Papua. However, this year the reality on the ground remained unsettling for most.

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References


Vanuatu

National politics in Vanuatu in 2004 were again dominated by personalities rather than policies, with a number of changes of government throughout the year as personal alliances shifted. In November 2003 there had been a change of government, from a coalition between the Vanua’aku Pati (VP) and the United Moderate Party (UMP) to a coalition between VP, the National United Party (NUP), and the Alliance for the Development of Vanuatu (ADV)—which was itself a coalition made up of the Green Party, the Vanuatu Republic Party (VRP), and others. Then Prime Minister Edward Natapei had instigated the change in coalition to avoid a vote of no confidence, although as 2003 drew to a close, rumors of such a vote showed little sign of abating.

Early in the New Year, a reconciliation ceremony between NUP, UMP, and the Melanesian Progressive Party (MPP) was held (VDP, 3 Jan 2004). This strengthened rumors of a no-confidence motion, as a coalition of these three parties would have had sufficient numbers to carry such a motion. By the middle of January, Natapei was denying a counter-rumor that he was considering a further cabinet reshuffle in order to avoid a no-confidence motion (VDP, 15 Jan 2004). The fragility of the government became even more apparent when the ADV threatened to withdraw support from Natapei unless ADV members were given more portfolios and more places on various statutory boards (VDP, 24 Jan 2004). The prime minister’s office initially refused to bow to
the pressure, saying that the demands of the ADV were not in accordance with the memorandum of understanding that had led to the change of coalition in November 2003. However, on 19 February—two days after ADV had presented Natapei with an ultimatum to reshuffle the cabinet or face a vote of no confidence—the cabinet reshuffle went ahead (VDP, 20 Feb 2004).

In the reshuffle, ADV President Maxime Carlot Korman replaced Sato Kilman of the Peoples Progressive Party (PPP) as minister of agriculture, forestry, and fisheries. In addition Joe Natuman (VP) lost his position as minister of internal affairs to George Wells, another VP member; and Jackleen Reuben Titek (VP) lost his position as minister of education in protest over the reshuffle (VDP, 21 Feb 2004). Minister for Finance Sela Molisa followed Kalpokas in resigning a fortnight later (VDP, 9 March 2004). These changes within the cabinet provided public confirmation of divisions within the VP leadership that had been simmering for some time.

Divisions within VP became more apparent at the VP congress held at Lingarak in October 2003. Voting on the VP executive split the party. On one side was the “old guard,” which included Molisa, Kalpokas, Natuman, and Titek. On the other were the supporters of Edward Natapei. At the Lingarak congress, a motion to oust the old executive was passed, but VP Honorary President Kalpokas then declared the vote invalid due to irregularities. This matter could not be resolved at Lingarak so tensions between the factions continued, and VP was left without a clear executive. Kalpokas claimed the tensions started in 1999, with new people joining VP: This “‘new blood’ with new ideas . . . sought to make changes in the party work ethic and the custom and tradition of the VP through short cuts” (PVPO, 5 July 2004; see also PVPO, 13 March 2004). Others saw the tensions as arising from the old guard being unwilling to pass on the power that they have held for so long.

Following the reshuffle of February and resignation of Kalpokas, VP subcommittees on Tanna began to call for Natapei’s resignation (VDP, 24 Feb 2004). Splits between different subcommittees in Port Vila also became apparent (VDP, 3 March 2004). There was some hope that tension in VP would ease after a meeting and public ceremony by Natapei and Kalpokas, during which they agreed to refer to court the matter of the election of the VP executive (VDP, 6 March 2004). This heralded the start of protracted legal maneuverings. The first move was an interim application by the Kalpokas camp for an injunction to stop the disputed parties from using the VP name. The courts rejected this application, but any hopes for an easing of tensions through an agreement to resolve the dispute through legal rulings were shown to be naive (VDP, 13 March 2004).

Natapei’s position was further weakened after allegations by Serge Vohor that some UMP members of parliament had been offered cash to join the ailing government (VDP, 18
March 2004). This was soon followed by claims from five members of ADV that Minister Moana Carcasses had promised them payment of 1 million vatu each in return for switching political alliances (VDP, 26 March 2004). The allegations of bribery were, unsurprisingly, denied. A month after these allegations, a new memorandum of agreement was signed, excluding ADV from the government. The signatories were VP, NUP, the Green Party, and Affiliate Greens (VDP, 20 April 2004).

The allegations of bribery were, however, overshadowed by the election of the new president of the republic. Father John Bani’s term as president ended on 23 March, and in early April the Electoral College, which consists of parliament and the chairmen of local government councils (Vanuatu Constitution, Article 34), convened to elect his successor. The Electoral Commission, which is a separate body that administers all official elections in Vanuatu, cleared thirty-one candidates as eligible to be appointed president, and voting began on 8 April. The fighting and factionalism within parliament created a stalemate after the first round of voting, with Kalkot Matas Kelekele, the government’s preferred candidate, receiving 26 votes, and Alfred Massing Nalo, the preferred candidate of the opposition, receiving 21 votes (VDP, 9 April 2004).

After five days the government chose to join the opposition in order to ensure stability, and Nalo was appointed president. It soon came to light that Nalo was a convicted criminal and at the time of his election was serving a two-year suspended sentence for aiding and abetting, misappropriation, and receiving property dishonestly, after money went missing following sales of cocoa. Nalo was acting as an agent for the Vanuatu Commodities Marketing Board at the time. The conviction would automatically have disqualified Nalo as a candidate, but the Electoral Commission, which is responsible for conducting background checks, allegedly did not detect it because the certificate of previous offences, issued by the police, had been filled out incorrectly (pvpo, 28 April 2004). Vohor immediately used Nalo’s appointment as leverage against Natapai, saying that he should resign (VDP, 23 April 2004). Former President Jean-Leye Lenelcau then blamed the opposition for the situation (VDP, 24 April 2004). Nalo himself did not appear to take any responsibility and refused to step down, forcing the government to take the issue to court. In May the Supreme Court ordered Nalo’s removal from the presidency, a decision later confirmed by the Court of Appeal (Government v Maseng Nalo). In August Kalkot Matas Kelekele was eventually elected to the post of president.

Turbulence in parliament continued after the presidential election debacle. The first ordinary session of parliament was set to begin on 10 May, but was boycotted by the opposition, which submitted a motion of no confidence to the Speaker. At 6 PM that evening, Natapai convinced the acting president to dissolve parliament. The timing of this dissolution was interesting, as it came immediately after Nalo was removed from the presidency and the Speaker of parliament was appointed as acting
president. Some people perceived the dissolution as a misuse of power and a self-serving attempt by Natapei to retain power. The motion of no confidence had been signed by a majority of members of parliament, so government could have changed while parliament remained in place, and Vanuatu could have avoided the expense and disruption of an early election. The Natapei government, however, claimed that the dissolution was done in the interests of stability.

The decision to dissolve parliament was immediately challenged in court. The challengers lost in the Supreme Court on 13 May but appealed the decision, thereby casting uncertainty over whether or not Vanuatu was going to be heading for a general election. It was not until 28 May that the Court of Appeal confirmed that the parliamentary dissolution was legal (Vohor v Abiut 1; Vohor v Abiut 2).

The election date was set for 6 July. Campaigning was, in large part, overshadowed by the continuing meltdown of VP. Not long after the May no-confidence motion was lodged, VP members who had signed it (including Titek, Natuman, and Kalpokas) were expelled from VP. However, the legality of this action was unclear, opening up the possibility of more court challenges (VDP, 15 May 2004). In early June the VP coordinator announced a congress, but this announcement was declared invalid by Natapei on the grounds that the executive had not given authority to hold a congress. This did not deter the Kalpokas faction from holding this congress. Indeed, around the time of the congress the Kalpokas faction went back to court seeking an order declaring that the case seeking to have the Natapei-led executive council declared valid should be struck out on the grounds of nonappearance of legal counsel without explanation (VDP, 11 June 2004). At the congress, Molisa was named the new VP president, replacing Natapei, and a motion was immediately filed in the Supreme Court to have this appointment declared invalid (VDP, 12 June 2004).

Around the same time a series of legal challenges arose concerning who would be permitted to use the VP name during electioneering. While the court ruled that both parties would be permitted to use the VP name, ultimately most of the Kalpokas faction stood under the Vanua K Group banner (Kalpokas v Ors v Electoral Commission).

Two hundred and thirty-seven candidates contested the election. No major incidents disrupted voting, but on Tanna a number of ballot boxes were burned while in transit to Vila for official counting. The preliminary counting had already been done, and there were allegations that the boxes had been burned due to anger over vote rigging (VDP, 10 July 2004). Fifteen people were arrested over the incident, including the caretaker minister of finance, Jimmy Nicklam. However, new elections were not held, and results from Tanna were based, in part, on the preliminary counts from those ballot boxes.

Twenty-three people lost their seats in parliament. The Kalpokas faction suffered heavily in the election. Kalpokas, Molisa, and Titek all failed to be reelected. Three caretaker ministers standing under the VP banner also
lost their seats—Nicklam, John Morrison Willie, and Nicholas Brown. Another prominent person who lost out was Roger Abiut, the former Speaker of parliament. Abiut, in his role as acting president, had ordered the dissolution of parliament. The only major party to gain seats in the election was NUP, which increased its seats in parliament from 8 to 10. A number of small parties also gained seats (VDP, 9 July 2004).

No government was formed for several weeks, as different potential prime ministers attempted to form coalitions. By the end of the month it was becoming clear that Vohor had a majority. In a last-ditch attempt to buy enough time to rally support, the Natapi faction boycotted the parliamentary session scheduled for 26 July. Parliament eventually sat on 29 July, and Vohor (UMP) became the new prime minister. His deputy was Korman (VRP), and his cabinet included Natuman, Barak Sope, and Carcasses (VDP, 27 July, 30 July 2004). NUP and part of VP formed the opposition.

However, within two days this government was in trouble. Backbenchers who had not gained portfolios were threatening to cross the floor, and Arnold Prasad, who had been made minister for ni-Vanuatu business, resigned claiming that he had been promised the position of minister of agriculture (although he rejoined the government within two weeks). On 4 August a proposed no-confidence motion, which would have resulted in a government led by NUP’s Ham Lini, was not accepted by the Speaker on the grounds that Lini had not made an official appointment to do so. This was followed by allegations that the Speaker did not attend the official appointment of 6 August (VDP, 7 Aug 2004).

The election of the president of Vanuatu had been set for 13 August. Before the election, a motion was filed in the Supreme Court against the Speaker’s declaration that the motion of no confidence had been improper (VDP, 14 Aug 2004). Then the maneuvering began, to avoid the vote of no confidence. Kalkot Matas Kelekele, the candidate who was supported by NUP, was quickly elected president and on 18 August there was a cabinet reshuffle in order to include NUP in the government. Lini became deputy prime minister and two other NUP members were also given portfolios. Prasad was removed from the cabinet, and Korman soon resigned (VDP, 19 Aug 2004).

The motion of no confidence continued to float, however. On 19 August the Supreme Court ruled that the Speaker must allow parliament to debate the motion of no confidence. Lini, who proposed the motion, then withdrew it. The opposition intended to go back to court for a ruling on whether the withdrawal was legal (VDP, 27 Aug 2004).

Political events then took another change in direction, with the commitment to trial of Barak Sope. Sope, who had previously been convicted under the Penal Code for forgery, then pardoned by the president, was committed to trial for the same actions under a different piece of legislation—the Leadership Code Act (VDP, 28 Aug 2004). Sope immediately appealed on the grounds that one cannot be prosecuted for the same crime twice, and he was successful. Sope, acting on behalf
of the government, then demanded that two Australian federal police officers attached to the Australian High Commission be removed from Vanuatu by 15 September. Two AusAID advisors in the State Law Office were also removed. Australian interference in Vanuatu politics was cited as grounds for these actions (VDP, 4 Sept 2004). Australian Minister for Foreign Affairs Alexander Downer then indicated that the removal of the Australian federal police could affect Australia’s aid to Vanuatu. The Australian federal police did leave by the initial deadline, but by then there were conflicting reports about whether they could stay on the condition that their terms of reference could be worked out (VDP, 16 Sept 2004). There was a clear sense that Australian officials were acting like “bad losers” over events in Vanuatu after their Department of Foreign Affairs and Trade issued a warning to Australian travelers on 16 September to be wary of civil unrest in Vanuatu. This notice was reissued on 7 October, despite total absence of any civil unrest (VDP, 8 Oct 2004).

The saga surrounding Sope carried on in a small way until the end of the year. Earlier in the year the Office of the Ombudsman had reissued the report detailing Sope’s forgery, which had led to his criminal conviction. The reissue of the report was perhaps the beginning of the events that led to the attempt to retry Sope under the Leadership Code Act. Sope applied to the Supreme Court for a ruling that this was unconstitutional, on the grounds that he had already been convicted, but the Supreme Court rejected his application. In November the Court of Appeal ruled that the reissue of the report was unconstitutional (pvpo, 14 Nov 2004).

Claims of interference by Australians in Vanuatu politics got a further boost when there was an attempt to have Vohor arrested at the airport in relation to charges of contempt of court. The alleged contempt came from comments made by Vohor in parliament on September 1 implying that the judiciary was acting corruptly, or that Chief Justice Lunabeck was a “pikinini blong waet man.” A committal order for Vohor’s imprisonment had been issued on September 11, but this was revised the following day to a summons to appear before court. The court hearing was set for 17 September. Following these events the police commissioner was suspended and the AusAID advisor attached to the Office of the Public Prosecutor was asked to leave immediately (VDP, 14 Sept, 15 Sept 2004).

The Supreme Court stayed proceedings until the Court of Appeal sitting to decide whether the contempt-of-court ruling was correct. The Court of Appeal quashed all orders relating to the contempt ruling (VDP, 25 Sept 2004), and soon afterwards a Commission of Enquiry into the Office of the Public Prosecutor was established to investigate the motives of the office in attempting to have the prime minister arrested (VDP, 29 Sept 2004). The Office of the Public Prosecutor then suspended all criminal prosecutions, pending the outcome of the Commission of Enquiry, effectively undermining Vanuatu’s criminal justice system (VDP, 19 Oct 2004).

The Commission of Enquiry has been
hindered by refusals from staff of the Office of the Public Prosecutor to attend hearings, and by the end of the year had not issued a report (VDP, 13 Nov 2004).

Once Vohor had overcome the contempt-of-court charges, his government proceeded with plans to change the constitution. These proposed changes aimed to increase the term of parliament to five years, to bar motions of no confidence for a period of twenty-four months following a general election, and to prevent members of parliament from crossing the floor by providing that any MP who resigns from the political party under which they were elected shall lose their seat in parliament (VDP, 15 Oct 2004). After some amendments to the initial proposal the constitutional amendment was passed by parliament. The life of parliament was not extended, but members who cross the floor will lose their seats. As well, there cannot be a vote of no confidence “within 12 months of a general election following a dissolution . . . within 12 months of any other general election . . . within 12 months of the formation of any Government . . . or within 12 months before the end of the life of a Parliament” (Constitution [Fourth Amendment] Act 2004). However, before the amendment can come into force it must be supported by a national referendum, which is due to be held in mid-2005.

In the two final months of 2004 there was still time for two more major national political events. First, Vohor made a trip to Taiwan and signed an agreement establishing full diplomatic relations with Taiwan. This was done without the consent of the Council of Ministers and despite the Vanuatu government’s official support of the one-China policy. Vohor apparently saw it as a way of extracting more money from China as well as gaining funds from Taiwan (VDP, 5 Nov, 6 Nov 2004). For fear that China would pull out of Vanuatu altogether, the Council of Ministers unanimously decided to veto Vohor’s decision to establish diplomatic relations with Taiwan (VDP, 12 Nov 2004). Australia also expressed concern over the Taiwan affair, saying that aid would be cut unless Vanuatu could demonstrate that principles of good governance were being adhered to (VDP, 26 Nov 2004).

The Taiwan incident was the final straw for the Vohor government. By the end of November a motion of no confidence had been lodged (VDP, 25 Nov 2004). Vohor tried to argue that this motion was in contravention of the Constitution (Fourth Amendment) Act 2004, but both the Supreme Court and the Court of Appeal ruled that this act is not in effect until the national referendum takes place.

On 11 December Ham Lini was elected the new prime minister. The cabinet, with a NUP prime minister and a PPP deputy prime minister (Sato Kilman), included politicians from nine different parties (VDP, 14 Dec 2004) and remained in place until the end of the year.

With all of the political changes throughout 2004, it seemed very little was achieved. Few acts were passed, although the unpopular Debit Tax Act, which had led to protests the previous year, was repealed. The position of ombudsman, which had been vacated after Hannington Alatoa
reached the end of his five-year term, was filled by an acting ombudsman after a weak field of candidates applied for the post (VDP, 20 Nov 2004). Leadership of the police remains uncertain, following the dismissal of Police Commissioner Diniro on 24 November (VDP, 27 Nov 2004). It can only be hoped that 2005 will see more stability in parliament.

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