

## Political Reviews

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*The Region in Review: International Issues and Events, 2016*

NIC MACLELLAN

*Melanesia in Review: Issues and Events, 2016*

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New Caledonia, Papua New Guinea, and Timor-Leste are not reviewed in this issue.

### FIJI

Fiji's vulnerability to climate change was tested throughout 2016 with cyclones, the most powerful being Severe Tropical Cyclone Winston on 20 January 2016. Winston was the strongest cyclone ever recorded in the history of Fiji or the South Pacific Basin. This category five cyclone left forty-four people dead and at least thirty-five thousand people homeless in Fiji (*Fiji Sun Online* 2016; Thackray 2016).

Recovery efforts have been slow. At the beginning of 2017, almost a year after Winston, tents were still being used in parts of Fiji for housing and for schools. The devastation has added not only to the Fiji government's ongoing financial burdens but also to its long-term responsibilities to mitigate the impacts of climate change in the country. Recently, changing weather patterns have produced new problems in Fiji requiring urgent solutions. For instance, after Winston destroyed so many buildings and homes, it was realized that most were structurally weak and unable to withstand such mega-storms.

From the colonial period on, a significant percentage of Fiji's population has remained in rural villages or, increasingly, on the peripheries of urban centers. But also since the colonial period, governments have had very little involvement in

regulating where people live and the types of structures people occupy in these areas. This is partly a legacy of the colonial practice of "indirect rule," whereby Fijian chiefs ruled their people on behalf of the colonial administrators. Villagers were not really taught to develop their resources for economic benefit but rather continued to live subsistence or semi-subsistence lifestyles. This arrangement was still very much the same in 2016, but with some changes in the administrative system. Village bylaws did not include strict housing regulations. Those who have money to do so can build safe houses; others can only afford very basic shelters.

Nonindigenous and indigenous Fijians who wanted to live closer to urban areas but cannot afford to pay rent have ended up in squatter settlements around the peripheries. Housing in these areas often does not adhere to any government-approved standard (see Fiji Government 2011). However, increasing climate change-related emergencies such as cyclones and flooding have amplified the government's responsibility to implement new building standards to safeguard people from the devastating impacts of natural disasters.

While the Fiji government has been active in its attempt to help people to rebuild, perhaps the main challenge for its Climate Change Unit is to ensure that these new structures are able to withstand drastic cyclones and flooding. The Climate Change Unit has already relocated some villages

due to the direct impact of climate change in some areas in Fiji (Chandra 2015).

Another challenge, evolving since 1987, is linked with Fiji's political economy and stalled development issues due to recurring coups. Four coups in the small island state have had ongoing and long-term socio-political and economic impacts on the government's priorities. Each post-coup military government, from 1987 to 2006, has been concerned less with looking after people than with financially securing military rule through such policies as increasing the military budget (Durutalo 2016, 106). Development gaps exposed after the cyclone were partially filled by aid donors.

After Tropical Cyclone Winston, Fiji received initial international contributions for rebuilding from New Zealand and Australia. Despite her tough stand against these two neighbors following the 2006 military coup, Fiji readily accepted their aid packages, which included military personnel to help with the rebuilding. Additional assistance poured into Fiji from the international community including France, India, Japan, the People's Republic of China, the United States, and regional countries such as French Polynesia, Tonga, and Nauru. Assistance was also received from international financial institutions like the Asian Development Bank and international humanitarian organizations like the Red Cross (Fiji Government 2016).

The Red Cross has been particularly active in helping Fiji to rebuild, despite a shortage of builders and building materials. One year after Winston, Fiji Red Cross has helped

seventy-seven thousand people with emergency needs. Besides rebuilding some of the schools destroyed by the storm, Fiji Red Cross has also "provided communities with clean water, emotional support to help people process the trauma of the emergency and its aftermath, [and] information on health risks" (IFRC 2017).

A major contribution by Fiji Red Cross, in partnership with the International Federation of Red Cross and Red Crescent Societies (IFRC), has been the rebuilding "safer and stronger homes that are more resistant to future cyclones." As explained by Filipe Nainoca, director of Fiji Red Cross: "Through our Build Back Safer programme we design and build demonstration houses that are built to withstand severe storms. We have also trained more than 60 local carpenters who have taken their skills back to their villages" (IFRC 2017). Red Cross rebuilding efforts in Fiji are quite advanced in local communities, not only teaching people how to build stronger homes but also how to safeguard freshwater springs from contamination. Red Cross Cyclone Winston recovery efforts in Fiji will continue through May 2017 (IFRC 2017).

In January 2016, prior to the arrival of Winston in the Fiji group, Moscow's export to the Fiji military forces had already arrived at Suva's Kings Wharf. The export reflected Fiji's new (post-2006 military coup) foreign policy focus on "looking to Moscow." The load of twenty-five sealed containers that were taken to the Queen Elizabeth Army Barracks in Nabua under heavy military guard was described by the Fiji govern-

ment newspaper, the *Fiji Sun*, as an “Arms Boost from Russia” (Bolatiki 2016). The containers held “Russian weapons, ammunition and vehicles” (*The Economist* 2016), which were to be used by Fijian soldiers on international peacekeeping duties in the Sinai desert in Egypt and in the Golan Heights, near the Israel and Syrian borders.

This deal was brokered in 2013 between Fiji Prime Minister Voreqe Bainimarama and Russian Prime Minister Dmitry Medvedev and came into clear view in 2014 when Fiji abstained from voting against Russia in the United Nations on Russia’s bid to annex Crimea (*The Economist* 2016). This is the usual price paid for political favors or aid by small, vulnerable Island states that have nothing to offer their big rich friends but votes in the United Nations.

Reacting to the “Russian delivery,” Opposition members of Parliament claimed that the Russian military weapons had entered Fiji illegally, without proper authorization by the police. Additionally, some even claimed that arms were bought for the purpose of “threatening the opposition” (*The Economist* 2016).

Between 1987 and 2016, suppressing opposition to government has been more conspicuous and the militarization of the state more pronounced. Military control of police and other institutions of the state has been ongoing since the 1987 military coups and includes the appointment of army officers to serve as diplomats in overseas missions, in senior civil service positions, and as police commissioners.

For instance, in 1992, after serving as a diplomat, Isikia Savua, a

high-ranking military officer, was appointed as police commissioner. After the 2000 and the 2006 military coups, other army officers became diplomats and police commissioners. Sitiveni Qiliho, former Land Force commander in the Fiji Military Forces (who was also linked with army brutality after the 2006 coup), is the current police commissioner. He replaced Fiji’s former commissioner of police, Ben Groenewald, who resigned after alleging military intervention in police work. Groenewald completed an investigation into the beating of several prison escapees by police officers. Three of the police officers who were charged in the beating were subsequently recruited to join the army (ABC News 2015).

Fiji’s ongoing attempts to revalidate and reinterpret the rule of law to suit certain agenda pose a challenge to the legal system. Two written constitutions—the 1990 one after Sitiveni Rabuka’s 1987 coup and the 2013 version after Bainimarama’s 2006 coup—included “Immunity Decrees” pardoning all those who took part in the military coups and the illegal overthrow of two elected governments (see Constitution of the Sovereign Democratic Republic of Fiji 1990, chapter 14; Constitution of the Republic of Fiji 2013, chapter 10).

Between June and September 2016, two Opposition members of Parliament—Tupou Draunidalo from the National Federation Party (NFP) and Ratu Isoa Tikoca from the Social Democratic Liberal Party (SODELPA)—were suspended indefinitely from Fiji’s Parliament (RNZ 2016a, 2016e). They joined another Opposition member of Parliament, Ratu Naiqama

Lalabalavu, also from SODELPA, who had been suspended in 2015 for two years (RNZ 2015a). The decision by the Inter-Parliamentary Union (IPU) to lift the two more recent suspensions was ignored by the Fiji government (RNZ 2016b). The NFP's Draunidalo has since resigned from Parliament. The NFP leader, Professor Biman Prasad, stated that penalties and sanctions must be based on the exercise of reason. He added that Draunidalo's suspension showed the oversensitivity of the Fiji First party, currently in power, to any form of criticism directed against them (RNZ 2016a).

By June 2016, leadership reshuffles in SODELPA saw the return of Sitiveni Rabuka, former coup leader in 1987 and prime minister from 1992 to 1999, as new party leader (RNZ 2016d). This caused some conflict in the party, as some members did not want a former coup leader to head SODELPA (RNZ 2016c). Others consider Rabuka to be the only person who can beat Bainimarama in the 2018 elections, given Rabuka's military background and history as a coup leader-turned-prime minister (Delabatiki 2016).

In September 2016, five prominent opposition politicians were interrogated for twenty-four hours in Suva's Central Police Station. The group included NFP leader Biman Prasad, SODELPA leader Sitiveni Rabuka, General Secretary of Fiji Council of Trade Unions Attar Singh, former politician Professor Tupeni Baba, and Jone Dakuvula from the nongovernmental organization Pacific Dialogue. FLP leader Mahendra Chaudhry also handed himself in for interrogation when he returned to Suva. A week

prior to the interrogations, they were part of a group that attended a public forum organized by Pacific Dialogue on Fiji's 2013 Constitution (ABC News 2016). Despite the fact that the group was later released without any charges, their case files were handed over to the director of public prosecution for review (Tahana 2016). This incident triggered discussion and concern among Fijians about what some saw as a heavy-handed response by the government. This is a sign that politics in Fiji is still a work in progress.

Fiji's coup culture has also brought with it a lot of institutional violence, leading to severe harm and even death at the hands of local and national security forces. In October 2016, Prime Minister Bainimarama, Attorney General Aiyaz Sayed-Khaiyum, and Police Commissioner Qiliho expressed a political commitment to end torture and ill-treatment of people in Fiji. This was a follow-up to Fiji's ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in March 2016 (Amnesty International 2016, 4).

An Amnesty International Report released in Fiji in 2016 provided an in-depth analysis of brutality at the hands of the security forces between 2012 and 2016. Some of the stories were unknown to Fijians in Fiji due to continued censorship through the 2010 Media Industry Development Decree, which is still in effect (RNZ 2015b). As explained in the report, a huge problem also relates to "the lack of independent oversight and near-impunity for such crimes increases the risks of torture and other ill-treatment

occurring. The police are effectively left to police themselves, and the military has interfered with policing investigations where it involves military officers as alleged perpetrators” (Amnesty International 2016, 5).

The Amnesty International report also highlighted that “the Commissioner of Police, Commissioner of Corrections and Commander of the Royal Fiji Military Forces (all senior military officers) have the discretion to appoint, remove and discipline their own officers and report to the Minister of National Security and Defence” (Amnesty International 2016, 5), who is usually a former military officer. Given the political culture of militarization and state violence in Fiji, it is difficult to ensure transparency, justice, and the protection of human rights.

In summary, natural and political problems confronted Fiji throughout 2016. Climate change challenges through tropical cyclones and flooding exposed Fiji’s geographical vulnerabilities. A year after the natural disasters, new developmental issues like meeting building standards and a shortage of building materials continue to delay rebuilding efforts.

As seen in 2016, the government has been swift in clamping down on meetings they consider subversive or as posing a threat to the administration. Repressive edicts, such as the Media Industry Development Decree, underscore the problems with the government in power. Freedom of speech and freedom of expression continue to be eroded.

Fiji’s current political problems did not emerge overnight and they continue to evolve. The Amnesty

International report draws attention to critical issues of justice and the exercise of the rule of law. The report also stresses the need for systemic change within the security forces and a commitment to safeguarding human rights (2016, 29).

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## PAPUA

At the end of 2014, thanks to the strong commitment of Vanuatu's elders, Papuan leaders signed the Saralana Declaration that served as the basis to establish the United Liberation Movement for West Papua (ULMWP) in Vanuatu. This step symbolized the unification of Papuan leadership, which includes the Federal Republic of West Papua (FRWP), the West Papua National Coalition of Liberation (WPNCL), and the National Parliament for West Papua (NPWP). Since then, the umbrella organization has become the rising star in representing the Papuan resistance movements at international fora, especially in the Pacific region.

Five Papuan leaders from different generations and time zones were unanimously appointed to run the secretariat: Octo Mote, Benny Wenda, Leonie Tanggahma, Rex Rumakiek, and Jacob Rumbiak. Despite an ongoing struggle within the organization over leadership, challenges are not being lodged against these individuals personally. Rather, the leader of the FRWP, Forkorus Yaboisebut,

questions the legitimacy of the ULMWP to represent Papua as a nation, even though his organization signed the declaration. He claims that only the FRWP holds the status of a state and thus has the legitimacy to deal with Indonesia as an equal.

While the claim remains unresolved, it does not hinder the operations of ULMWP in representing Papua at international fora. In 2015, the ULMWP gained further historic momentum when it was granted observer status at the Melanesian Spearhead Group (MSG), a subregional diplomatic forum. This status signifies the first international recognition of Papua as a political entity and has galvanized grassroots support both inside and outside Papua.

Developments in the Pacific have profoundly reshaped relations not only between Indonesia and the Pacific but, more broadly, between the Pacific and the rest of the world. Pacific nations have become much more assertive in expressing their identities and interests. They are aware of their potential as key players in the region and are able to negotiate with major regional and global players, such as Australia, China, and the United States, to promote their own national interest. For instance, despite its exclusion from the Pacific Island Forum by Australia and New Zealand, Fiji managed to surmount its isolation and secure a presence at one of the most prestigious United Nations (UN) fora by chairing the G-77 (Group of Seventy-Seven Developing Countries) in 2013 (regarding Fiji's more recent international leadership roles, see Nic Maclellan's review of issues and events in the region, this issue).



Within the MSG, New Caledonia and Bougainville have raised agenda items concerning their rights to self-determination in relation to France and Papua New Guinea, respectively. In 2018 New Caledonia will hold a referendum on self-determination, with two other votes possible up to 2022 (MacLellan 2016, 278–279), and in 2019 Bougainville will decide whether to separate from or remain with Papua New Guinea (ABC 2016). Thus the geopolitics of the Pacific may become more dynamic over the next five years as national boundaries are possibly redrawn.

This context is necessary to understand developments in Papua over the last two years. The rise of the Papua issue is not a single and isolated event. Rather, it is rooted in a broader trend of emerging power on the part of Pacific nations as well as the dynamics of Indonesia's democracy.

If ULMWP is Papua's rising star on the international scene, the Komite Nasional Papua Barat (KNPB, the West Papua National Committee) and the Aliansi Mahasiswa Papua (Papua Students Alliance) are the two game changers at the domestic level. These two Papuan youth organizations share the common agenda of self-determination for Papua. Misinterpreted by Brussels-based think tank International Crisis Groups as "radical" (Hernawan 2010), KNPB takes the lead in mobilizing the Papuan grass roots to take to the streets expressing their support for the ULMWP. Inside Papua, KNPB organizes peaceful rallies in Jayapura, Wamena, and Dekay. Outside Papua, the major Indonesian cities of Jakarta, Yogyakarta, Manado,

Semarang, and Denpasar have become hubs for their rallies.

In contrast to other mass demonstrations such as the self-proclaimed "Defending Islam" marches in Jakarta, the police have exhibited zero tolerance for Papuan rallies. Despite Indonesia's constitutional guarantees of freedom of assembly, association, and expression of opinion for all citizens and residents, authorities have not hesitated to resort to excessive force to disperse, arbitrarily arrest, and detain Papuan demonstrators. The Jakarta Legal Aid Institute has documented that more than 4,500 Papuan men and women were arbitrarily arrested and detained for less than twenty-four hours between January and August 2016 for taking to the streets to express their political views in thirteen cities across the country (LBH Jakarta 2016). As the police acted simultaneously in those cities, we can conclude that such massive and simultaneous police deployment involving massive resources and personnel across jurisdictions would have not been possible without orders from the top.

The use of excessive force caused serious casualties among Papuan students in Jakarta and Yogyakarta, as documented by the Jakarta and Yogyakarta Legal Aid Institutes, respectively (LBH Jakarta 2016; LBH Yogyakarta 2016). However, police repression has not deterred Papuan youth from continuing to express their political views in the public arena; on the contrary, it seems to only fuel the militancy of the Papuan youth and their supporters across Indonesia.

Police brutality, on the other hand, continues with impunity. No police officer has been held accountable

for alleged human rights abuses that caused serious injury to students, as the National Commission on Human Rights (Komnas HAM) publicly stated (Satuharapan.com 2016). The reality is unchecked police repression in the name of protecting public order.

The ULMWP, however, is not the only game in town. Indigenous Papuans have also confronted the encroaching operations of extractive industries in many parts of Papua. For instance, Southern Papua struggles with Merauke Integrated Food and Energy Estate, Paniai with artisanal gold mine and palm-oil projects that threaten the environment, Keerom with palm-oil plantations, Bintuni Bay with hosting Tangguh liquid natural gas project, and, last but not least, Mimika continues to confront the five-decade-old problem of Freeport mine operations that destroy the Mimika landscape.

The Pusaka Foundation, a Jakarta-based nongovernmental organization, has documented the ongoing disputes over land between the local communities and three major palm-oil companies in Southern Papua: the South Korean corporation Korindo Group, the Menara Group, and the Malaysian corporation Tadmax Group. These corporations control 6,503 square kilometers of land combined, which is nearly ten times larger than the land area of Jakarta (661.52 square kilometers). The size of the land clearly represents the enormous power of the investors because it covers one-fourth of the Boven Digoel regency. Korindo alone secured the lease for over 1,596 square kilometers of land from the Indonesian Ministry of Forestry.

Based on its lease, Korindo has

not hesitated to clear the ground by burning the tropical forest not only of Papua but also of North Maluku. In 2016 the Pusaka Foundation and its partners documented that the company contributed to Indonesia's haze disaster, although the company denied this charge (Mighty and others 2016). In total, Korindo contributed to the deforestation of five hundred square kilometers of primary forest (more than twice the size of Sydney, for instance). We can imagine the immediate and long-term impacts of this extensive palm-oil operation on Papuan livelihoods, communities, and ecologies.

While I was conducting research in the area in November 2016, a landowner expressed his feelings to me: "I don't want to accept [compensation] because the forest has gone and so too have animals, wood, and rattan. The climate has changed. We can't use creeks anymore. The air is dirty." Korindo activities have dramatically degraded the environment, which is now inaccessible to the locals. The company also caused factions within the affected community as some clans agreed to accept compensation money whereas others strongly oppose it.

On a smaller scale, the expansion of the palm-oil plantation of the Nabire Baru company has given rise to a similar dispute in Nabire where the Yeresiam Gua people, the traditional landowners, opposed the plan to build a palm-oil refinery on their sacred site. The company insisted that they had obtained legal documentation of the compensation that they paid to the traditional landowners. As the dispute remained unresolved, the tribe filed a

lawsuit in the Jayapura Administrative Court to challenge the company, but they lost the case in both the administrative and the appeal courts.

The legal defeat of the Yeresiam Gua people is not unique. Rather, it exemplifies a common pattern of the power relations between corporations and indigenous Papuans in that the corporations act through formal procedures to secure their leases before they grab land from the locals through so-called public consultation. “It is called land grabbing because consultation is not done in a transparent, well-informed, and participative manner,” stated Pusaka Foundation Executive Director Franky Samperante (pers comm, March 2017). In many cases, landowners are invited to attend a consultation with a corporation to discuss things such as general information about a project plan including benefit schemes that the locals can participate in. During this meeting, however, specific questions concerning locals’ agreement or disagreement with the project plan are rarely heard. Instead, the locals are only asked to sign a list of attendance, which the corporation then uses to prove that it has fulfilled its legal obligation to hold a public consultation. Corporations often claim that such proof of landowner attendance at a public meeting signifies consent and indicates that their land acquisition has been approved by affected community leaders.

In a much larger setting, the experience of the Amungme and Kamoro people, who have dealt with Freeport McMoRan’s Grasberg Mine for the last fifty years, provides us with a similar situation. These traditional

landowners had never been consulted either by the company or the government prior to the beginnings of the Freeport operation in 1967, two years before Papua was officially incorporated into Indonesia. In 1997 the Amungme filed two civil lawsuits against Freeport in the US Federal Court and in the state of Louisiana, but the suits were unsuccessful. Since then, Freeport Indonesia, the Indonesian operation of Freeport McMoRan, operates with huge freedom under a renewable “Contract of Work” with the Indonesian government, which secures the company’s work for two to three decades at a time (McKenna 2016, 15, 94). At the time of this writing, Freeport Indonesia is in three legal disputes with the government of Indonesia regarding royalty payments, a share divestment obligation, and an obligation to build a smelter inside the country. The disputes remain unresolved, and both sides are willing to bring the case to international arbitration (Jensen and Asmarini 2017).

Given these patterns of political repression, environmental destruction, and land grabbing in Papua, we should ask what roles government and civil society organizations play in responding to such challenges. We might still remember the role of Jaringan Damai Papua (JDP, Papua Peace Network) in addressing Papua’s conflicts by promoting the concept of “dialogue” (Tebay 2009) as a framework to address these protracted issues in a comprehensive manner. Led by the Papuan Catholic Priest Neles Tebay and Lembaga Ilmu Pengetahuan Indonesia (LIPI, the Indonesian Institute for Sciences), JDP has actively persuaded Indonesian national

authorities, particularly President Joko Widodo, to be willing to engage in political dialogue with indigenous and nonindigenous Papuans.

JDP's achievement is significant. First, it successfully introduced and clarified the term "dialogue" for state authorities and the Papuan public so that both sides have common understandings and expectations. JDP organized at least thirteen public consultations in thirteen cities in Papua to discuss and clarify the essence of dialogue among the Papuans. The network also engages the nonindigenous Papuan community not only to disseminate similar information about the dialogue process but also to allow them to express their concerns over the issues (Siregar and others 2013). This nonindigenous community supports the Papuan call for dialogue. JDP also established an Indonesian academics forum for Papua that promotes dialogue and encourages Indonesian policy makers to take the Papua issue seriously.

Second, JDP managed to build a bridge between the highest level of Indonesian national authorities and Papuan civil society actors so that they were able to sit in the same room discussing various issues, including sensitive topics such as human rights violations and the political aspirations of Papuans. Since the JDP's inception in 2009, the network has organized at least seven rounds of discussion between Papuan civil society actors and state actors in closed-door sessions. Part of this achievement was the establishment of the special Unit for the Acceleration of Development in Papua and West Papua (UP4B), which was given the mandate to accel-

erate economic development in Papua from 2011 to 2014.

Despite the success of unpacking the heavily loaded term "dialogue," JDP and LIPI have not been able to convince the top national policy makers in Jakarta to take concrete steps toward dialogue with the Papuan people. The state agencies dealing with politics and security, such as the military, police, and national intelligence, remain reluctant to go any further than talking about dialogue. They distance themselves from actual dialogue once they perceive any discourse that would encourage or lead to a political negotiation with Papuans. As a result, dialogue remains confined to a conceptual level and is not yet translated into policy.

The reality is that the process of trust building between Jakarta and Papua goes very slowly (Elisabeth and others 2015). Adriana Elisabeth, one of the key proponents of the JPD-LIPI dialogue initiative, succinctly summarized this problem: "The roots remain the same: distrust remains because Indonesia was born to Papua with a violent face and this is not yet resolved" (pers comm, Oct 2015).

To respond to the ongoing violence in Papua on the one hand and increased international attention to Papua on the other, in the midst of 2016 the Presidential Advisory Council (Kantor Staf Presiden [KSP]) organized a consultation with civil society actors from Jakarta and Papua behind closed doors. The consultation resulted in three proposals to the president: appointing a special envoy for Papua, bringing three cases to the human rights court, and creating a new agency to coordinate the imple-

mentation of economic development under the Special Autonomy Law.

Inspired by the work of Jusuf Kalla, who initiated the peace process of Aceh in 2000, the special envoy for Papua is meant to advise the president in dealing with the international dimensions of Papua by discreetly engaging in dialogue with ULMWP leaders without making any commitments. The position will also engage the top policy makers in Jakarta in order to create synergy for political policy toward Papua.

The second proposal derives from the existing demand to bring dossiers of human rights cases to the Indonesian Permanent Human Rights Court. The proposal focuses on three cases—torture, rape, and extrajudicial killings of civilians in Wasior (in 2001) and Wamena (in 2003), and summary executions of students in Paniai (in 2014)—which have been investigated by Komnas HAM but have not yet been heard in court (Komnas HAM 2014; tempo.co 2016). While the Paniai dossier has been pending only for three years, the others have been delayed for more than a decade. Apart from the lack of political will on the part of Attorney General Muhammad Prasetyo to prosecute these cases, his office keeps arguing that Komnas HAM's investigation is not adequate and the evidence is not complete, whereas Komnas HAM argues to the contrary. As a result, the cases have gone nowhere.

The last proposal specifically aims at addressing the failure of the implementation of the Special Autonomy package, particularly in managing the Special Autonomy (OTSUS) Funds in an accountable and transparent

manner. The lack of clear guidance for power sharing and accountability between the local and central governments has contributed to the minimal level of achievement in terms of Papua's development. Unfortunately, the national authorities and the local governments of Papua have different opinions. Learning from the success story of Badan Rehabilitasi dan Rekonstruksi (Agency of Rehabilitation and Reconstruction) for Aceh and Nias, the Indonesian National Planning Agency (Bappenas) prepared a draft policy to centralize all authorities of OTSUS funds in its hands. If this happens, the decentralized approach of OTSUS will be seriously undermined, in the view of local governments.

As a senior staff member at the President's Office explained, "When these proposals were presented to the President, he paid serious attention to the first proposal. He even immediately asked for candidates and we gave them three names. But he was not so interested in other proposals" (pers comm, Sept 2016). As of the end of 2016, however, there had been no follow-up on any of the three proposals.

The reluctance of Jakarta policy makers to address the political question of Papua has led to a situation in the MSG and the Pacific more broadly that they cannot avoid, namely, the international recognition of Papua. During the 71st Session of the United Nations General Assembly (UNGA), seven UN member states raised the issue of Papua. "Nauru started the intervention by highlighting the issue of human rights violations in Papua, followed by a newcomer in the dis-

course on Papua: the Marshall Islands, Vanuatu, Tuvalu and the Solomon Islands followed suit and went one step further by specifically highlighting the issue of the right to self-determination for Papuans. Tonga emphasized the gravity of the problem, and Palau, another novice, called for constructive dialogue with Indonesia to solve the Papua issue” (Hernawan 2016). Unfortunately, the response from the Indonesian government during the UNGA session was only to reiterate the principles of state sovereignty and noninterference (Hernawan 2016).

In other words, the Indonesian representative to the UNGA was simply disengaged from any discussion on Papua, although domestically, different elements of the government struggle with finding a solution for protracted problems with Papua. This approach reflects the government’s sensitivity over the Papua issue for international audiences, as it would prefer to confine the issue to domestic and internal spheres.

On the domestic scene, public scrutiny has taken a new turn by the declaration of Front Rakyat Indonesia (FRI, Indonesian People’s Front) for West Papua. Pulling together six Indonesian people’s movements—Partai Pembebasan Rakyat (People’s Liberation Party), Pusat Perjuangan Rakyat Indonesia (The Centre for Indonesian People’s Struggle), Pembebasan (Student Struggle Center for National Liberation), Serikat Kebudayaan Masyarakat Indonesia (Society of Indonesian Culture), Lingkar Studi Sosialis (Socialist Study Group), and Perkumpulan Solidaritas Net (Solidarity Net Association)—FRI supports the right to self-determination for

Papuans, according to its statement released on 29 November 2016 (FRI 2016). This is an entirely new development because established human rights organizations in Indonesia have never taken such an explicit position. The immediate response from the Indonesian authorities was predictable. The FRI’s peaceful demonstration was dispersed by the police and their leaders were arbitrarily arrested. This continuing repressive treatment suggests that the Indonesian authorities remain unable to resolve their internal conflicting policies for dealing with Papua. The discrepancy between different elements within the government only perpetuates with impunity the cycle of violence against indigenous Papuans in various forms by both state and non-state actors.

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## SOLOMON ISLANDS

Solomon Islands is vulnerable to natural catastrophes like cyclones, tsunamis, floods, and earthquakes as it is in the “Pacific Ring of Fire.” For instance, in 1976, a huge earthquake displaced many people, mostly from South Guadalcanal, who are now relocated to other parts of the island. Likewise, Cyclone Namu in 1996 saw the destruction of schools and homes and also resulted in the relocation of villages, schools, and infrastructure. Selwyn College, a senior secondary school in the country, was moved from the east of Honiara to West Guadalcanal as a result of the effects of Namu. In recent years, the frequency of natural disasters occurring is particu-

larly high (Catford 2014). The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) summarized the impact of some of those disasters: “In April 2007, a shallow earthquake measuring 8.1 magnitude triggered a tsunami that killed 52 people . . . in the Western and Choiseul Provinces. . . . In February 2013, an 8.0 magnitude earthquake struck off the coast of the Santa Cruz Islands . . . followed by a one metre high tsunami wave that killed 10 people. . . . Three days of heavy rain from Tropical Cyclone Ita caused severe flooding in early April 2014. There were 22 confirmed deaths and over 50,000 people affected, mainly in the capital, Honiara, and other areas of Guadalcanal Province” (UNOCHA 2017).

Such disasters are not unique to Solomon Islands; other neighboring Pacific Island communities have also had experiences with drastic weather, including pattern changes, in recent years. Vanuatu had to pick up the pieces after Tropical Cyclone Pam left a trail of destruction and deaths in 2015, and Fiji felt the full brunt of Tropical Cyclone Winston in 2016 with loss of human lives and destruction of property. These countries are still recovering from various natural disasters, not to mention the hardship that governments and communities face in their attempts to rebuild and move on. The effects of climate change are undeniable as occurrences of extreme weather events increase. Solomon Islands and other Pacific Island countries will therefore have to work together to influence international decisions that address the effects of climate change. As former Kiribati

President Anote Tong succinctly put it: “We have no choice but to engage even more aggressively internationally because the key to our survival will depend on whether international action is taken on climate change or not. . . . We can and must continue to work diligently together to influence world opinion on these issues, because they matter to us” (2016, 24).

As in preceding years, floods, cyclones, landslides, and the threat of tsunamis continued to be the norm in 2016 in Solomon Islands. The year saw continuous heavy rains and wet weather at different intervals that brought about serious floods and dangerous winds. In April, many communities suffered damage to their food gardens and drinking water due to the effects of a tropical depression, including continuous rainfall and flooding. Villager and farmer Rose Siku stated that “the damage to her crops would affect her family’s livelihood for several months.” She also said that “drinking water was contaminated, with most people not having access to tank supplies” (RNZ 2016a). In October 2016, parts of the Solomons, particularly islands in Temotu Province, close to Vanuatu, again experienced heavy rains. And as 2016 was coming to an end, another period of torrential rain disrupted infrastructure and affected people’s livelihoods. It was forecast that during the 2016–17 cyclone season (which runs from November to April) Solomon Islands could expect as many as ten tropical cyclones (STO 2016).

Toward the end of 2016 and in early 2017, yet another devastating rain with accompanying floods affected the country, destroying



bridges, roads, and food gardens. Flooding in Honiara resulted in no recorded injuries, but patients from the national referral hospital had to be relocated temporarily (Diisango 2017). As in the aftermath of previous tropical depressions and floods, the government with the help of other agencies carried out assessments and provided supplies to keep people going until their food gardens were once again ready for harvesting. For instance, the Solomon Islands Ports Authority assisted the people of East Malaita who had been affected by the late 2016 rains and flooding (Saeni 2016b). Natural disasters and sufferings caused by tropical depressions and cyclones have become a constant threat and challenge to Pacific Islands people and governments. For Solomon Islands, “The average annual loss due to natural hazards and climate related events represents about 3 percent of the [gross domestic product] or approximately SBD\$144 million” (ss 2016b).

A particularly notable period involving a tropical depression and heavy rains occurred in April 2016 when water from the tailings dam at the former Gold Ridge mine flowed into nearby rivers. The mine by then had been abandoned for about two years and was not operational. Two years earlier, arrangements had been made between St Barbara Limited, an Australian company, and a local company formed by landowners called the Gold Ridge Community Investment Limited (GCIL), and the mine was handed over to the local company for A\$100 (Armbruster 2016). On the face of it, this was a good thing, but critics saw the transfer as a way

for St Barbara to neglect the liabilities associated with a possible future environmental catastrophe. Because of the extremely high level of contaminated water in its tailings dam (ABC News 2015), St Barbara had closed the mine in April 2014 during flash floods that killed twenty-five people and destroyed property along the Mataniko River and left 50,000 others homeless (ABC News 2014, 2016b).

Since taking over the mine in 2015, GCIL had tried to bring in new machinery to dewater (release water from) the tailings dam. They managed to secure a dewatering machine in 2016, but heavy rains started again before they could properly install and activate the equipment. The rains in early 2016 resulted in the uncontrolled release of wastewater from the dam. That prompted communities living downstream to lodge complaints with the environment and health ministries (Armbruster 2016). One of the officers who responded to the complaints stated, “From our observation, the dewatering process appeared to be out of control. . . . Due to the heavy rain in the area over the past few days, water from the dam was allowed to flow freely through the spillway into the streams below” (ss 2016c).

For the Ministry of Environment, Climate Change, Disaster Management, and Meteorology (MECDM), the decision to dewater was likely difficult to make under the pressure of weather conditions, but there was a serious possibility that the walls of the tailings dam might otherwise be breached. Ultimately, Director of Environment and Conservation Division Joe Horokou approved the application by the local owners of Gold Ridge

to dewater, and GCIL was given a forty-five-day license for the process. Dr Melchior Mataki, the environment ministry's permanent secretary, stated, "The ideal situation here is for the discharge from the TSF [Tailing Storage Facility] with treatment. But the unfortunate thing is that if we do not take any measures to stop the spill over then we risk also the integrity of the full dam itself" (RNZ 2016b).

Unfortunately, there were mixed messages on the safety of the water released into the rivers from the Ministry of Health and Medical Services, the MEDCM, and the company owners, at least from the view of the public. On the one hand, the health ministry issued precautionary warnings at the time of dewatering, instructing downstream communities not to use the water for cooking, drinking, or bathing (RNZ 2016b). But on the other, GCIL management referred to a report by Simon Albert of the University of Queensland whose assessment from the top of Metapona River and downstream did not mention anything about contamination. GCIL company secretary Ben Afuga stated, "I can confirm the test results have shown, in fact, zero concentration of cyanide and very low concentration of arsenic and other hazardous chemicals" (Fox 2016). With the upcoming reopening of the mine, there must be proper assessments of possible future repercussions based on previous experiences.

There were also frequent earthquakes throughout the year, with a major one occurring outside of Makira in December 2016. Its effects were felt in the central and eastern parts of the country, with Makira-

Ulawa Province the hardest hit; the quake there measured at 7.9 on the Richter scale (Manebona 2017). The people of Makira, southern parts of Malaita, northern Guadalcanal, and Rennell and Bellona provinces saw extensive loss of property and damage, especially to homes and public facilities. It was reported that almost 10,000 people from those areas were affected by the earthquake. ReliefWeb reported on 14 December, "A nine-year-old child died in Guadalcanal when a house collapsed. In total, 191 houses have been destroyed and 114 damaged. Eleven schools and a medical clinic have also been damaged by the quake" (ReliefWeb 2016). A newly built wharf in Afio, Malaita Province, was also damaged by the earthquake (Saeni 2016a).

In Kirakira town, the administrative center of Makira-Ulawa Province, "the quake damaged a hospital, a church, and other buildings including the World Vision office" and twenty patients had to be evacuated from the hospital and taken to safer and higher grounds (Perry 2016). A mother with her one-year-old baby narrowly missed a brick falling from their house during the earthquake. She was quoted saying, "I felt very hopeless. I thought my baby and I would die. . . . I heard people shouting and children crying. Many people ran to the hills and we joined them" (ABC News 2016a). The head of World Vision in Solomon Islands, Janes Ginting, claimed that disaster preparedness and awareness put together by the government and other actors over the years assisted in preventing more damage in this particular situation.

A total of 10 aftershocks ranging

from 4.5 to 5.5 were recorded (Relief-Web 2016). In addition to leaving some people homeless and destroying all their belongings, the earthquakes and tremors disrupted business and deterred people from going about their normal activities. Flights were canceled, and businesses and schools were closed. After one big earthquake in 2016, the residents of Gizo (who had experienced the effects of earthquakes and a tsunami that hit them in 2007) headed for the hills for fear of a possible tsunami (Diisango 2017). As former World Vision Solomon Islands Director Andrew Catford stressed, “As the number, severity and randomness of disasters increases with climate change, it is the same group [rural poor] who are becoming more and more vulnerable” (2014, 116).

There are significant government and donor efforts to try and improve both disaster response and mitigation. In response to the various natural disasters of 2016 and the beginning of 2017, the national government through the National Disaster Council (NDC) and National Disaster Management Office (NDMO) made quick assessments and provided relief support to people. Some of the businesses and organizations that assisted in 2016 included Kosol Limited, Solomon Islands Red Cross Society, World Vision Solomon Islands (WVSI), the Australian government, and other donors and family members working elsewhere (SIBC 2016; SS 2016a, 2016d).

More important, given the fact that Solomon Islands is vulnerable to all sorts of natural disasters, there were efforts at the national level to set up emergency warning systems. In

December 2016, the Lord Howe community received an early warning system from the Secretariat of the Pacific Regional Environment Programme (SPREP) through the MECDM. The system is supposed to allow people ample time to seek shelter before a tsunami strikes (SS 2016b; Filia 2016). Since it is a new initiative, it will take time before we know the warning system’s level of usefulness.

People in Solomon Islands are also facing effects of climate change in terms of sea-level rise. These threats are real and present, and for some Solomon Islanders living on artificial and low-lying islands, day-to-day experiences have been a struggle. Prime Minister Manasseh Sogavare visited Sulufou, one of the small islands in Malaita that is visibly suffering from sea-level rise. He was there to officially open a water supply and sanitation system for the Islanders. Fanalei Island was also reported as being seriously affected by sea-level rise and the likelihood of Fanalei becoming uninhabitable in the near future is high (Sanga 2017). As Rebecca Monson and her coauthors wrote, “In some places, this [sea-level rise] has resulted in the relocation of entire communities from small islands and atolls to larger islands. Other communities are currently discussing the prospect of relocating to higher ground” (2012, 103). The Conversation reported, “Recently five reef islands in the remote Solomon Islands have been lost completely to sea-level rise and coastal erosion, and a further six have been badly eroded. These islands . . . range from one to five hectares.” The report also stated that Nuatambu Island, which hosted

twenty-five families, saw firsthand the inundation of seawater and the washing away of eleven houses since 2011 (The Conversation 2016). This issue is not going to go away; Solomon Islands, like other Pacific Islands, will have to make some hard decisions in the future with regard to the relocation of many of its people.

It is therefore important that the current momentum on climate-change negotiations at international forums be maintained and passionately supported. Pacific Islands leadership and influence in the decisions that led to the signing of the Paris Agreement has been crucial. As SPREP confirmed, “The Pacific islands have helped make world history as the Paris Agreement comes into force, with all 14 Pacific island parties to the United Framework Convention on Climate Change having ratified the Paris Agreement. Playing a pivotal role with the Alliance of Small Islands States (AOSIS) at the Climate Conference in December last year [2015] which brought about the Paris Agreement, the Pacific islands have shown solidarity yet again in ratifying the Agreement which starts from the year 2020” (SPREP 2016). And as Tuvalu Prime Minister Enele Sopoaga rightly stated, “I think it is timely given the full force of the Paris Agreement, that we ourselves clarify and understand those issues so we can address the provisions of loss and damage in the Paris Agreement with clarity” (Lanyon 2016).

Now that the president of the United Nations General Assembly (Peter Thomson from Fiji) and the cochairs of the Pacific Ocean Summit (Hawai'i Governor David Ige and Federated States of Micronesia

President Peter Christian) are all from the Pacific region, it is important that Pacific Islanders strategize more and work harder to influence the outcomes of global decisions that address climate change and sea-level rise. Climate change and its effects will continue to haunt Solomon Islands because of sea-level rise, changes to weather patterns, and the increased frequency of tropical cyclones, earthquakes, and other extreme natural events. As a member of the global community, Solomon Islands is hopeful that the agreements reached in 2017 will complement and add to the global commitments made earlier to mitigate and address some of the challenges that come with natural disasters.

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## VANUATU

Following one of the most tumultuous years in Vanuatu's history with the trial, conviction, and imprisonment of fourteen members of Parliament (MPs) on charges of bribery and corruption, there was some hope at the beginning of 2016 that things could only get better, though remnants of past events still remained to be dealt with. Unfortunately, the country faced serious economic problems stemming from the destruction brought in March 2015 by Cyclone Pam—a category five storm that ravaged the archipelago's eastern and southern islands as well as the nation's capital of Port Vila. The surprise dissolution of Parliament in November 2015, which triggered a snap election, was not welcomed initially but did have the effect of finally removing the discredited caretaker government of Sato Kilman and allowing for a fresh start with a host of new politicians (Van Trease 2016, 484–487).

Despite the short time between when the election was announced (21 November 2015) and the actual voting day (22 January 2016), the electoral process itself proceeded in the normal way with few problems, though the voter turnout was low—a

mere 57 percent of registered voters compared to 70.4 percent in 2008 and 63.2 percent in 2012. Likewise, several political parties faced difficulties in organizing their campaigns, due in part to the fact that their leaders had been imprisoned. Indeed, fifteen members of the last Parliament were banned from contesting the election—the fourteen who had been convicted plus Willy Jimmy, who pleaded guilty and received a suspended sentence. Under section 42 of Vanuatu's Leadership Code, when a leader is convicted of a breach of the code and is dismissed from office, "the leader is disqualified from standing for election as, or being appointed as, a leader of any kind for a period of 10 years from the date of the conviction" (Leadership Code Act 2006). The selection of candidates was made more difficult in some cases when it was rumored that several imprisoned individuals attempted to influence decisions from their cells.

As a result of the confusion, fewer candidates contested the election—270, representing a total of thirty-seven parties plus sixty-two independents—compared to 349 candidates in 2008 and 345 in 2012. Nevertheless, the number was still large enough to have an impact and to split the vote, as has been the pattern since the 1990s, to the extent that no single party was able to gain a majority in the fifty-two-seat Parliament. The result, once again, was the need to form a coalition government. It should be noted that the majority of the parties were newly created (ie, they did not contest earlier elections), fielded very few candidates, and only received a small percentage of the total

votes cast. The results were divided as follows: 58.7 percent for the top ten parties, 22.8 percent for the remaining twenty-seven smaller parties, and 18.5 percent for the sixty-two independents (Republic of Vanuatu 2016; Early 2016).

The root of the problem lies in the fact that Vanuatu's political culture has undergone a significant change since the early days of independence, when politics was dominated by only two main parties—the Vanua'aku Pati (VP) and the Union of Moderate Parties (UMP)—with the VP winning a majority of the seats in 1979 (the election just before independence) and again in 1983 and 1987. Vanuatu uses the Single Non-Transferable Vote (SNTV) system for its nine multi-seat constituencies and First Past the Post (FPTP) for the remaining eight single-seat constituencies. The SNTV was adopted to provide a degree of proportionality, as required under the constitution, and worked well during the 1980s. In 1991, however, the VP split, with the result that no single party obtained a majority, therefore requiring the formation of a coalition government—the pattern that has existed since that time (Van Trease 2005).

The bribery case and imprisonment of elected MPs was obviously a prominent issue during the campaign, but it is clear that it did not have an overwhelming impact on the results. There was not a major swing against the parties that constituted the Kilman government as might have been expected, given the number of members who had been found guilty and imprisoned. The fact was, however, that all the former Kilman government

parties were represented in the election and with few exceptions succeeded in getting members elected—in most cases achieving a level of success similar to what they had enjoyed in the 2012 election or slightly better. Compared to 2012, the results were as follows: the Green Coalition (GC) down from 3 to 2, the Iauko Group up from 3 to 4, the UMP up from 5 to 6, the People's Progressive Party (PPP) down from 6 to 1, and the Vanuatu Republican Party and the Natatok Indigenous People's Democratic Party both losing their single seats in 2016. The poor showing of PPP, the party of Prime Minister Sato Kilman, reflects his weak performance during the crisis in the last months of 2015, which probably undermined the party nationally, though he received the highest total vote among the seven candidates on his home island of Malakula.

However, the parties that had constituted the Opposition under former Prime Minister Joe Natuman prior to the January 2016 election—the VP, National United Party (NUP), Graon mo Jastis Pati (GJP), Rassemblement Des Mouvements Pour Le Changement (RMC), and Melanesian Progressive Party (MPP)—were quick to point out that their accusations of corruption and moves against members of the Kilman government had been vindicated and they would have used this fact to promote themselves. Nevertheless, the results do not indicate that this argument had much effect on voter opinion. Compared to the 2012 election, the results in 2016 for the major parties that made up the Opposition were mixed: the VP down from 8 to 6, GJP up from 4 to 6, NUP

remaining at 4, RMC remaining at 3, and MPP down from 2 to 1.

A better description of the election results was that, as usual, they reflected “localised and clientelistic policy platforms, widespread patronage, political fragmentation, and a proliferation of small parties” (Naupa 2016). Moreover, they indicate that the old Anglophone/Francophone divide still played a part in the election. Indeed, it was not uncommon to hear former Kilman government candidates claim that the conviction of the former government MPs was politically motivated, pointing to the fact that corruption was not new to Vanuatu politics, but that few corrupt politicians had been indicted in the past. The fact that the majority of the convicted members were themselves Francophones and members of traditionally Francophone parties (eg, the UMP, the GC, the Vanuatu Republican Party, and several from the RMC, which had split) fed the perception of some that the old Anglophone/Francophone rivalry was still a divisive factor in Vanuatu politics. This is not to say that Francophones are more prone to corruption than Anglophones but rather that the former Opposition pressed their case against those MPs suspected of bribery, and their common party affiliations led to this perception.

In early January, as the campaign got underway, party leaders who had worked together in the Opposition met on Pele Island to negotiate an agreement to form the next government. They established what they called the Unity Front for Change (UFC), which included the VP, NUP, GJP, MPP, and Hope Party (VDP, 5 Jan



2017). By February, following publication of the election results, the number had grown to eleven political groups, with a total of thirty-six newly elected MPs, who signed a memorandum of understanding to work together toward the formation of a new coalition government. In addition to the original five parties, the new grouping also included the RMC, GC, UMP, Vanuatu National Development Party, Nagriamel Movement, and Leaders Group (VDP, 4 Feb 2016).

As is usual in Vanuatu during the period of coalition formation, the opposing camp, which included members of the Kilman-led caretaker government, disavowed the claims of the UFC, announcing to the *Vanuatu Daily Post* that they themselves would be forming the new government when Parliament met for the first time on 12 February. However, with word spreading that the UFC group was discussing a joint policy platform for the first one hundred days and negotiating the difficult task of sharing ministerial portfolios, the expectation was strong that the old, criminally tainted government of Sato Kilman had been swept away (VDP, 9 Feb, 10 Feb 2016).

At the Pele meeting, reelected GJP leader Ralph Regenvanu was a prime mover in the negotiations on government formation, and the results reflect well his desire to see a new beginning in Vanuatu politics. He is committed to the idea of promoting new political alliances—balancing both Anglophones and Francophones—to replace the old divisions that since the 1990s had only led to political instability and chaos. Not surprising, therefore, the newly elected MPs quickly coalesced around the candidacy of

Charlot Salwai—a Francophone who had split from the UMP the previous year, founded his own RMC party, and worked with the Natuman-led Opposition during the period of the bribery scandal. Clearly, Regenvanu and Natuman were prepared to forgo pressing their own claims for the prime ministership for what they saw as a positive move toward creating political stability into the future. Both the GJP and VP had won six seats each compared to only three for the RMC. The new government cabinet, which was confirmed when Parliament sat for the first time on 12 February 2016, consisted of eight parties and two independents—seven Anglophones and six Francophones.

Despite a few shifts in party loyalty, the new coalition government remained fairly stable during the first half of the year. The only significant changes occurred in April, when recount of votes for the Efate rural constituency led to the runner-up in the four-seat constituency, GJP candidate Gillion William, replacing the MPP candidate Nato Taiwia, who had served briefly as minister of youth and sport (VDP, 13 April, 25 April 2016). In addition, a GJP candidate, Uri Warawara, won in a by-election for the Malo/Aore constituency following the death of the successful Nagriamel candidate in January (VDP, 18 June, 30 June 2016). The effect of these two events was to increase the total number of GJP MPs from 6 to 8, making it the largest party in Parliament.

The party that seemed to have difficulty getting organized after the election was the UMP, which initially committed itself to join in forming the new government in February.

However, the party executive was in conflict due to the fact that the party leader, Serge Vohor, was in jail and continued to try to exert his influence (Vanuatu Daily Digest, 5 Feb 2016). By April, the party was split, with half continuing to endorse Vohor as president and the other half refusing to give support (VDP, 22 April 2016). By May, the split deepened with Vohor opening the UMP congress via telephone from the Low Risk Correctional Services facility where he was imprisoned and being elected the party's president with Ishmael Kalsakau as deputy. Within forty-eight hours, a second president, Jacques Mariango, was elected by the opposing faction, based on Efate (VDP, 21 May 2016). By late June, the split had reached the point that one of the UMP Efate MPs, Norris Jack Kalmet, had joined the government as the new minister for youth and sport (VDP, 29 June 2016). The Vohor faction with Ishmael Kalsakau as deputy remained in Opposition.

Yet another shift in party loyalty related to the UMP occurred in April, when three Iauko Group MPs decided to join the Efate faction in support of the Salwai government (VDP, 23 April 2016). In late May, two other Iauko Group members defected and joined the PPP—the result being that for the moment the Iauko Group disappeared as an independent political party in Parliament (VDP, 30 May 2016). By mid-September, the Iauko Group had reconstituted itself and agreed to work together with the VP—from which it had split several years earlier—and the five MPs confirmed their willingness to cooperate in a custom reconciliation ceremony involving the killing of a pig and the exchanging of mats and other

items (VDP, 15 Sept 2016). Luckily for the government, it had a solid base of member support, which meant it could survive such party instability.

The 100 Days Plan, which Prime Minister Salwai launched on 26 February, focused on development priorities. First mentioned was the examination of the country's financial situation—to put in place cost-cutting measures and explore possible new sources of revenue, including a review of the tax base. Related to this, the new government expressed the desire to see an increase in the participation of Ni-Vanuatu in the economic sector, including trade and tourism, and saw the strengthening of the cooperative movement as vital to achieving this objective. The plan specifically mentioned the implementation of the Land Law Reform, which had begun with the passage in 2015 of the Custom Land Management Act and focused on strengthening procedures related to land leasing to better protect the rights of custom owners. With regard to internal affairs, the government highlighted its aim to review the decentralization policy and to work toward strengthening the Vanuatu Police Force, which still suffers from weaknesses in leadership. The plan pointed to the need to review Vanuatu's various international agreements and relationships and, as would be expected, there was a focus on the various social sectors, including the judiciary, health, and education (VDP, 27 Feb 2016).

The Opposition bloc was quick to comment on the policies announced by the new government, claiming strangely that pardoning of the fourteen imprisoned politicians was one

of the features of the 100 Days Plan. The Prime Minister's Office responded that the issue of pardon was "not development" and therefore not a "prioritized target" of the government. With some of their own party leaders imprisoned, Opposition members were determined to find a way to achieve their release or at least reduce their sentences. The fate of the imprisoned politicians, convicted of bribery charges in October 2015, continued to be a focus of attention throughout most of 2016.

Indeed, one day before the new government was sworn in—when the government was still in caretaker mode under Sato Kilman—the imprisoned politicians applied to the Parole Board to be considered for early release. All the applications requested consideration on compassionate grounds—several citing health reasons. Likewise, the day before the release of the 100 Days Plan, Leader of the Opposition Ishmael Kalkasau (UMP) called on the head of state, President Baldwin Lonsdale, and raised the possibility of pardoning the imprisoned politicians (*VDP*, 29 Feb 2016). A further request for parole consideration was rejected at a meeting of the Parole Board in early March (*VDP*, 4 March 2016).

These efforts were unsuccessful because of the simple fact that, under section 51(1) of the Correctional Services Act [Eligibility for Parole], the prisoners were not eligible. The act stipulates that "a detainee is eligible for consideration by a community parole board for release on parole upon the expiry of a half of his or her sentence" (Correctional Services Act 2006). At this point, the fourteen had

served just three months of their three- and four-year jail terms.

It should be noted that while a Community Parole Board considers a parole application, under chapter 6, article 38 of the constitution, "The President of the Republic may pardon, commute or reduce a sentence imposed on a person convicted of an offence. Parliament may provide for a committee to advise the President in the exercise of this function" (Constitution of the Republic of Vanuatu 2006). With the events of October 2015 in mind (when the acting president, Marcellino Pipite, pardoned himself and some of the other politicians who had been convicted on bribery charges before they could be sentenced), Parliament decided to take up the option provided in article 38 and tabled a motion to set up such a committee to advise the president. Over objections from the Opposition that the mechanisms pertaining to the functioning of the committee were not specified, the motion passed with 33 votes in favor to 9 against (*VDP*, 26 March 2016).

The next chapter in the saga of the convicted politicians began in April, when two of the fifteen MPs convicted of bribery the previous year—Willy Jimmy, who was serving a suspended sentence, and Silas Yatan, who was still in jail—appeared before the Appeal Court to challenge their dismissal as leaders (*VDP*, 9 April 2016). In the 2015 bribery trial, Judge Mary Sey had charged the accused MPs under the Penal Code, leaving the issue of breaches under the Leadership Code to be dealt with later. Judge Sey had made this decision due to an earlier ruling that an irregularity had

occurred with regard to the alleged breaches of the Leadership Code. Following an appeal to the Supreme Court by the public prosecutor for clarification in view of the convictions handed down under the Penal Code, Judge David Chetwynd confirmed orders, as stipulated under the Leadership Code, “dismissing all the Defendants from office and disqualifying them from standing for election or being appointed as a leader of any kind for a period of 10 years” (VUSC 2015).

The appeal was based on the argument that the two former MPs “were no longer leaders when the ban was made December last year [2015] after the Leadership Code charges were invoked by the Public Prosecutor. . . . Willy Jimmy and Silas Yatan claimed the December decision should have happened earlier in October when they were initially convicted for bribery and corruption.” The view of the Appeal Court was, however, that the argument was “misconceived” and that the Supreme Court’s decision to ban the fourteen convicted politicians from holding office for ten years was correct (VDP, 15 April, 16 April 2016).

The next major chapter in the bribery and corruption saga was the case against eleven of the jailed politicians and one of their assisting lawyers on charges of conspiracy to defeat the course of justice, related to the decision by the acting president at the time, Marcellino Pipite—the president was overseas—to pardon himself and ten other convicted, but not yet charged, MPs. In addition to Pipite, the group included Paul Telukluk, Silas Yatan, Tony Nari, John Amos, Arnold Prasad, Tony Wright, Sebastien Harry,

Thomas Laken, Jean-Yves Chabot, Jonas James, and lawyer Wilson Iauma (VDP, 11 May 2016). It should be noted that Moana Carcasses Kalosil attended the meeting at Mangoes Restaurant (in Port Vila) where an agreement was made to attempt a pardon, but he chose not to become involved. Likewise, Serge Vohor, John Amos, and Stephen Kalsakau, apparently, did not get involved. The case involved several months of preparation, with the recruitment by the defendants of foreign lawyers and a pretrial hearing (VDP, 10 June 2016).

The charges involved the activities of the defendants over three days, 9–11 October 2015, which took place at Mangoes Restaurant and the Ministry of Infrastructure and Public Utilities, and concerned the plotting and execution of a plan—including the formulation and printing of documents—to use the absence of the president from Vanuatu to affect their pardon in the bribery and corruption case. The case lasted for two weeks in August (VDP, 3 Aug, 4 Aug, 9–12 Aug, 16 Aug, 17 Aug 2016). The onus to prove guilt lay with the prosecution, and it was the conclusion of presiding Supreme Court Justice David Chetwynd that all the defendants were “guilty of conspiracy to defeat, obstruct or prevent the course of justice in that they all, between the time of conviction on 9th October 2015 and 11th October 2015, asked for or arranged pardons to be granted with the intention that they escaped any sanction of the Court” (VUSC 2016a).

Sentencing took place at the end of September (VDP, 30 Sept 2016). Judge Chetwynd based his decisions on the degree to which he felt each

of the individuals had been involved in promoting the illegal pardon. He viewed Marcellino Pipite as having been the “lynch pin in this conspiracy . . . [and] the most culpable of all the defendants” and gave him four years. Toni Nari was also seen as “one of the prime movers . . . His enthusiasm and his eagerness at the very early stages of the conspiracy drove the others on” and he was sentenced to three years and six months. The remaining MPs—with the exception of Jonas James, who received a sentence of two years—were all given sentences of between two years and three months and three years and six months in addition to time given for the bribery offense. Commenting that he recognized that Wilson Iauma, the only lawyer charged in the conspiracy, had faced heavy pressure from his employer, the judge felt that “as a lawyer and officer of the court he should, quite frankly, have known better. . . . [and that] all the lawyers involved should face some sanction.” Iauma was sentenced to two years and nine months in addition to the time given for the bribery offense (VUSC 2016b).

In mid-October the seven jailed former MPs made a last attempt to find a way to freedom. On 13 October 2016, they testified in the Appeal Court in a case lodged by Moana Carcasses Kalosil in July 2016 on behalf of all fourteen imprisoned former MPs, claiming that “they were protected by parliamentary immunity when prosecuted for bribery last year [2015]” (VDP, 15 Oct 2016). The crux of their argument was that during the period between 8 and 16 June in 2015—during which time (on 12 June)

they were asked by their lawyers to appear in the Magistrate Court with regard to the bribery charges—Parliament was in session. As a result, they claimed that their appearance involved a prosecution of the applicants in breach of article 27 (2) of the constitution, which states that no member of Parliament “may, during a session of Parliament or of one of its committees, be arrested or prosecuted for any offence, except with the authorization of Parliament in exceptional circumstances.” As a result, the application called for the decision of the 2015 bribery case and its subsequent cases to be quashed. The chief justice ruled when hearing the case that it should be dealt with by the Supreme Court (VUCA 2016).

When the case was heard in November 2016, Supreme Court Judge J P Geoghegan dismissed the claim that the constitutional rights of the former MPs had been breached. He based his decision on the fact that the 12 June 2015 hearing “was not a hearing which the applicants were required to attend or which they were compelled in any way to attend. They were not subject to bail conditions at that time and had not been served with summonses to attend Court. In the circumstances they were completely within their rights not to attend Court and the advice that they received from their lawyers was wrong” (VUSC 2016c). This did not end the discussion of the imprisoned MPs, but it ceased at least for the rest of the year.

In June, a topic that had been under discussion by a special committee for months—the Taskforce for Political Reform led by Minister of Lands

Ralph Regenvanu—seemed at last to have reached the point where serious public consideration and government action might be possible and it was announced that a special sitting of Parliament would be arranged to table and debate proposed changes to the constitution. There had been attempts in the past—in 1994 and 2004—to address this issue in response to the increasing political instability related to the continual need to create coalitions of parties in order to govern, but they failed to gain the necessary parliamentary support to proceed. The fact that the government, with thirty-nine MPs, held an overwhelming majority and, in effect, the two-thirds of Vanuatu's fifty-two-seat Parliament to amend the constitution, motivated the new government to move ahead. A bill was prepared incorporating twenty-five amendments, the 7th Constitutional Amendment to Vanuatu's Supreme Law, which the government planned to debate in a special sitting of Parliament scheduled to take place on 9 June 2016.

Broadly, the amendments were designed to enable the regulation of political parties; safeguard political stability by imposing certain restrictions on elected candidates and parties; regulate the involvement of naturalized citizens in Vanuatu politics; enable the regulation of reserved seats for women; regulate cost-effective election procedures; change the procedure for the appointment of the Speaker of Parliament; provide for the independence of the auditor general; extend the life of Parliament from the current four to five years; regulate the powers of Parliament to dissolve Parliament; regulate the pow-

ers of the prime minister and other ministers following the dissolution of Parliament and before an election; regulate the occurrence of votes of no confidence against the prime minister; and expand the definition of a leader to include individuals in the private sector working with the government (VDP, 4 June 2016).

Within a few days, the Opposition let it be known that they were not in support of the constitutional changes, that is, that they did not support the government's strategy. The leader of the Opposition, seasoned lawyer Ishmael Kalsakau, was very clear when he announced that "the Government needs to consult the people before bringing any amendments to the Constitution to Parliament" (VDP, 8 June 2016). He reminded the government that while the constitution permits amendments to be passed by Parliament with a two-thirds majority of MPs present (article 85), it stipulates under article 86 that any amendment bill "regarding the status of Bislama, English and French, the electoral system, or the parliamentary system, passed by Parliament under Article 85, shall not come into effect unless it has been supported in a national referendum." Clearly, most of the proposed changes related to the electoral system and parliamentary system and would require a referendum to enable their adoption into the constitution.

It was not surprising, therefore, when the Opposition boycotted the first session of the special sitting, preventing Parliament from proceeding. The number of MPs present was 35, that is, 4 short of the 39 (75%) required for a quorum. The Speaker advised that the next sitting would be

delayed for a week to 16 June, when only a two-thirds majority of MPs would be required for the sitting to go ahead. At the same time, in obvious response to the objections raised by the Opposition, the prime minister announced that the government had decided to table a motion to establish a Constitutional Reform Committee, which would initiate public discussion before proceeding to a referendum (VDP, 10 June 2016).

In the meantime, preparation was underway for the first ordinary session of Parliament to meet on 13 June to debate twelve other bills (VDP, 11 June 2016). However, before Parliament could sit, following an urgent constitutional petition filed by the leader of the Opposition, Supreme Court Judge Oliver Saksak restrained the Speaker from convening and opening the first ordinary session. The argument from Ishmael Kalsakau was that there had been an infringement of the constitution “because the Speaker has no power to call to order another session while a Special Sitting is in motion” (VDP, 14 June 2016). The next day, the Supreme Court refused a stay order application from the Speaker and, at the same time, the leader of the Opposition defended his action—not as “political point scoring” but merely as a “constitutional issue affecting rights [that] should not be dramatized into a political issue” (VDP, 16 June 2016).

The special parliamentary sitting took place with fifty MPs present, during which it was agreed to establish a Parliamentary Ad Hoc Committee to consult with the people over the proposed 7th Constitutional Amendment to Vanuatu’s Supreme Law. It was planned that the prime minister

would appoint a twenty-seven-member Bipartisan Constitutional Review Committee to debate how to reduce Vanuatu’s endemic political instability. Members would include the leader of the Opposition, representatives of each of the political parties in Parliament, two independent MPs chosen by the Speaker, and representatives from the Vanuatu Christian Council, Malvatumauri National Council of Chiefs, Department of Women’s Affairs, National Youth Council, Chamber of Commerce, Council of Trade Unions, Vanuatu Association of Non-Governmental Organisations (VANGO), and Disabled Society. It was reported that the MPs agreed unanimously to take all issues requiring a referendum to the committee. Minister Regenvanu informed the press that a massive awareness campaign was planned to be presented around the country in August (Vanuatu Daily Digest, 17 June, 21 June 2016).

Another major issue that aroused significant debate—increasing as the year progressed—was an announcement following from the 100 Days Plan to instigate a “national revenue review reform” with “the possibility of introducing new forms of taxes such as the personal income and corporate tax to help bring the desired revenue level needed” (VDP, 15 June 2016). A month later, the first serious opposition emerged with the Chamber of Commerce voicing its concern that “imposing an income tax will drive away foreign investment” and that the Value Added Tax (VAT) should be raised instead and efforts to improve compliance instigated (VDP, 21 July 2016). Government planning, however, continued with the announce-

ment in August that the Cabinet of Ministers had approved a new tax plan, expressing the argument that “as the demand for services continues to grow, the Government is finding it difficult to finance these demands” (*VDP*, 18 Aug 2016). The plan would require anyone to pay income tax who earned more than 500,000 vatu per year, an amount that was eventually increased to 750,000 vatu [100 vatu = US\$.90] (*VDP*, 25 Aug 2016). To lead public discussion, the government established a Revenue Review Team, which held a number of meetings in an attempt to gather public reaction and expand public support.

Opposition to the new tax proposals began to mount in September with comments appearing in the *Daily Post* and on talk radio from representatives of the business community, who took the position that the income threshold was too low (*VDP*, 1 Sept 2016). The Opposition also voiced its disapproval of the tax proposals and urged the government to “consider other revenue raising measures before considering introducing income and corporate taxes in Vanuatu”; the government responded that it would embark on a nationwide consultation regarding the income tax plan (*VDP*, 12 Sept, 13 Sept 2016). There were mixed reactions to the plan, with the leader of the Opposition speaking out most strongly against it (*VDP*, 21 Sept, 22 Sept 2016). The government responded by accusing him of “speaking for the interests of a small group of businessmen who are his friends” and criticized him for trying to force the Speaker to convene the 2nd Ordinary Session of Parliament, creating confusion among the public (*VDP*, 3

Oct 2016). By the end of October, the Tourism Owners Association spoke out strongly against the introduction of income and corporate taxes, arguing that their investments would be significantly harmed.

By this point, the government seemed to back off on the issue—responding, perhaps, to the fact that tourism, recognized as the most important source of revenue for the government, was increasing. Indeed, there had been significant criticism of the government regarding the slow pace of repairing the main airport runway at Bauerfield in Port Vila. The problem had existed for several years and had worsened since 2015, due most likely to damage caused by the heavy military cargo planes that had been used to ferry relief supplies to Vanuatu in the wake of Cyclone Pam. In January, Air New Zealand suspended service to Port Vila due to the damaged airstrip and Virgin Airlines followed suit a few days later (*VDP*, 23 Jan, 29 Jan 2016). Qantas also stopped its codeshare arrangements with Air Vanuatu, leaving only the national airline, Fiji Airlines, and Solomon Airlines to service Vanuatu (*VDP*, 25 April 2016). Virgin resumed flying in May, but the other two major overseas carriers remained absent from Vanuatu skies for the remainder of the year (*VDP*, 24 May 2016). The impact on the tourist industry was significant and remained a major issue for the government for the rest of the year, adding to economic concerns and increasing pressure. Sorting this out has revealed the negative impacts of political interference in bodies like Airports Vanuatu. Air Vanuatu ultimately needed a



US\$4 million government bailout to keep operating.

By November, a combination of events began to create a sense that the government might be under threat. Opposition groups had experienced consecutive defeats related to the fate of their imprisoned comrades. In August, those involved with Marcellino Pipite in attempting to “defeat, obstruct or prevent the course of justice” (VUSC 2016a) had been convicted and sentenced, and in November the appeal by Moana Carcasses Kalosil to have all charges dismissed—arguing that their right to immunity had been violated—was rejected (VUSC 2016c). Likewise, the government was finding it difficult to make progress with either its proposed constitutional changes or tax reform. The inclination of some MPs to switch party allegiance may have led the Opposition to think that they had a chance to topple the government and, therefore, they made plans to act during the forthcoming 2nd Ordinary Session of Parliament.

On Wednesday, 24 November, the Speaker announced that he had received a motion of no confidence signed by thirty-one MPs, though six of the signatures had since been withdrawn, and that it was in order and would be dealt with on 30 November. Reasons given for the motion included objections to the amendments to the constitution, opposition to the proposed tax reforms, and criticism of the prime minister’s recent trip to China. The prime minister made several changes to his ministerial portfolios in an attempt to strengthen the government’s position (VDP, 24 Nov 2016).

The 2nd Ordinary Session of

Parliament was scheduled to open on 8 December, but the Opposition MPs boycotted the session, though thirty-three MPs on the government side were present. Since a two-thirds majority is required for the first sitting, the Speaker ruled that the opening would be delayed until the following week—Monday, 12 December. As a result of the situation, Parliament was not scheduled to meet for certain in the next week for its Special Sitting to debate the Report of the Ad-Hoc Committee on Constitutional Review (VDP, 9 Dec 2016). However, under the circumstances, the prime minister requested that the Special Sitting be canceled. By the following week, when Parliament met for its Ordinary Session, it was clear that the Opposition did not have the number of votes to prevail, with thirty-three MPs sitting on the government side; the deputy leader, therefore, withdrew the motion. The Salwai government thus remained in power as the year came to an end.

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