of Moderate Parties (4); Graon mo Jastis Pati (4); Melanesian Progressive Party (2); Liberal Democratic Party (1); Independents (3); and National United Party (1)—Tanna MP Mokin Stephen, who refused to join his party in government. Women did not do very well; only ten contested and none were elected. A surprise to many was the election of a waetman (white man) as member of Parliament from the island of Epi—longtime resident and naturalized citizen from the United States, Robert Bohn. The first non-

Melanesian to be elected to Parliament was, of course, Prime Minister Moana Carcasses (Republic of Vanuatu 2012).

The issue of corruption in government, which had received ongoing coverage in the media throughout much of 2012 and before, was a major issue in the campaign, as well as the Kilman debt issue and his reversal of Vanuatu's long-standing support for West Papuan independence by allowing Indonesia observer status in the Melanesian Spearhead Group and by signing the Development Cooperation Agreement. Indeed, there had been a strong feeling that Kilman and his coalition partners would be defeated, but the optimism turned out to be a reflection of the political bubble that isolates Port Vila from the rest of the country. Social media played an important role in raising political awareness for the first time, but the outer islands would have been much less connected compared to the two urban centers. The historical difference in degree of awareness of political issues between urban and rural voters was again borne out in the final results. While the Opposition did well in Port Vila, capturing five of the six seats, the government parties actually increased their numbers in the country overall. No Port Vila members of Parliament were included in the new Kilman government (McDonnell 2012).

As is common in Vanuatu, it took time for the final election results to settle down. In early December, the Natapei-led opposition introduced a motion of no confidence in the newly confirmed Kilman government but lacked the numbers to bring about a change (VDP, 1 Dec, 11 Dec 2012).

There was much dissatisfaction among the Opposition parties regarding the conduct of the election, with the result that twenty-four electoral petitions were registered with the Supreme Court. Ralph Regenvanu (GJP) was particularly concerned about the large number of proxy votes that were cast and called for the “investigation of allegations that the Principal Electoral Officer Lawson Samuel was transferred out of his post on the eve of the election so that 1000’s of false proxies could be issued to be used in favor of certain caretaker ministers who were facing defeat in the election” (VDP, 3 Nov 2012). Most electoral petitions were not dealt with until 2013, and none of them were successful.

With the election over, attention turned once again to the *Phocea*, which was still anchored in Port Vila harbor. The captain’s case finally came to judgment in the magistrate court, which fined him VT3 10,000 for breaching Vanuatu’s Custom Act. At the same time, the trial date was set for the two ministers who had illegally boarded the yacht before it had cleared immigration and customs, Alfred Carlot and Marcellino Pipite (VDP, 15 Nov 2012). As for the yacht itself, it was still under detention. According to the police, it had been discovered that the members of the crew had forged their qualifications and certificates and were not, therefore, qualified to man the vessel in Vanuatu waters (VDP, 16 Nov 2012). The next day’s front-page story in the *Daily Post*—which reported the discovery of a grounded yacht in Vava’u in Tonga with more than 200 kilograms of cocaine (worth an estimated A\$116 million) and a dead man on

board—was a jolt to the community, given all the rumors surrounding the *Phocea* (VDP, 17 Nov 2012). (One US dollar is approximately 1.08 Australian dollars.)

In early December, efforts by the government to release the *Phocea* failed when Director of Ports and Marine Morris Kaloran ruled that a deed of release signed by Infrastructure Minister Harry Iauko was not in order, that is, it was done without consulting Ports and Marine and thus did not meet the requirements for dealing with such a situation as required by law (VDP, 8 Dec 2012). Three days later, the minister was found dead in a hotel room in Luganville—Vanuatu’s second city, located on the northern island of Santo. The doctor in attendance said that the cause of death was unclear, but no autopsy was performed. Iauko had flown to Luganville the day before (10 December) following the successful defeat by the Kilman government of the no-confidence vote. Rumors of wrongdoing were flying everywhere, with the suggestion that his death was somehow linked to the *Phocea* and a mysterious Southeast Asian—or South American—looking woman at the hotel who allegedly boarded the next morning’s Air Vanuatu flight to Brisbane. There does not appear to have been any police investigation, and nothing further about the death was reported in the media except the government’s expressing sympathy to the family and lamenting the loss of a “man of action” (VDP, 12 Dec, 13 Dec 2012). At the end of December, Prime Minister Kilman authorized the release of the *Phocea*, claiming that there was no longer any legal basis to retain the

yacht. The controversy, however, was far from over. A local lawyer, Less Napuati, had filed a damages claim against the owner of the *Phocea* for forging his signature on official documents, and the yacht was not allowed to leave.

The year 2012 came to an end with many questions yet to be answered about the *Phocea* affair and, indeed, much uncertainty about the future. Would the questionable sale of government land be allowed to continue? Would the arbitrary dismissal of public officials by the government in pursuit of its own questionable agenda continue? Would the blatant corruption and abuse of office that had become so obvious to everyone through the media, which diligently reported despite some threats from government officials, continue without provoking some sort of reaction by civil society? Would the Kilman government be able to hold onto power?

As is normal in Vanuatu, it took several weeks following the Christmas and New Year holiday period for anything newsworthy to surface, except for the continuing revelations about the *Phocea*. The yacht remained at anchor in Port Vila harbor—a reminder of the disturbing events of the previous year. The fact as noted in the *Daily Post* that the Vanuatu government no longer had any link with Interpol (VDP, 8 Jan 2013)—having expelled the Australian Federal Police in May 2012 (VDP, 1–11 May 2012)—deprived authorities of what could have been valuable assistance in sorting out the sleazy *Phocea* saga. What information did become available to the public was due mainly to the dedicated efforts of local journal-

ists—particularly those of the *Vanuatu Daily Post* and via the Vanuatu Daily Digest, a daily news blog by longtime resident and private journalist Bob Makin.

In mid-January 2013, information surfaced raising questions about the yacht's official registration and ownership. Documents identifying both Luxembourg and Malta were used on the *Phocea's* voyage to Vanuatu, but there was a question regarding the true owners. Pascal Anh Quan Saken's name appeared on documents for entry into Panama, French Polynesia, and Tonga (VDP, 12 Jan, 17 Jan 2013). Vanuatu's Ports and Marine Department, however, reported that it had received advice from the Malta Shipping Registry that Maltese registration had been obtained mid-2012 "without any proof of ownership and other requirements" and had, therefore, been canceled as of 14 January 2013. In the view of Vanuatu officials, the *Phocea* had become "effectively stateless and remained under detention at anchor in Port Vila Harbour" (VDP, 19 Jan 2013).

The link between the *Phocea* and prominent government politicians was again thrust into public view when it was reported a few days later that Minister of Foreign Affairs Alfred Carlot had traveled to Port Moresby in Papua New Guinea (PNG), where he met a chartered flight carrying Pascal Anh Quan Saken and his brother, Charles Henry Saken. Flight clearance had been requested by Vanuatu's embassy in Brussels—the official document from the embassy was reprinted on the front page of the *Daily Post* (VDP, 19 Jan 2013)—but the plane appears to have arrived unannounced,

raising the concern of PNG officials. A report by the PNG police quoted in the *Post-Courier* in Papua New Guinea on 21 January noted that the two Saken brothers were naturalized citizens of Vanuatu and “alleged that Mr Quan has travelled extensively into many hostile and trouble hotspots in the world and thus has been implicated in illegal gun running and drug trafficking activities in the recent past, especially in the Golden triangle area in South East Asia and in Central and South America. . . . What is more suspicious is that they did stop over at the tax haven country of Maldives for re-fuelling purpose as indicated by the pilot” (quoted in Makin 2013b).

Saken explained that as “Deputy Head of Vanuatu’s Embassy in the European Union headquarters in Belgium, . . . his work as a diplomatic representative focuses on energy and disaster management projects. . . [and] Alfred Carlot was so impressed by our work that I have done in Belgium that he wanted us to go to the USA to implement the same program. So, that is why I came to PNG, because the only place for a Vanuatu citizen to get a visa for the USA is PNG.” He also strongly denied that he was a drugs or arms smuggler (VDP, 26 Jan 2013). At the same time, PNG Prime Minister Peter O’Neill issued a statement denying “media allegations linking his government to *Phocea* fugitive wanted in Vanuatu, Pascal Anh Quan Saken, arriving in a Boeing 737 jetliner which made an unexpected illegal landing at Jackson’s Airport,” and Carlot announced that his trip to Papua New Guinea was a diplomatic mission and had nothing to do with the Sakens or the *Phocea* (VDP, 22 Jan 2013).

Prime Minister Kilman, having clearly lost control of his minister of foreign affairs, responded to questions from a *Daily Post* reporter that he “did not know that his Foreign Affairs Minister, Alfred Carlot, would attend a meeting in Papua New Guinea with *Phocea* fugitive Pascal Saken” (VDP, 21 Jan 2013). A few days later, he tried to distance himself further by announcing through his first political advisor, Richard Kaltongga, that “Alfred Carlot’s trip to Papua New Guinea, which the Prime Minister’s Office was not informed of, was a private trip,” and he denied rumors of Saken’s having provided funds to the prime minister’s Peoples Progressive Party. “Maybe he funded some other political parties but not PPP,” argued the political advisor (VDP, 27 Jan 2013).

The continued presence of the *Phocea* was a growing threat to Kilman and his government and he was eager to get the yacht out of Port Vila. The main stumbling block to achieving this appears to have been Director of Ports and Marine Morris Kaloran, who had refused to release the yacht because it was not in compliance with Vanuatu’s laws. The government’s solution was to prod the Public Service Commission to suspend Kaloran from his position (VDP, 22 Jan 2013). A leaked e-mail between Kilman’s first political advisor and Kaloran dated 29 December 2012 revealed that the director had been subjected to significant political pressure. He was told, “If you cannot comply with the Prime Minister’s instructions please advise and forward your resignation immediately” (VDP, 31 Jan 2013). Kaloran, a long-standing and highly respected public

servant, was finally terminated in late February (VDP, 26 Feb 2013).

Despite the government's efforts to silence the uproar, the *Phocea* and the questionable activities of its alleged owner, Pascal Anh Quan Saken, would not go away. In mid-February, Prime Minister Kilman found it necessary to respond to continued media allegations linking him to Saken with a statement denying that his political election in 2012 or the formation of government had received financial support from Saken (VDP, 16 Feb 2013). That the prime minister found it necessary to make such a statement is an indication of the culture of corruption that has come to underlie Vanuatu politics and fuel the political instability over the past two decades. Seldom does an election or vote of no confidence occur that accusations are not voiced of money changing hands.

Members of the Opposition, some of whom had emphasized the issue of corruption in the national election a few months earlier, expressed their disgust over the stench of corruption that continued into the new term of the Kilman government. Edward Natapei, leader of the Opposition, demanded that Kilman terminate the minister of foreign affairs or "any other ministers who involved themselves in similar situations that could affect Vanuatu's credibility regionally and internationally" (VDP, 24 Jan 2013).

Likewise, the new GJP member for the Efate Rural constituency expressed his objection to the decision by new Minister of Lands James Bule to grant a lease to a developer of land in the Lelepa/Mangaliliu area of North Efate known as Lelema—which indicated that it was business as usual for the

new Kilman government. The landowners had worked together to map out and register their custom land in the name of the community in order to safeguard it for their own future use, but the minister ignored this development and signed a lease recognizing another individual from Mele village as the landowner, who then sold the 2,300-hectare lease to two wealthy naturalized citizens, Michel Monvoisin and Ludovic Bolliet, for a fraction of its value (VDP, 9 Jan, 10 Jan 2013). A stay order issued by the court has prevented the final lease from being issued, but the dispute is still not settled (VDP, 11 Jan 2013).

In late February, the *Daily Post* reported that the leader of the Opposition had had a meeting with the prime minister to discuss a number of problems facing the country, including the increasing evidence of corruption in government (VDP, 20 Feb 2013). Not surprisingly, Natapei raised the issue of the visit of the minister of foreign affairs to Papua New Guinea and noted his concern over Minister Carlot having performed a customary ceremony of reconciliation with Prime Minister O'Neill on his recent visit to Port Vila on behalf of the Vanuatu government (VDP, 9 Feb 2013). Natapei noted that if Carlot's trip to Papua New Guinea was a private matter—as the Prime Minister's Office had announced—then no reconciliation ceremony between the two governments was necessary.

The discussion also focused on specific political issues and proposals. Natapei expressed his disapproval of the appointment of MP Moana Carcasses as parliamentary secretary

to the prime minister, which had taken place in January—the first time in the history of Vanuatu since independence that such a position had been created (*VDP*, 12 Jan 2013). Natapei repeated his argument at the time that the appointment was unjustified—it was at the ministerial level—and accused Kilman of simply “creating a job for an MP to keep the Government intact” (*VDP*, 15 Jan 2013). It should be noted that article 40 (2) of the constitution stipulates that only thirteen ministers are allowed. While Carcasses’s Green Confederation formed part of the Kilman government, he had not been given a ministry at the time of its formation in November 2012.

Most significant was Natapei’s offer to work with the government. Natapei proposed that Kilman undertake a major reshuffling of his cabinet—to remove some of his ministers—in order to accommodate the whole of the Opposition as part of the government. This move on the part of the leader of the Opposition was quite unusual in Vanuatu politics. Rather than simply trying to destabilize the government to gain power by prying loose members of the existing coalition, Natapei hoped to be able to reason with Kilman—to argue that the best way to deal with the country’s difficult problems would be to combine their efforts in a kind of grand coalition or government of national unity.

Natapei also shared his ideas about new legislation that the Opposition hoped to introduce to “combat corrupt practices in Vanuatu politics.” He proposed that legislation be introduced to require that all outside sources of funding for political parties

be declared. Likewise, as a means to stop the frantic buying of the support of members of Parliament to form a majority after an election, the party with the highest number of elected members should be given the first chance to form a new government. Despite his weak position, Kilman apparently was not prepared to work with Natapei and the Opposition. Within a few weeks, Vanuatu was in the midst of another disruptive vote of no confidence—not surprising, given the government’s chaotic state of affairs.

If there was to be a challenge to Kilman’s leadership, the approaching budget session of Parliament—scheduled for 8–22 March—would provide the opportunity for members to take action. The political situation was, however, somewhat confused with rumors growing that some backbenchers within the government were looking for a change of leaders from within their own group with the expectation that this would attract Opposition backing. In anticipation of such a scenario occurring, a number of Opposition members began to change sides in advance of a motion being lodged. It was reported that—with the exception of the party leader, Serge Vohor, who remained loyal to Natapei—all UMP members of Parliament, led by Port Vila MP Tony Wright, broke ranks with the Opposition to join the government (*VDP*, 8 March, 9 March 2013).

The *Daily Post* observed that as Parliament opened, there appeared to be three factions among Prime Minister Kilman’s supporters in government, which made the decision of the Opposition to lodge a motion of no

confidence on 11 March somewhat unusual. The motion was signed by only 16 of the 51 sitting members (the Speaker is the fifty-second member but would not have been eligible to sign). It appeared that the Opposition did not have the numbers needed to pass the motion (*VDP*, 19 March 2013). It should be noted that because Parliament was already in session, only one-sixth of the members needed to sign in order to table a motion, whereas a majority would be required to call an extraordinary session (Constitution of the Republic of Vanuatu, paragraph 43 [2]). The government responded a few days later by presenting a motion to the Speaker to suspend MP Ralph Regenvanu, who had introduced the motion. It accused him of attempting to destabilize Parliament by “presenting no confidence motions when the opposition hasn’t got the number in parliament to vote them out” (*VDP*, 15 March 2013). Nevertheless, the Speaker, George Wells, confirmed that the motion of no confidence in the government was in order and scheduled a debate for the following week. On Tuesday, 19 March 2013, with the defection from the government of 2 government ministers and 6 members of Parliament, the Opposition’s numbers had increased to 28—more than enough to bring down the Kilman government (*VDP*, 20 March 2013). However, as is usual in the lead-up to a no-confidence motion in Vanuatu, the unexpected is always possible.

The Opposition members were in high spirits when they entered Parliament on the afternoon of 20 March, but the mood quickly changed when Speaker Wells announced that Prime Minister Kilman had handed in his

resignation just prior to the convening of the session and had assumed the position of interim prime minister until a vote for his replacement could take place. Wells then announced that since the only item on the agenda was to debate a motion of no confidence and the prime minister had resigned, the purpose of the sitting was defeated. The leader of the Opposition, as mover of the motion, immediately pointed out that there were, in fact, two parts to the motion—first to remove the prime minister (which was now unnecessary) and then to elect a new prime minister. Natapei then moved that Parliament should proceed immediately to elect a new prime minister. Speaker Wells, however, announced that Parliament would meet one week later on 29 March to elect a new prime minister and declared the session closed (*VDP*, 21 March 2013).

Natapei announced to the *Daily Post* that the Opposition would seek an immediate court ruling on the Speaker’s decision, which, he pointed out, was in contravention of Parliament’s Standing Order 9 (3), which stipulates that “the position of prime minister must be filled immediately when it becomes vacant.” When asked whom the Opposition would support for prime minister, Natapei answered that their candidate would be Port Vila MP Moana Carcasses, adding that he knew the choice was controversial since Carcasses is a “ni-Vanuatu by naturalization . . . [but] he has every constitutional right to become a Prime Minister of Vanuatu” (*VDP*, 22 March 2013).

The chief justice, Vincent Lunabek, ruled in favor of the Opposition’s

application, noting that “the Speaker’s decision that the Parliament session has no other business to discuss due to the prime minister’s resignation is irrelevant as the resignation is an external matter that can’t be allowed to interfere with the procedures and processes of the parliament as stated in Article 42 of the Constitution.” The chief justice, therefore, ordered the Speaker to reconvene Parliament on 23 March “to allow the motion against the Prime Minister to continue” (*VDP*, 23 March 2013). When the vote was taken, Moana Carcasses was elected prime minister with 34 votes in favor and 18 against. Ham Lini (*NUP*) from Pentecost became leader of the Opposition.

In early April, the new government passed a motion to suspend the Speaker from parliamentary sittings until the end of 2013 in retaliation for his attempt to stymie the vote of no confidence against Kilman (8 April 2013). He was replaced as Speaker by Philip Boedoro (*VP*) from Maewo. A rumor began to circulate that the new Opposition would be tabling a no-confidence motion against the new government, but nothing eventuated and, in the end, Lini admitted that they did not have the numbers (*VDP*, 8 April 2013).

Carcasses’s cabinet included all six of Port Vila members of Parliament: Moana Carcasses (Green Confederation), Prime Minister; Edward Natapei (*VP*), Deputy Prime Minister and Minister of Foreign Affairs and Trade; Willie Jimmy (Liberal Democratic Party), Minister of Finance; Ralph Regenvanu (*GJP*), Minister of Lands; Patrick Crowley (*UMP*), Minister of Internal Affairs; and Tony Wright

(*UMP*), Minister of Youth Development and Sport. The other seven ministers included: Bob Loughman (*VP*) from Tanna, Minister of Education; Esmon Sae (*MPP*) from Malakula, Minister of Infrastructure and Public Utilities; David Tosul (*PPP*) from Pentecost, Minister of Agriculture; Marcellino Pipite (*VRP*) from Santo, Minister of Tourism and Commerce; Serge Vohor (*UMP*) from Santo, Minister of Health; Maki Simelum (*VP*) from Ambrym, Minister for Justice and Social Welfare; and Thomas Laken (independent) from Tanna, Minister of Planning and Climate Change. On the whole, due to the heavy representation of Port Vila, the cabinet was not well balanced regionally—always an important consideration in coalition formation and a fact that would not go unnoticed in the months that followed.

In early April, Prime Minister Carcasses announced what he called the “100 Day List” of priorities to be achieved during the first one hundred days of the government’s term in office; it included sixty-eight specific items (*VDP*, 11 April 2013; Vanuatu Government 2013). In addition to the usual reorganization of ministerial portfolios and departments, appointment of political advisors and directors general, and review of the membership of all boards to various statutory bodies and institutions, the new government laid out an array of specific policy objectives it intended to pursue. There was heavy emphasis on dealing with the issue of corruption in government, especially activities that had attracted regular, prominent news coverage such as the misuse of government vehicles and overseas

travel. Favoritism in the awarding of scholarships for university studies was an ongoing problem, and a proposal was included to ensure transparency in selection based on merit rather than family connection. One of the most important proposals to deal with corruption was to amend the Ombudsman Act to “re-instate the power of the Ombudsman to institute a civil case against a leader to recover misappropriated funds and to be able to prosecute a leader for breach of the Leadership Code if the Public Prosecutor has not commenced proceeding three months after issuing a Report alleging breaches.” Unfortunately, this change had not been acted on by the end of 2013. The appointment of a new police commissioner and attorney general would also help to lay to rest these lingering controversies.

Foreign affairs received early attention from the new government. There was to be a full review of all overseas appointments—ambassadors, consuls, and trade representatives. Specific reference was made to the removal of the diplomatic status of Thi Tam Goiset as ambassador to Russia and to the review of the activities she had undertaken. In May, Minister Natapei announced that Vanuatu would establish foreign relations with Georgia and revoke recognition of Abkhazia, which became official in August (VDP, 22 May, 5 Aug 2013). The new government also committed itself to support for West Papua’s full membership in the Melanesian Spearhead Group and for termination of the Development Cooperation Agreement with Indonesia that Kilman had negotiated. The MSG Trade Agreement had become an issue in the previous

year, and the new government proposed to review its costs and benefits to Vanuatu.

Evidence of corruption in the operation of the Citizenship Committee prompted the inclusion in the “100 Day List” of a proposal to establish a commission of inquiry “to investigate and audit all Vanuatu citizenships granted and Vanuatu passports issued and to cancel all citizenship granted which did not meet the requirements of the Constitution and the law” (Vanuatu Government 2013). In addition, it was proposed that consideration should be given to amending the constitution to provide for dual citizenship.

Not listed in the “100 Day List,” but clearly a high priority, was the government’s desire to be rid of the mega yacht *Phocea* and all the suspicious activities and events associated with it. In early April the prime minister announced that, in his view, “the *Phocea* should leave” (VDP, 12 April 2013). This finally happened on 3 May 2013, when it was reported that Customs was “compelled” to provide clearance for the vessel based on a certificate of registration allegedly provided by the New York office of the Vanuatu Maritime Services Limited (the institution that manages Vanuatu’s shipping registry). Customs officials reportedly expressed disappointment at the decision and noted that “Customs has clearly advised the government on what is the correct procedure according to the law and our international obligations, but the PM and State Law Office [SLO] have failed to understand our position. It is therefore with great regret that Customs will have to follow the

instructions of the PM and SLO” (VDP, 3 May 2013).

Despite a report from police and Customs officials that no firearms or drugs had been found in a search of the *Phocea* (VDP, 12 Feb 2013), many unanswered questions remained. Was there a connection between the death of the infrastructure minister in the Kilman government, Harry Iauko, in December 2012, just three days after the director of Ports and Marine had rejected his signed release form? What exactly were ministers Alfred Carlot and Marcellino Pipite doing on the *Phocea* prior to the yacht’s being cleared by customs? Both men had appeared in court, and a trial date had been set, but no further hearings have taken place.

Dealing with corruption in the Ministry of Lands was another high priority area for the new government, but it was the aim of the new minister of lands, Ralph Regenvanu, to formulate comprehensive land reform legislation. The minister’s first step was to secure the suspension and eventual removal of the sitting director general of the Lands Department, accusing him of allegedly “attempting to pervert the course of current investigation, being undertaken by the Public Service Commission, concerning the leases of state lands issued to public servants” (VDP, 13 April 2013). Regarding this issue, the minister “requested all staff of the Department of Lands who had obtained leases over state land from the former Minister of Lands Steven Kalsakau to surrender these leases” (VDP, 18 April, 20 April 2013). The result of meetings between the minister and the lands officers concerned was, however, negative—no

leases were surrendered (VDP, 8 May 2013).

Land reform was not a new priority for Regenvanu—he had been focusing his attention on land issues since his time as director of the Vanuatu Cultural Centre and was the driving force in organizing the National Lands Summit in 2006. Indeed, his short time as minister of lands and then as minister of justice in the early years of the Kilman government had given him the opportunity to identify specific areas in need of reform and to formulate a strategy to bring about reform. Regenvanu’s strategy was to undertake a series of consultations to inform and seek advice from communities around the country in the formulation of a Land Reform Policy, which he intended to take before Parliament before the end of 2013. The consultations concluded with a National Land Law Summit in which the Malvatumauri and chiefs from all around the country joined Minister Regenvanu and other government officials, including the director of the Vanuatu Cultural Centre, in a full discussion of the proposed land reform legislation. The National Land Law Summit and the Malvatumauri endorsed the new legislation. The Efate Vaturisu Council of Chiefs, however, was reluctant to commit to the new reform program, noting that they needed more time to consider the legislation because it affected their circumstances (VDP, 15–17 Oct 2013).

The land reform was, in fact, a package involving the reforms as well as new legislation and changes to the constitution. Revisions to the Land Reform Act of 1980 removed the power of the minister of lands to sign

off on leases on behalf of disputing custom owners and to create leases of state land without the approval of the Council of Ministers. The new Customary Land Management Act replaced the existing Customary Land Tribunals Act of 2001 and “created new processes for identifying custom owner groups and managing disputes about custom ownership in accordance with the rules of customary law. It includes limited rights of appeal on grounds of improper process, for example a meeting not being held properly, but requires that final binding determinations that identify custom owner groups can only be made by customary institutions” (McDonnell 2014).

The new legislation required adjustments to the constitution. Article 30 was changed, requiring Parliament to consult with the Malvatumauri about any changes to land law. A newly drafted article 78 defines custom ownership in Vanuatu as associated with groups and guarantees their right to resolve disputes through their own processes rather than through formal state courts. As Minister Regenvanu explained, “The new laws bring determination of custom owners back to customary institutions, it removes the power from courts and the government to determine who the custom owners are and puts it back under rules of custom” (McDonnell 2014). The legislation and constitutional amendments were passed by Parliament in December, but the legislation was not gazetted as law until early in 2014 (*VDP*, 3 Dec, 17 Dec 2013). Without doubt, this land reform package represents the most important changes to

the administration of land in Vanuatu since independence.

Another significant accomplishment of the Carcasses government was the passage of legislation to amend the Municipalities Act to provide reserved seats in the municipal councils of Vanuatu for women. This very progressive move—the first of its kind in the Pacific—follows years of campaigning by women’s groups and nongovernmental organizations to encourage women to become more active in politics. A small number of Ni-Vanuatu women have succeeded over the years in winning election to Parliament or municipal councils, but never more than one or two at a time. The amendment was passed unanimously and guarantees 30 percent of the municipal council seats for women (*VDP*, 30 Aug 2013). It came into effect in time for the Port Vila municipal election in January 2014.

Despite all the euphoria surrounding the new direction of the Carcasses government, several controversial decisions raised concern that certain negative aspects of Vanuatu politics seemed to be continuing as usual. To the surprise of many, the prime minister decided to terminate the highly respected Reserve Bank governor, Odo Tevi, whose contract Kilman had only recently renewed. The leader of the Opposition, Ham Lini, condemned the termination as a “critical mistake,” noting that “the management of Vanuatu’s stable fiscal policy was due very much to Tevi’s strict control” (*VDP*, 27 April 2013). The termination was seen by many as opening up a position for one of the prime minister’s friends, and Tevi instituted court action against the

government for breach of contract (VDP, 7 May 2013).

On the whole, the Carcasses-led government proved to be quite stable and lasted through to the end of 2013 without any major challenge. A minor reshuffle did occur early in the year, when veteran Port Vila MP Willy Jimmy was replaced as minister of finance by the existing minister of justice, Maki Simelum (VP) from Ambrym, and MP Silas Yatan (UMP) from Tanna replaced Simelum as minister of justice. Carcasses explained only that the changes were made because of differences of opinion within the cabinet (VDP, 11 May 2013). In an interview with the *Daily Post*, Willie Jimmy swore that “there was no such meeting held with other MPs to discuss forming a political bloc as claimed in the media”—which suggests that he may have been seen as a threat by Carcasses (VDP, 13 May 2013).

In due course, it became clear that at the heart of the dispute was Willie Jimmy’s refusal to sign off on the issue of a promissory note amounting to US\$350 million for a project negotiated by the prime minister with a Singapore company to upgrade airports in Vanuatu without consulting even the minister of finance, let alone the cabinet as a whole (VDP, 14 May, 15 May 2013). The most significant element of the project was funding for constructing a new airport on North Efate—an idea that had been floated by Ham Lini as deputy prime minister in the Kilman government—rather than upgrading the existing facility, Bauerfield, close to Port Vila. The rationale behind the project was to make it possible for larger 747 and

767 planes to be able to land in Vanuatu, which it was said is not possible at Bauerfield. The dream is that such planes would be able to fly nonstop from Asia, opening up a huge tourist market for Vanuatu (VDP, 12 Jan 2013).

One definite effect of the termination of Willie Jimmy was that it helped to slightly rectify the imbalance in the cabinet of Port Vila members, though five out of the six still held ministerial portfolios. The claim by the Opposition at this point that it had the numbers to table a motion of no confidence quickly faded when it became clear that this was not the case (VDP, 16 May 2013). The rumor seems to have been true, however, that Willie Jimmy was attempting to organize a new bloc to eventually challenge the Carcasses government (VDP, 27 May 2013).

As part of its strategy to undermine Carcasses, the Opposition issued a press release alleging that the prime minister was involved in illegal passport sales—a scandal that has featured in the media repeatedly at different times in the past. The Opposition said that it had confirmation of a website originating in China “offering Vanuatu passports for sale with certificates of citizenship.” The press release also noted pointedly that if convicted, the prime minister could be “stripped of his citizenship and evicted from the country” (VDP, 25 May 2013). The latter point was a not-so-subtle reference to the fact that Carcasses is not an indigenous Melanesian but rather a naturalized citizen of Tahitian and North African origin—a crude way of attacking the prime minister that would increas-

ingly be used by his opponents in the months to come.

The government had flagged the investigation of irregularities in the operation of the citizenship committee as one of its “100 Day List” priorities. In October, the Citizenship Office had evidence that a “well established group had been issuing false and fake Vanuatu certificates to foreign nationals” and requested that new citizens present their documents for verification (*VDP*, 2 Oct 2013). It was reported that a number of Ni-Vanuatu, including two Citizenship Office officials and some politicians, had been arrested and charged with issuing fake citizenship papers (*VDP*, 4 Oct 2013).

Unrelated to the issue of fraudulent passports, the government announced that it would be tabling a bill in Parliament to amend the constitution—a repeal of article 13—that would make way for the recognition of dual citizenship in Vanuatu. The move was seen by many as benefiting Vanuatu by attracting remittances from future dual citizens living abroad, but the real goal appears to be quite different. The creation of the category of dual citizen is part of a plan to introduce what has come to be known as the Capital Investment Immigration Plan (*CIIP*), which would be an expansion of the scheme established in 2012 to sell permanent resident visas to wealthy Chinese (see above). The *CIIP* would, in effect, create economic citizens who meet certain conditions, including the investment of funds in Vanuatu (*VDP*, 26 Nov 2013).

At the end of May, a by-election was conducted on Tanna to replace Harry Iauko after his untimely death

the previous December. His son, Pascal Sebastian Iauko, ran and was claimed by the Opposition parties, who reminded voters prior to the election that Kilman had urged Pascal to follow in his father’s footsteps and promised the people of Tanna at the burial that they—the government at the time, but now the Opposition—would elect his replacement. The combined support of the Opposition parties had been extremely successful and Iauko won by a significant majority (*VDP*, 29 May 2013). Pascal Iauko assumed the leadership of the Iauko Group, which his father had organized to contest the 2012 election, and indeed did join Kilman, Lini, and others in the Opposition (*VDP*, 31 May 2013).

West Papua continued to attract political attention when at the MSG leaders summit in Lifou, New Caledonia, it was decided to defer consideration of the issue of full membership, despite strong backing from Vanuatu for the discussion to proceed (*VDP*, 19 June 2013). Carcasses had taken a strong stand in support of West Papua, but outspoken President of the Oceania Decolonization Committee Shem Rarua labeled the decision unacceptable (*VDP*, 20 June 2013). At independence, Rarua had been a strong member of the Vanua’aku Pati, which supported West Papuan independence, and had continued to advocate for the cause despite breaking with the VP in 1991 to join Father Walter Lini’s National United Party. Carcasses’s response to the criticism on his return from the New Caledonia meeting was to again declare his strong support for West Papuan independence and to call for the Opposition and the govern-

ment to unite on this important issue (VDP, 25 June 2013).

Another matter discussed at the MSG leaders summit in New Caledonia that Carcasses felt strongly about was the MSG Trade Agreement. On his return to Port Vila, he issued a strong statement that “Vanuatu does not benefit from this Trade Agreement and it is time we make our voice heard loudly” (VDP, 26 June 2013). The Vanuatu Chamber of Commerce and Industry Forum in July concluded that the MSG Trade Agreement resulted in “huge trade imbalance which Vanuatu governments have ignored.” In the past, Vanuatu used to export large quantities of beef to Papua New Guinea, but now Melanesian trade goes mainly one way; in particular, Fiji is able to export a significant range of goods duty-free to Vanuatu (eg, ice cream, water, paint, soap, timber, paper products), while Vanuatu exports little in return (VDP, 4 July 2013). It is clear that Vanuatu is not able to take advantage of the Trade Agreement because of the limited size of its manufacturing base—an indication that the country’s policy to encourage foreign investment is not working. Foreigners arrive to set up retail shops, but there is little significant investment in areas that could be transformed into exports. Nevertheless, it is worth noting that the duty-free products from Fiji are cheap when compared to similar imports from Australia and New Zealand, which is a significant benefit to Vanuatu consumers.

Another minor reshuffle of the government occurred in July, with MP Toara Daniel from the Shepherds replacing Minister of Justice Silas

Yatan, who stepped down willingly—he said—because he felt that the “people of the Shepherd Outer Island do need an MP in an executive power [*sic*] to ensure that the population of the Shepherds Outer Islands is not left out of the important developments of the country” (VDP, 5 July 2013). The announcement several days later that the Opposition had tabled a motion of no confidence would lead one to suspect that the small reshuffle had something to do with shoring up the government coalition, though this was never confirmed publicly. Likewise, Carcasses dismissed Minister of Tourism, Trade and Industry Marcellino Pipite for having signed the motion (VDP, 16 July 2013).

The Speaker of Parliament, however, ruled that the motion was not in order. He alleged that several signatures on the motion had been forged and that two of the members of Parliament who signed were not eligible: the newly elected member from Tanna, Pascal Iauko, had not yet been sworn in, and Luganville MP George Wells was still under suspension until the end of the year (VDP, 12 July 2013). The leader of the Opposition, Ham Lini, challenged the Speaker’s decision in court (VDP, 16 July 2013). The chief justice, however, upheld the Speaker’s decision relating to the misuse of the signatures and agreed that neither Iauko nor Wells was eligible to sign the petition. His ruling was, therefore, that “the motion of no confidence in Prime Minister Moana Carcasses was invalid and of no effect” (VDP, 19 July, 22 July, 26 July 2013).

It turned out that the plot to topple Carcasses was far more complex than appeared on the surface. Following

the 2012 election, Attorney General Ishmael Kalsakau and several others had submitted an electoral petition against the prime minister, Minister Tony Wright, and Minister Patrick Crowby for allegedly having bribed voters in the Seaside area of Port Vila with a bag of rice, money for kava, and VT1,000 to a family member. The expectation was that the electoral petition would succeed and that the government coalition would collapse. The result, however, did not go as the plotters had hoped, with the Supreme Court deciding that the accusations had not been proved and dismissing the electoral petition completely, and the coalition was preserved (VDP, 31 July 2013). Yet another small reshuffle occurred a few days later with the appointment of MP Jonas James from Paama as minister of justice. At the same time, MP Toara Daniel from Shepherds moved from justice to tourism, filling the gap left by the dismissal of Marcellino Pipite (VDP, 3 Aug 2013).

Having avoided two disruptive votes of no confidence, the government was suddenly faced with an issue that had the potential to split the coalition from within. On the eve of the independence celebrations, the prime minister unexpectedly announced that he had signed a concession agreement that “committed the people of Vanuatu to paying around VT33 billion for an airports infrastructure development project with a Singapore company, Vanuatu Trade Development Private Ltd (VTDPL),” which was linked in some obscure way to the GMR International Airports Pte Ltd. The proposal envisaged upgrades to Bauerfield Airport in

Port Vila, Pekoa Airport in Luganville, Santo, and Whitegrass Airport on Tanna, as well as the construction of a new airport on North Efate (VDP, 3 Aug 2013).

It was never quite clear who or what other companies or individuals were actually behind the proposal, but the business arrangements were shocking. In return for construction of the Efate airport, the Vanuatu government would hand over full control of it to the company concerned for fifty years to manage all aspects of its operation—that is, to set and collect all charges, such as landing fees and departure taxes, and control and profit from all associated commercial concessions and real estate. After fifty years, the airport would be handed back to Vanuatu, and all of this would, in theory, not cost the Republic of Vanuatu a single vatu. The US\$350 million loan guarantee was, in effect, a means of holding the Vanuatu government to ransom—to ensure that it did not change its mind at some point and attempt to renege on the deal. This actually happened in the Maldives, with the government of the Maldives and the GMR company ending up in court (VDP, 7 Aug 2013).

Not all members of the coalition were in agreement. The *Daily Post* headline read: “GJP, VP May Not Vote For US\$350 Million,” noting that “some MPs in government are suspicious of the deal and may not vote in Parliament that promissory notes to the value of about VT33 billion be issued to the Singapore Company.” It was reported that the deal had been negotiated and signed by the prime minister without cabinet approval, though Deputy Prime Minister

Edward Natapei gave his support, with some reservations (*VDP*, 8 Aug 2013).

The idea of airport redevelopment has been around for years, but never carried out, due mainly to lack of funding. Indeed, in 2008, specific legislation was passed by Parliament that laid out detailed procedures for the use of private funding as an alternative to aid or a government loan (Vanuatu Sessional Legislation 2008). Likewise, in January 2012, Ham Lini, the leader of the Opposition and minister for tourism at the time, announced that he had spoken to possible Korean backers and intended to promote the development of a new airport on North Efate, capable of accommodating larger aircraft than the existing airport, Bauerfield (*VDP*, 12 Jan 2013). While not opposing the idea of the construction of a new airport, he was strongly opposed to the current GMR project, labeling it a “scam” (*VDP*, 21 Aug 2013).

Parliament voted to set up an ad hoc committee to discuss the concession agreement further, and the project is still under negotiation (*VDP*, 28 Aug 2013). With no clear picture about the source of funding, it is worrying to think about what effect such arrangements might have on Vanuatu. Given the country’s tax haven status and associated potential for the laundering of dirty money—an activity successive governments have never wanted to acknowledge existed, let alone control—Vanuatu’s international standing could be seriously undermined.

Indeed, it is clear that Vanuatu’s reputation as a focal point for shady, criminal activity is increasing. At the end of August, the commissioner of

police announced the discovery of cocaine with a value of VT32 billion—the biggest drug bust in the history of the South Pacific—concealed in a yacht that had been moored in Port Vila harbor for over two years. Originally called the *Raj* and renamed the *Scope* after coming to Vanuatu in 2011, the yacht had been searched earlier, when slight traces of cocaine had been detected, but no drugs were actually found. The cocaine was eventually uncovered below the steel floor of the engine under a layer of concrete—its discovery made possible with the assistance of the Australian Federal Police (*VDP*, 23 Aug, 24 Aug, 26 Aug, 27 Aug 2013).

This was not the first illicit drug haul discovered with a connection to Vanuatu. In October 2011, Australian Federal Police uncovered cocaine worth A\$78 million in Bundaberg, Australia, on a yacht—*Friday Freedom*—that had arrived from Vanuatu as part of an annual yacht race. Australian Federal Police detected the yacht when they were investigating a money-laundering syndicate. Clearly, Vanuatu has become a transit point for drugs, which most likely is part of a larger network covering other islands in the South Pacific (*ABC News* 2011). Unfortunately, despite these recent events—including the suspicious circumstances surrounding the *Phocea* and the unexplained death of Minister Harry Iauko—there is very little discussion among politicians about the fact that Vanuatu is becoming a focal point of international criminal activity.

There are of course many individuals—politicians and government officials as well as others within civil society—who are prepared to speak

out. Transparency Vanuatu, for example, publishes a regular hard-hitting column in the *Vanuatu Daily Post* highlighting issues and problems in government, and the Graon mo Jastis Pati was able to increase its numbers in Parliament in the 2012 election by running on a platform that included anticorruption as a major issue. Likewise, GJP leader Ralph Regenvanu has been prepared to speak out about issues and confront individuals in Parliament in pursuit of more honest government. There was a sense in 2013, as the weeks passed and the government began to focus with some success on substantive issues, that things might be changing under the new Carcasses-led government. While there were rumors on several occasions of possible votes of no confidence, they never got beyond the talking stage.

However, it is clear that the underlying factor that limits the effectiveness of such individuals and organizations is Vanuatu's political instability, brought on since 1991 by consecutive coalition governments. History has shown that it becomes almost impossible for a weak coalition to take a strong stand on corruption when everyone knows that some of its own members are tainted and would not hesitate to bring the government down if they were exposed. Vanuatu is in need of some serious public discussion on how best to tackle this problem—be it reform of the electoral system to reduce the negative effect of the excessive number of candidates and political parties, the imposition of stricter rules on the formation and operation of parties, or changes to parliamentary procedures to make it more difficult

for elected members to change party membership or to instigate votes of no confidence.

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