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The Region in Review: International Issues and Events, 2015

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Melanesia in Review: Issues and Events, 2015

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New Caledonia, Papua New Guinea, Papua, and Solomon Islands are not reviewed in this issue.

Fiji

For the most part, 2015 was a good year for the government led by Josaia Voreqe “Frank” Bainimarama. With 59 percent of the 2014 national vote at the September 2014 election, and 32 of the 50 seats in Parliament, the governing FijiFirst Party had a strong mandate. In view of the disarray of the Opposition, FijiFirst had good prospects of winning the next election, scheduled for 2018. Robust economic growth continued for a third successive year in 2015, and the government sustained its modernizing agenda with extensive infrastructure spending as well as legal and educational reforms. Nevertheless, stability remains elusive. Sections of the indigenous community are deeply hostile to the FijiFirst administration. The Republic of Fiji Military Forces (RFMF) remains determined to clamp down firmly on any potential or perceived threat. Efforts by Police Commissioner Ben Groenewald, an expatriate South African, to bring to justice members of the security forces for human-rights abuses were frustrated by RFMF intervention. In November, Groenewald resigned, more in despair than protest.

The Fiji economy is growing strongly. Two sluggish years (2.7% gross domestic product [GDP] growth in 2011, 1.8% in 2012) have been followed by three years of more rapid

expansion: 4.6 percent in 2013, 3.8 percent in 2014, and an expected 4.3 percent in 2015 (ADB 2015a; IMF 2015). Despite this, Fiji’s GDP per capita remains below the level reached in 2006 (Chand 2015, 204). Tourism and remittance earnings have been the main drivers of growth, while sugar has continued to stagnate with many farmers exiting the industry and a contraction of the land area under cane cultivation. Visitor arrivals over 2015 were substantially above 2012–2014 levels, and capital investment during 2013–2015 has been sustained above 25 percent of GDP—driven upward by heavy public spending on roads and bridges (RBF 2015). In May, Standard & Poor’s raised Fiji’s sovereign credit rating from B to B+. In September, the Fiji government was able to roll over its 2016 maturing loan, with a fresh F\$200 million bond at 6.6 percent interest (F\$1.00 is equivalent to around US\$0.46). Public debt has fallen from 55 percent of GDP in 2010 to 49.5 percent in 2015 (ADB 2015b, 5), excluding the liabilities of state-owned corporations (entailing approximately an additional 30% of GDP).

The sugar industry remains deeply troubled, despite some improvement over 2011–2014. The Fiji Sugar Corporation (FSC) was suspended from the Suva stock exchange owing to severe financial difficulties in October 2009 and was officially delisted in 2010. It reported negative earnings of F\$36.8 million in 2009 and F\$179.1 million in 2010, but thereafter showed

some signs of recovery with operating losses claimed to be diminishing from F\$32 million in 2011 to F\$14 million in 2012, F\$10 million in 2013, and F\$5 million in 2014 (*Fiji Times*, 14 May 2015; Narsey 2015a). According to the official figures, the government paid F\$175 million in 2010 and F\$36.5 million in 2012 to cover FSC deficits (*Fiji Times*, 13 Feb 2015). The FSC reported assets of F\$227 million in 2014, but its liabilities amounted to F\$374 million (FSC 2014). According to National Federation Party (NFP) leader Biman Prasad, the number of sugarcane growers has fallen from 18,000 to 13,000 over 2007–2015 (*Fiji Times*, 13 Feb 2015). Many of those “farmers” who remain now cultivate diminished plots solely to pay their Taukei Land Trust Board (TLTB) rents but rely on ancillary incomes for other basic needs. Farmers report increasing difficulty recruiting cane cutters at harvesting time.

Partial stabilization over 2012–2014 occurred with assistance from US-owned refiner Tate & Lyle, which continues to purchase the bulk of Fiji sugar for European markets. The relief is likely to be temporary. Fiji sugar prices had widely been expected to decrease over 2009–2015 in tandem with the 36 percent phased decline in the European Union’s officially declared “reference price.” In earlier years, the European Union (EU) reference price had fluctuated around two or three times the price paid for raw sugar on the open world market. Until 2010, the price actually paid by European refiners for sugar from the African, Caribbean, and Pacific (ACP) countries (including Fiji) closely tracked the reference price. After the

European Union announced its phased decline, however, actual EU market prices diverged sharply upward above the EU reference price over 2011–2013 (EC 2015). This assisted Fiji’s sugar earnings, as did the 20 percent Fiji devaluation in 2009 and “Fairtrade” premiums paid by Tate & Lyle. (“Fairtrade” certification is a device to improve earnings for cane growers if the industry meets certain standards; see Fairtrade International 2015.) Subsequently, over 2013–2014, the EU market price fell to closer to the official reference price, and as of late 2015 both the EU official price and the actual market price paid were close to levels on the open world market (EC 2016). Refiners like Tate & Lyle have effectively been restricted to supplies from ACP countries by sizable EU tariffs on non-ACP sugar, thus encouraging a divergence between the European internal/ACP sugar price and the world market price, but preferential access to the European market will end in 2017, after which FSC Chief Executive Officer Abdul Khan anticipates a 30 percent price decline (*Fiji Times*, 18 July 2015). Tate & Lyle’s 2015 decision to cancel the Fairtrade premium (around 15%) paid to Fiji growers eliminated another important lifeline for the industry (*Fiji Times*, 11 Aug 2015).

The 2015 budget set out ambitious targets for privatization, with earnings anticipated to reach F\$507 million over the year (IMF 2014; *FijiLive*, 21 April 2015), but the most significant divestments have been to the country’s main pension provider, the Fiji National Provident Fund (FNPF). In November, government announced a F\$100 million partnership deal for 59

percent of the shares of the hitherto wholly government-owned Fiji Ports Corporation Ltd, with the FNPF to purchase 39 percent and Sri Lankan-based company Aitken Spence to acquire a 20 percent stake (*Fiji Sun*, 10 Nov 2015; Fiji Government 2015). In 2013, Aitken Spence had acquired 51 percent of Fiji Ports Terminal Ltd, which manages the Suva and Lautoka international ports, with government retaining a 49 percent share (*Fiji Sun*, 3 Feb 2015). In December, the government sold half of its remaining stake in Amalgamated Telecom Holdings Group (ATH) for F\$89 million, mostly to the FNPF (*Fiji Times*, 23 Dec 2015). ATH subsidiaries include Telecom Fiji Limited, Internet Services Fiji (Connect), Fiji International Telecoms (FINTEL), and, since July 2014, the 100 percent locally owned Vodafone Fiji Ltd (ATH 2014). Major state assets, such as the Fiji Electricity Authority and Airports Fiji Ltd, have proved more difficult to sell. The FNPF, which faces heavy restrictions on foreign investment, owns F\$4.5 billion in net assets, most of which have been transferred from government entities (FNPF 2014).

The 2016 budget reduced the value-added tax (VAT) from 15 percent to 9 percent, reversing a rise signaled in the 2011 budget. At the same time, the zero duty on some basic food-stuffs and medicines was removed. So the net effect does not entail a major reduction in government VAT earnings. To boost revenues, the Service Turnover Tax was doubled from 5 percent to 10 percent, and a new 6 percent “Environment Levy” was imposed on tourism operators, entailing a major shift in government taxation toward

reliance on greater sourcing from Fiji’s biggest industry. Regular switches in government policy and absence of consultation with stakeholders are often seen as harmful to commercial confidence, but Fiji business leaders—as well as offshore companies operating in Fiji—remain mostly supportive of the Bainimarama-led administration. The projected 2015 budget deficit was a modest 2.5 percent of GDP (Dornan 2014), but the government split its roads and infrastructure expenditure to spread the load over 2015–2016.

The results of the 2014 polls indicated an electoral calculation likely to be sustained over the medium term (see Fraenkel 2015a, 2015c). With proportions of the population now tilted around 62 percent/34 percent in favor of i-Taukei (as indigenous Fijians are now called under the 2013 Constitution) compared to Fiji Indians, the 2014 outcome turned on the ethnic Fijian vote, which was split between Bainimarama’s FijiFirst Party and the major Opposition party SODELPA (better known by its acronym than by its full title, the Social Democratic Liberal Party. SODELPA is the largely indigenous Fijian party of the government that was deposed in the 2006 coup. It was forced by a decree abolishing Fijian party names to stop calling itself Soqosoqo Dua-vata ni Lewenivanua and then by another decree to drop the acronym SDL. It opted for “SODELPA” to retain the publicly well-known initials SDL). The Fiji-Indian vote for FijiFirst is much more assured and unlikely to go to any other party. With some justification, Bainimarama could claim that “under my Government, the i-Taukei [*sic*] are more secure, have more

opportunities” and he could point to state delivery of “better roads, better housing, better medical facilities, free medicine, [and] free water” (quoted in *FijiLive*, 30 April 2015; note that the “i” in i-Taukei is the definite article, so stating “the i-Taukei” is like saying “the the indigenous Fijians”). Many Taukei had switched to *FijiFirst* in 2014 because of these developments, but it is still too early to assess the impact of Bainimarama’s reform program, critical features of which commenced only in the run-up to the 2014 polls. What is clear is that the next election will likewise depend on the battle for the indigenous vote, and much of the energy of the government over 2015 was directed toward sustaining and building on that support.

Fiji’s Parliament, now returned to its pre-1987 coup location in central Suva, still echoes the bitter rivalries associated with the 2006 military takeover. In February, an Opposition member called the prime minister “kaisi” (person of low rank) in Parliament, echoing the cleavage between high-ranking Taukei chiefs on the Opposition side and those outside the traditional indigenous establishment on the government side. Bainimarama, who was commander of the RFMF until March 2014, retorted that Parliament should work like a military establishment, where “nobody really gives two hoots about your title, supposedly your blue blood” (*Fiji Times*, 8 March 2015; *FijiLive*, 10 Feb 2015). In May, SODELPA’s Ratu Naiqama Lalabalavu, the Tui Cakau (paramount chief of Cakaudrove, with authority extending into Bua and Macuata provinces) was suspended for two years for uttering obsceni-

ties against the Speaker, Jiko Luveni (*Fiji Sun*, 22 May 2015). Opposition leader Ro Teimumu Kepa, Roko Tui Dreketi (paramount chief of Rewa and the broader Burebasaga confederacy) said the suspension was an abuse of powers by the Speaker, and SODELPA briefly boycotted Parliament (RNZI, 22 May 2015; *FijiLive*, 6 July 2015). In the budget debate in November, SODELPA’s Isoa Tikoca—in a characteristically gruff voice—accused the government of corruption. Attorney General Sayed-Khaiyum reacted by parodying that voice and gesturing with arms akimbo like a monkey. When accused of racism, Sayed-Khaiyum claimed to have been mimicking the voice of Darth Vader from the movie *Star Wars* (*Fiji Sun*, 21 Nov 2015). Few could recall such gestures by those on the “dark side.”

The paired authority of Bainimarama (now civilian prime minister, minister of i-Taukei affairs and sugar) and Aiyaz Sayed-Khaiyum (now attorney general, minister of finance, public enterprises, public service, and communications) has been accentuated in the wake of the 2014 polls. Sayed-Khaiyum runs much of the business of the government, while Bainimarama embarks on frequent official trips around Fiji and overseas. Sayed-Khaiyum (of Muslim descent) is often reviled by conservative ethnic Fijians and anti-regime blogsites as spearheading an “Islamic takeover,” and he travels within Fiji with a strong personal security detail. By contrast, Bainimarama is regularly celebrated as a compassionate and accessible leader who is sensitive to the interests of i-Taukei. Bainimarama welcomes text messages on his mobile phone to alert

him to respond to the plight of Fiji citizens but leaves Sayed-Khaiyum—as finance minister—to fund the associated expenditures. Casualties of the new order often report that their termination was ordered after they had fallen out with the attorney general. Reports of military disquiet centered on Sayed-Khaiyum were confirmed in 2011 by now-imprisoned former Land Force Commander Pita Driti and the exiled former Third Infantry Regiment commander, Ratu Tevita Mara (who now resides in Tonga). Another former military officer, Pio Tikoduadua, minister for infrastructure and transport (but formerly permanent secretary in the Prime Minister's Office, 2009–2014) resigned his parliamentary seat in May 2015, ostensibly for health reasons (Tikoduadua 2015; FijiLive, 11 May 2015). Within Fiji, his rift with the attorney general was public knowledge, at least among the urban elite, but so too were the whispered allegations about financial mismanagement in his ministry.

Throughout 2015, FijiFirst made ample use of its majority on the floor of Parliament. By the end of 2015, the splendidly refurbished Parliament website reported forty-eight acts passed and 184 divisions since October 2014 (in parliamentary procedure, a “division” is an alternative to a voice vote in which members of Parliament rise from their seats). Leaving aside absences, the government side remained solid in all 184 votes, aside from just three occasions when there was a single dissenting vote and two cases of abstention. The Opposition was only slightly less homogenous, with the fifteen SODELPA and three NFP members of Parliament vot-

ing as a bloc on nearly all occasions (Fiji Parliament 2015). In April, the government announced that schools that once served as bastions of indigenous chiefly authority, such as Queen Victoria School, Adi Cakobau School, and Ratu Kadavulevu School, would henceforth cater primarily for rural students (*Fiji Times*, 2 April 2015; *Islands Business*, 14 April 2014). Ro Teimumu said it was part of the plan to destroy Fijian institutions and a continuation of the strategy that had seen Fiji's Great Council of Chiefs disbanded in 2012 (ABC, 13 April 2015). Over 2015, SODELPA chose to make indigenous rights its primary focus. At the 14th session of the United Nations Permanent Forum on Indigenous Issues in New York in April, pro- and anti-government representatives did battle with each other on the issue of whether or not those rights were adequately protected under Fiji's 2013 constitution (FijiLive, 23 April 2015).

Other issues, such as corruption and human rights abuses, obtained a lesser focus. Speaker Jiko Luveni had allowed the Opposition to take chairmanship of the Public Accounts Committee (PAC), triggering some controversy in her FijiFirst party. Opposition leader Ro Teimumu Kepa appointed NFP leader Biman Prasad to take the post. Most of the issues raised in the PAC's May 2015 Consolidated Report on the auditor general's 2007–2009 reports concerned cases of maladministration of government finances rather than evidence of gross corruption. The report highlighted cases of extravagance, weak tendering and procurement, and poor collection of revenues (PAC 2015). Nevertheless, the government was angered by

this novel scrutiny of its expenditures, and Sayed-Khaiyum claimed that the PAC was acting beyond its jurisdiction (RNZI, 27 July 2015). Parliamentary deliberation was clearly vexing those accustomed to rule by decree. In July, the government used its majority to secure a reduction in sitting times, from seven to four weeks (*Fiji Times*, 9 July 2015)

In its 2014 annual report, the Fiji Independent Commission against Corruption (FICAC) recorded 79 convictions since its inception in 2007; 26 cases acquitted, withdrawn, or declared nolle prosequi (charges discontinued); and 121 cases pending. Scores were still being settled with those associated with the ousted pre-2006 government. Former TLTB Chief Executive Kalivati Bakani and his director, Keni Dakuidreketi, were sent to prison for three and six years, respectively, and the chief executive and directors of the *Fiji Post* were handed down jail sentences, but two cases were dropped against deposed Prime Minister Laisenia Qarase due to “insufficient evidence” (FICAC 2015). FICAC is an institution that “sends shivers down some people’s spines,” boasted the attorney general as FICAC’s employees assembled for their annual awards night (*Fiji Sun*, 17 Jan 2016). Cabinet ministers feel less threatened. Allegations that the government was—over 2010–2011—secretly paying unspecified ministerial salaries through Aliz Pacific, an accounting firm owned by the attorney general’s aunt, Nur Bano Ali, were confirmed by the Auditor General’s Office in 2014 (for details, see Fraenkel 2015b). In October 2015, the government tentatively released

restricted additional information to the media, along with the explanation that “the contracting out of payroll service was deemed necessary at that time to create efficiency and maintain confidentiality of personal information given the political and administrative climate” (*Fiji Sun*, 8 Oct 2015). The report said that such irregular payments had since been discontinued, but it did not reveal the amounts involved (see Narsey 2015b).

The fallout from the 2014 election defeat has taken a heavy toll on SODELPA. In August 2015, an internal party document, the Gaunavinaka report, was leaked to the media. It revealed considerable disquiet about the party’s leadership and aired allegations of mishandling of Opposition office funds. The authors accused the SODELPA leadership of aiming to “paddle their political ambitions” but without “conviction for the indigenous cause.” It claimed that the “public is of the opinion that the Leader of the Opposition is weak, has no vision and has compromised the principles of the party with her hidden agendas to cling to power.” Ro Teimumu was berated for lack of consultation and was told to support any caucus decision “whether it’s right or wrong” (Bulitavu and Radrodoro 2015). One of the report’s authors, Member of Parliament Moses Bulitavu, threatened to resign unless action was taken and claimed to have the backing of the Bua, Cakaudrove, and Macuata SODELPA offices (*Fiji Sun*, 19 Aug 2015). From Burebasaga, the loyal Jese Sikivou wrote that the “vanua of Rewa” was deeply hurt about the allegations against their chief (Sikivou 2015). Gaunavinaka report authors

were equally offended by claims that Ratu Naiqama, the Tui Cakau, was “asking [for] money” from “embarrassed Fijians” while on tour in America (Bulitavu and Radrodro 2015).

The schism stopped short of culminating in a SODELPA split in 2015. Ratu Naiqama distanced himself from the Gaunavinaka report, and in September Ro Teimumu and Ratu Naiqama issued a joint statement rejecting claims of a rift between them (RNZI, 1 Sept 2015). After the release of the report, 1992–1999 prime minister and 1987 coup leader Sitiveni Rabuka resigned from the party, claiming that SODELPA was headed toward self-destruction and evidently frustrated that Ro Teimumu’s faction had blocked his leadership aspirations (Rabuka 2015). Bulitavu was pardoned by SODELPA’s management board in order to prevent further ruptures. An internal investigative team headed by former Permanent Secretary Anare Jale found some support for allegations of financial impropriety. Principal Administration Manager at the Office of the Leader of the Opposition Mick Beddoes—a rare part-European politician in the otherwise fairly solidly Taukei SODELPA firmament—was sacrificed in December. The gloating *Fiji Sun*, which had triumphantly exposed the Gaunavinaka turmoil, described the departing Beddoes as “Mr Unpopular” and “the Man with the Donald Trump Mouth” (*Fiji Sun*, 31 Dec 2015). It was the end of a fifteen-year political career for a man who had traversed the spectrum of Fiji politics from leader of the Opposition under the SDL governments (2002–2004, 2006) to SODELPA stalwart.

In October, Bulitavu wrote to the *Fiji Sun* denouncing SODELPA’s efforts to restore Fiji’s Great Council of Chiefs on the grounds that this was a vehicle for the supremacy of Bau Island (off the eastern coast of Fiji’s main island, Viti Levu) through the confederacy system (Bau was the home of Ratu Seru Cakobau, who ceded Fiji to Queen Victoria in 1874). The claims of the Vunivalu kei Bau (paramount chief of Bau) to serve as the “supreme chief of the iTaukei people” were repudiated in favor of the ancient and supposedly more egalitarian claims of the Ratu Mai Verata (Verata is located to the north of Bau, also on Viti Levu’s east coast). Tribes on Vanua Levu (Fiji’s second largest island) were said to recognize that their “Vu” (first ancestor) came from Verata and to have honored “a tax system of i sevu” entailing tributes from Wailevu, Labasa, Savusavu, Natewa Bay, and Udu Point (in the extreme east of Vanua Levu). Bulitavu’s article called on the Bainimarama government to “realign the tribal history” in accordance “with the preamble of the 2013 Constitution” by conferring authority on this “Verata ancient heritage.” The government was also enjoined to renounce “the breach of tribal rights surrounding the signing of the Deed of Cession 1874” (*Fiji Sun*, 10 Oct, 30 Sept 2015). Homogeneity in the SODELPA response to Bainimarama had clearly been breached, even if the Bau/Verata cleavage was a poor fit for Opposition reconfiguration if only because chiefs from both Bau and Verata had become closely associated with support for the FijiFirst government. Bulitavu, who had been arrested some years earlier

for defacing road-safety billboards featuring Bainimarama's image, was denounced by SODELPA loyalists for endorsing the FijiFirst government's destruction of the Great Council of Chiefs.

More evidence of indigenous disquiet had emerged in November 2014, when Nadroga chief Ratu Osea Gavidu purported to establish a sovereign "Christian state" and to have presided over the swearing in of eighteen cabinet ministers at Cuvu, near the Shangri-La's Fijian Resort (*Fiji Sun*, 8 Nov 2014). A statement from the group echoed familiar ethno-nationalist themes about alleged British failure at the time of independence in 1970 to return Fiji to descendants of the original signatories of the 1874 Deed of Cession. Australian resident and indigenous rights campaigner Oni Kiriwin, styled "attorney general" of the new state, had reportedly been dispatched to "Buchingham Palace" [*sic*] to "officially meet Her Majesty THE QUEEN" (*Fiji Sun*, 8 Nov 2014). In May 2015, Oni Kiriwin reported on her Facebook page that "Almighty God" had spoken to her and that the Nadroga group had passed into law "ten commandments" (Kiriwin 2015). In November, sixteen Nadroga chiefs appeared before the Lautoka High Court charged with sedition and inciting communal violence (Fijivillage, 26 Aug 2015; RNZI, 7 Nov 2015). Gavidu was well known in Fiji for crackpot schemes over the previous decade but generally not taken greatly seriously, at least by urban professionals in Suva. In Nadroga, now hosting several substantial new resorts and an international golf course at Natadola Beach, Ratu Osea's request for a

federal Fiji—with provinces serving as Australian-style state governments—had greater resonance. He died in April 2015, but the flag of the would-be Nadroga-Navosa Christian state continued to fly above Gavidu's bure (traditional thatched house) at Cuvu until the newly installed Turaga Na Ka Levu (paramount chief) of Nadroga, Ratu Kinijoji Vosailagi, requested that the police take it down in August (*Fiji Sun*, 14 Aug 2015).

Kiriwin also claimed to be behind another secessionist bid in Ra Province, in northeastern Viti Levu, and in Australia she had separatist flags designed for both breakaway "Christian states." On 28 October 2014, at Uluda in the Nakauvadra Mountains, the Ra group denounced the "oppressive, dictatorial and tyrannical nature of the Bainimarama/Khaiyum regime" with its "nirvana concept of a polity of equality" and "dream" of a "modern progressive Fiji." The Uluda Declaration purported to express the aspirations of "ethnic peoples, first nation peoples of Fiji and therefore sovereign people of this land" and paid homage to Kosovo's "right to secede from an oppressive government." It criticized the government's "perverse form of social engineering which employs constitutionally enshrined laws of 'mainstreaming' with which it enforces intensive assimilation that selects only the native Fijian race as its target group" (Uluda Declaration, reproduced in Field 2015). It was no accident that the group was making its statement from the Nakauvadra ranges, onetime home of Navosavakadua and the nineteenth-century Tuka cult (see Nicole 2011). In mid-2014, news filtered out that indige-

nous Fijians in the Ra hills were being trained, using wooden replica guns, by a former soldier in the British army. Police Commissioner Groenewald said the group was “more like a cult” and posed no threat to national security (RNZI, 14 Aug 2015).

The reaction of Bainimarama was much less relaxed. “There will be no so-called independent states in Fiji,” he thundered: “Anyone who swears an illegal oath will face the full force of the law” (FBC, 15 Aug 2015). “We Will Crush Any Revolt: PM” roared the front page of the *Fiji Sun* (15 Aug 2015). In his address at the opening of Parliament, outgoing President Ratu Epeli Nailatikau told the assembled members that should they fail to condemn the would-be uprising it would “cast doubt” on their commitment to democracy (Nailatikau 2015). Since the 2013 constitution had been imposed without any referendum or any deliberation by a constituent assembly, that argument won negligible Opposition support. Defence Minister Timoci Natuva said that “more influential people” were behind the rebels (Hansard, 27 Aug 2015). SODELPA said it had no links with the secessionists (*Fiji Sun*, 1 May 2015). In Australia, Fiji-born Australian National University (ANU) Professor Brij V Lal, still banned from his homeland, said it was a “diversionary” tactic to deflect criticism from the government (SBS, 31 Aug 2015). Others thought it signaled indigenous disorientation in the wake of Bainimarama’s abolition of the Great Council of Chiefs. On 26 August, thirty villagers from Ra were brought before the court in Tavua charged with “sedition” and foment-

ing “communal antagonism,” with a heavy military presence on the town’s streets (*Fiji Times*, 26 Aug 2015). By the end of August, more than seventy dissidents had been arrested and Oni Kiriwin had been banned from Fiji (RNZI, 25 Aug 2015; *Fiji Sun*, 29 Aug 2015). Lawyer Aman Ravindra-Singh, representing some of the Ra rebels, said that a clerk from his law firm had been grabbed and bundled into a car by men wearing “military boots” and had then been repeatedly “pricked by a needle” and “injected” with “some sort of liquid” (RNZI, 4 Dec 2015). Plans by the Parliamentary Standing Committee on Foreign Relations and Defence to look into Singh’s allegations were blocked by the attorney general (*Fiji Times*, 16 Dec 2015).

Other signs emerged of the still fragile security situation. In November 2015, Police Commissioner Groenewald resigned, stating that one reason for his departure was government cover-up of cases of brutality by the security services (ABC, 20 Nov, 11 Nov 2015). He had been appointed in May 2014, in the wake of seven and a half years of military control over the police force. Groenewald had earned some popular acclaim by confronting five burglars during a restaurant robbery in Flagstaff and forcing them out with a chair, leaving himself with injuries that required thirteen stitches (*Fiji Times*, 22 May 2015). He had staked his reputation on investigating several tricky police brutality cases, including the Vilikesa Soko murder case, the arrest and beating of Joseva Bilitaki, and the assault of Iowane Benedito and Epeli Qaraniqio. Vilikesa Soko had been arrested for a Nadi robbery in November 2014 and died after a

vicious beating while in police custody. Joseva Bilitaki was a retired teacher who had complained of the use of his songs by FijiFirst during their 2014 election campaign, precipitating an angry exchange of text messages with Bainimarama. Following that correspondence, he was arrested in December 2014 and beaten up by members of the security services (RNZI, 10 Oct, 20 Oct 2015). The most widely reported of these cases, the torture of recaptured escaped convicts Iowane Benedito and Epeli Qaraniqio in 2013, was recorded on video and released on YouTube. The gruesome footage showed five members of the security forces beating Benedito with a metal pipe in an effort to cripple him and setting dogs on Qaraniqio, both as punishment for absconding and as a method of preventing any repeat escape (YouTube, 2013). Suffering serious injuries, Qaraniqio had his leg amputated shortly thereafter.

Bainimarama had said at the time, “I will stick by my men,” and he proved true to his word. The prime minister told the media that the three police officers and two military officers had “done their duty in looking after the security of this nation and making sure we sleep peacefully at night” (interview on Fijivillage, 9 March 2013). Groenewald’s investigations were frustrated when the three police officers, who had been suspended, were recruited into the RFMF. Land Force Commander Sitiveni Qiliho explained that they had been “abandoned by the police” and echoed Bainimarama in stating “we will stand by our men and women through thick and thin” (RNZI, 9 Nov, 10 Nov 2015), evoking a spirit

of camaraderie with considerable resonance for a coup-prone and heavily militarized state like Fiji. One of those implicated was found to be Pita Matairavula, formerly the prime minister’s personal bodyguard. The police chief had informed Bainimarama of his intention to arrest the five officers, but the RFMF protected Matairavula. As a result, Groenewald—understandably—found his position untenable, though his resignation letter also included comments about unsanitary living conditions (RNZI, 20 Nov 2015). He returned to South Africa.

The new acting police commissioner was the RFMF’s Qiliho, who had himself been implicated in several human rights abuse cases (including the 2009 assault on ANU historian Professor Brij Lal). Lawyer Richard Naidu, an Opposition nominee on the Constitutional Offices Commission, resigned in protest at the appointment. On his Facebook page, Naidu said that the commission was acting in a “haphazard fashion, mostly on the basis of last minute emails, reflecting either disorganisation or a lack of interest in good governance” (Naidu 2015). Rivalry between the military and the police force had remained acute since the military takeover in 2006, but the brief resurrection of police independence under Groenewald was soon quashed. Under Qiliho, it was announced that most of the senior police officers would be retired (*Fiji Sun*, 14 Jan 2016).

Groenewald was not the only official in a top security post to resign in 2015. In August, it was announced that Brigadier General Mosese Tikoi-toga had resigned as RFMF commander and that Captain Viliame

Naupoto was to take his place in an “acting” role. Tikoitoga had only been appointed eighteen months earlier, after Bainimarama stepped down as commander to pursue a career in civilian politics. Rumors swirled on the overseas blogsites about renewed tensions in the RFMF, as well as about an awkward extramarital affair. The official statement said Tikoitoga had resigned to become Fiji’s new high commissioner to South Africa. The real reason was that Tikoitoga had been showing increasing independence, replacing those appointed by his predecessor to powerful positions and preventing Bainimarama’s personal bodyguards from entering the officer’s mess. The South African High Commission was a new post commenced only in 2011, but in November it was announced that Fiji’s mission in Pretoria was to be closed. A diplomat at the South African mission in Suva had been involved in a fatal drunk-driving incident in August but pleaded diplomatic immunity. The Fiji government had asked South Africa to waive that immunity (*Fiji Sun*, 21 Oct 2015), but without success. Instead of the Pretoria post, Fiji would open a new embassy in Ethiopia “given its strategic importance in Africa” and its role in the Organization of African Unity (OAU), 19 Nov 2015). It was a sign of how far and how rapidly Tikoitoga had fallen from grace that he would now be deployed to the Horn of Africa.

Aside from the police commissioner, the military commander, and the once powerful Minister for Infrastructure Pio Tikoduadua, many other influential figures in the Bainimarama government resigned during 2015,

echoing a pattern from earlier post-2006 coup years. Permanent Secretary in the Ministry of Information Sharon Smith-Johns resigned in October, citing personal reasons (*Fiji Sun*, 29 Oct 2015). In November, disillusioned spin doctor Graham Davis resigned his consultancy with Qorvis MSLGroup, supposedly to return to Australia (Fijileaks, 10 Nov 2015). Qorvis is a US-based public relations firm that has earned US\$20 million globally since 2010 representing countries with poor human-rights records; see CPI 2015). Aisake Taito resigned as chief executive officer of the FNP in April (*Fiji Times*, 5 May 2015). In November, Permanent Secretary for the Ministry of Finance Filimone Waqabaca resigned to become ambassador to New Zealand. Acting Permanent Secretary Basundra Kumar departed her post in the Ministry of Education in December 2014 and in her resignation letter denounced “parochialism, cronyism and favoritism” in the ministry, for which she was vigorously denounced by her minister, Mahendra Reddy (Fijileaks, 1 Jan 2015; *Fiji Times*, 7 Jan 2015). Dr Neil Sharma, the former health minister, resigned from Parliament in April. The website Fijileaks had revealed that the FICAC was pursuing charges against Sharma for manipulating tendering processes (RNZI, 6 Nov 2014). When new permanent secretaries were announced in December 2015, only three of the twenty had been the previous incumbents in those roles (*Fiji Times*, 18 Dec 2015).

Ratu Epeli Nailatikau’s term as president ended in 2015. A former military officer, Major General Jioji Konrote, was selected as the new

president, the first non-Taukei and the first non-chiefly candidate to hold the post. The Opposition's nominee was Ratu Epeli Ganilau, the former defense minister who had resigned from the Bainimarama government in 2010. Like the departing incumbent president, Ganilau is married to one of the daughters of Ratu Sir Kamisese Mara, Fiji's long-serving post-independence prime minister (1970–1987, 1987–1992) and then president (1993–2000). That Ganilau now featured as SODELPA's favored choice for a president was a sign of how closely the Mara dynasty had become associated with the Opposition. The Gaunavinaka report even speculated that Adi Koila Mara—the retiring president's wife and daughter of Ratu Mara—might become SODELPA's next leader. At the September 2014 polls, Lau Province—covering the scattered islands of eastern Fiji—was the only one of Fiji's fourteen provinces to record a SODELPA majority. Lau is also the ancestral home of the Mara family, where Ratu Sir Kamisese was Tui Lau and Tui Nayau (see Scarr 2008). In October 2015, it was announced that the next Tui Nayau would be Ratu Mara's eldest son, Ratu Finau (*Fiji Times*, 3 Oct 2015). In Jioji Konrote, the government chose a politician with a stellar military record but without a strong political base. Exiled Professor Brij Lal said that Konrote was “widely believed” to be keeping “the presidential seat warm until Bainimarama is ready to move up to Government House after another term or two in parliament” (Lal 2015).

The September 2014 election heralded the end of international sanc-

tions, but Fiji continued to reposition itself on the international front. Echoing debates in New Zealand about changing the national flag so as to drop its inclusion of the Union Jack, Bainimarama announced a competition in February to come up with a new flag for Fiji. “We need to replace the symbols on our existing flag that are out of date and no longer relevant, including some anchored to our colonial past,” said the prime minister. “The shield on our flag has the British Lion and the Cross of St George,” he said, asking, “What does this have to do with us?” (Bainimarama 2015). The queen has also vanished from Fiji's banknotes and coinage, which now feature native birds and fauna and national landmarks. The new flag would remove the Union Jack and escutcheon, the shield on the flag that includes depiction of the dove that was the symbol of Ratu Seru Cakobau's precolonial 1871–1874 kingdom. Another target was the country's coat of arms, which features the escutcheon held up by two Taukei warriors, one bearing a spear and the other a war club. Former Foreign Minister Kalio-pate Tavola, Fiji's unsuccessful candidate for the position of Pacific Islands Forum (PIF) secretary-general in 2014, wondered whether “our history” had been declared a “no go zone” (Tavola 2015).

In his 2013 New Year's address, Bainimarama had deemed the flag change necessary “to reflect a sense of national renewal, to reinforce a new Fijian identity and a new confidence in being Fijian on the global stage” (quoted on ABC, 2 Jan 2013). Yet by mid-2015, market research pollsters were reporting that 53 percent

of respondents wanted to retain the existing flag, and 86 percent wanted a referendum on any change (*Fiji Times*, 27 June 2015). In June, the National Flag Committee released twenty-three potential designs for a new flag (RNZI, 12 June 2015). Bainimarama rejected the Opposition call for a referendum on the issue. The committee selected five finalists but was then instructed by the attorney general to seek additional options (RNZI, 22 June 2015). The plan had been to raise the new flag on the forty-fifth anniversary of independence in October, although Bainimarama showed no great urgency in finalizing the decision (*Fiji Times*, 22 Dec 2015). This was one of several issues with potential to offend indignant sensibilities that the prime minister handled cautiously. In the New Year, he announced that a new flag, preserving only the navy blue color of its predecessor, would be hoisted on Constitution Day, 7 September 2016 (*Fiji Times*, 17 Jan 2016).

The scheduled February 2015 meeting in Australia to deliberate on changes to the Pacific's regional architecture did not go ahead. The Fiji government remained committed to a restructure of the Pacific Islands Forum so as to diminish the influence of—or exclude altogether—Australia and New Zealand. Nevertheless, the earlier position of nonattendance at annual PIF summits was softened. Although Fiji government officials would attend, Bainimarama said that “as Head of Government, I will not participate in any Forum Leaders’ Meeting until the issue of the undue influence of Australia and New Zealand and our divergence of views is addressed” (*Fiji Sun*, 7 May 2015).

New Zealand Prime Minister John Key said it was just Bainimarama “mouthing off” and hinted none too subtly that Australia and New Zealand would withdraw funding if excluded (RNZI, 13 April 2015). Samoan Prime Minister Tuilaepa Sailele Malielegaoi suggested that the PIF Secretariat headquarters be moved out of Fiji and said that Bainimarama’s specialty was to “play the [military] drum and yell left, right, stop” rather than effectively engage in regional affairs. The Fiji prime minister retorted that Tuilaepa was Australia and New Zealand’s “lapdog” and that Canberra and Wellington’s preparedness to “dangle funding in front of us” betrayed a “poor view of what our relationship should look like” (*Samoa Observer*, 19 April, 26 April 2015). Other less partisan commentators sympathized with Bainimarama’s call for some reconfiguration of the Forum (Fry 2015).

Fears of growing Chinese influence have been a major factor encouraging Australia’s 2010–2015 reengagement with the Bainimarama government as well as with the RFMF. In July, HMAS *Leeuwin* became the first Royal Australian Navy vessel to visit Fiji since the 2006 coup, and it conducted joint surveillance of waters around Rotuma with the Fiji Navy (Staples 2015). According to one analysis, Chinese bilateral assistance to Fiji surpassed that from Australia over 2006–2013 (Brandt 2015; Lowy Institute 2015). In June, a delegation from China’s Guangdong Province signed twenty-four project agreements with Fiji government and private agencies (FijiLive, 1 June 2015). Results of Chinese assistance have been of mixed quality.

The Chinese-constructed Nadarivatu hydroelectric dam opened in 2012 but has experienced difficulties owing to a failure to negotiate conclusively over water catchments with local land-owners (JICA 2015, 24), and, more urgently, low rainfall over 2014 and probably also 2015 (for 2013–2014 data, see FEA 2015). The long-planned low-to-medium-cost housing project in the Suva suburb of Tacirua never got off the ground (Housing Authority of Fiji 2015), although 210 Chinese-constructed public rental flats in Raiwai were opened in September 2014 (Fijivillage, 1 Sept 2014). Chinese contractors have been heavily engaged in Fiji's road-building activities, drawing sizable supplies of gravel from inland riverbeds. The Nabouwalu-Dreketi road on northern Vanua Levu was completed in late 2015, a F\$228 million project requiring construction of fourteen bridges (*Fiji Sun*, 31 Dec 2015).

The costs of Chinese assistance are difficult to assess. Competition from subsidized Chinese fishing vessels has decimated the Fiji fishing fleet, 75 percent of which is reported as having ceased operations over the past five years (*Fiji Sun*, 26 Sept 2015). Nevertheless, some of the established industry players have survived by moving both up and down the supply chain. Fiji Fish Chief Executive Graham Southwick pointed out that “ironically, we make good money from the very boats that are causing us problems: all the Taiwanese and Chinese boats. We have 55 boats supplying fish to us that we trade, and we sell fuel and bait to these boats and service the whole fleet. The money we make from this supports our own fleet. . . .

If we had to rely solely on our own boats we would have shut down” (*Fiji Sun*, 28 Dec 2015). With regard to its own oceangoing activities, Fiji Fish has diversified out of tuna to concentrate on snapper, mahimahi, and other higher-value fisheries exports.

The Bainimarama government has cultivated diplomatic relations with other nontraditional partners. Fiji now has nineteen missions abroad, including posts in the Republic of Korea, Brazil, and United Arab Emirates, costing the country F\$42 million per annum (*Fiji Times*, 28 Dec 2015). New relationships entail a variety of trade-offs. In January 2016, twenty-five shipping containers arrived in Suva from Russia, carrying weapons, ammunition, and trucks for Fiji's peacekeepers serving in Egypt's Sinai desert and along the Israel-Syria frontier on the Golan Heights. Ahead of their deployment, Bainimarama had brokered a 2013 deal with Russian Prime Minister Dmitry Medvedev to supply the new equipment. In 2014, Fiji abstained from voting on the United Nations motion condemning Russia's occupation of the Crimea.

The year 2015 was one of cults and invective but also one of tentative signs of political reconfiguration. As it drew to a close, the *Fiji Sun* gave Bainimarama their “man of the year” prize yet again and filled its pages with fawning celebrations of “our first true people's prime minister” (*Fiji Sun*, 31 Dec 2015). Letters to the *Fiji Times* likewise applauded the “high power” of the prime minister (*Fiji Times*, 27 Dec 2015). Counter-cults in Nadroga and Ra had betrayed an inward-looking indigenous response of seeking to breakaway from the central

state. The trading of obscenities inside Parliament showed just how personalized the power struggle remained after eight years of rule by decree but also signaled that the Opposition was struggling to respond to Fiji-First's developmental agenda. On the other hand, the FijiFirst government had not adjusted easily to civilian rule nor relinquished its authoritarian proclivities. Oddly, as Fiji entered its tenth year since the 2006 coup, Bainimarama's government was looking ever more like that of his arch-nemesis, Sāmoa's Tuilaepa, with its constraints on the Opposition and the media, its modernist orientation, and its micromanagement of village loyalties.

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TIMOR-LESTE

Bitter divisions within Timor-Leste's small political elite have been a regular feature of post-independence politics. These were aggravated by the political-military crisis of 2006 that saw a breakdown in the security institutions and the fall of the first government, and by acrimonious disputes in the wake of the 2007 and 2012 elections. Remarkably, interparty relations improved dramatically in 2015 with the emergence of a de facto government of national unity between the two major parties, the National Congress of the Timorese Reconstruction (CNRT) and the Revolutionary Front for an Independent East Timor (FRETILIN). This rapprochement saw an opposition figure appointed as prime minister to facilitate former resistance leader Xanana Gusmão's move to the Ministry of Planning and Strategic Investment. This convergence in Dili's political elite built on a newfound consensus style of politics, evident since 2013. But behind the political stability and slowly improving development indicators lay deeper questions of sustainability, with finite petroleum resources under pressure from large budget expenditures, and a demographic bulge of young East Timorese about to enter an overstretched labor market. Some concerns were also expressed over the lack of an effective parliamentary

opposition in Dili as 2015 came to a close.

Formed in the wake of the 2012 parliamentary elections, the multiparty coalition government Bloku Governu Koligasaun (Government Coalition Bloc) headed by Gusmão's CNRT party put Timor-Leste's oldest continuing party, FRETILIN, once again in opposition. Through 2013 and 2014, there had been clear signs of public rapprochement between the two key figures of Prime Minister Gusmão and the opposition FRETILIN leader, former Prime Minister Mari Alkatiri. This was evidenced by FRETILIN's unprecedented support for budget votes in Parliament and the appointment of Alkatiri as the head of a major project to develop the exclave of Oecusse as a special economic zone.

The long-anticipated resignation of prime minister and former resistance leader Xanana Gusmão still surprised observers in early 2015 when Dr Rui Araújo, a high-profile member of the opposition party FRETILIN, was appointed as his successor. The new prime minister was sworn in alongside three new ministers from FRETILIN, who joined a smaller, revamped ministry dominated by Gusmão's CNRT party. Though Gusmão's retirement had been on the cards since 2013, and a government of national unity has been discussed for many years, the outcome was still remarkable in light of the bitter relations between the two major parties as recently as 2012.

Smoothing a difficult political transition, Gusmão took the position of planning and investment minister, a move designed to provide stability as the new government took its first steps. Given his enormous stature

in East Timorese politics, Gusmão's departure from center stage was a known watch point for political stability. This extraordinary remaking of the government was also designed to smooth the transition from the "1975 generation" of leaders that has dominated post-independence politics since 2002. Gusmão's continuing presence comes with oversight of the National Development Agency, which keeps him centrally involved in infrastructure policy and will aid the new government in its dealings with the critical constituency of military resistance veterans. Gusmão's move away from direct responsibility for defense and police, meanwhile, was a significant indication of increasing confidence in stability, despite ongoing tensions with restive dissident veterans groups, including the Sagrada Familia, led by disaffected former guerrilla commander Cornelio "L7" Gama.

Although Rui Araújo comes from the opposition party, his relationship with Gusmão dates back to the early 1990s when he was a clandestine messenger in the student resistance. After training as a doctor in Indonesia and working in Dili in the late 1990s, Araújo undertook a master's degree in public health in New Zealand, focusing on models for a new health system for Timor-Leste. He served as health minister in the first post-independence government from 2001 to 2007 and was briefly deputy prime minister. A widely respected figure, Araújo was a political independent until he joined FRETILIN in 2010. Most recently, he was a senior advisor to the health and finance ministries and is regarded as a highly competent and incorruptible administrator. These aspects of his

public reputation were evidently critical to Gusmão's choice (RTP 2015).

That Gusmão was able to persuade his own party, CNRT, to back this deal, given the known leadership ambitions of other senior figures, was a testimony to the importance of his charismatic authority to their political fortunes. In his swearing-in speech, the new prime minister described the outcome as “a more pragmatic logic of serving the national interest . . . the coming together of wills, experience and skills will allow us to overcome the traditional political and democratic contest, so that we may meet the challenges faced by the country” (Araújo 2015). Araújo warmly acknowledged the 1975 generation of leaders—Gusmão, former Prime Minister Alkatiri, and José Ramos Horta, along with current President Taur Matan Ruak—as “older brothers,” signaling this moment as one of generational change.

Along with the prime ministership, FRETILIN took the key portfolios of foreign affairs and agriculture. The appointment of Hernani Coelho, a former ambassador to Australia, to the foreign affairs portfolio showed the priority of resolving key issues in that relationship, including spying allegations and a growing rift between the two countries over their maritime boundaries. CNRT continued to dominate the rest of the ministerial positions, with senior figures Agio Pereira (minister of state and of the Council of Ministers) and Dionísio Babo-Soares (state administration and justice) retaining major coordinating ministries that saw them continue to wield considerable power in the reformed government.

Though FRETILIN insisted the new ministers would serve as individuals rather than as party representatives, there was a clear sense that these moves formalized the accord that has prevailed between Gusmão and the FRETILIN leadership over previous years. Some commentators worried, not without justification, that accountability might suffer under what is effectively a “grand coalition,” albeit one best described as a power-sharing executive. For more traditional East Timorese outside the capital, however, this attempt at a consensus politics resonates far more closely with local notions of political legitimacy than the winner-takes-all model of party competition, which is often seen as divisive and foreign. If the new power-sharing executive performs well, there is a strong chance it could be taken to the scheduled 2017 elections with relatively minor modifications. It would prove a formidable opponent.

For the other, smaller parties in Timor-Leste's former governing coalition, the outcome of Gusmão's changes was less appealing. While Fernando “Lasama” de Araújo, the leader of the Democratic Party (PD) and a former leader of the student clandestine resistance movement Resistência Nacional dos Estudantes de Timor-Leste (RENETIL), retained a senior coordinating ministry in social affairs and education, the former CNRT coalition partner was left playing a subsidiary role in the new government. In June 2015, Dili was rocked by de Araújo's sudden death of a stroke at age fifty-two.

The Program of the Sixth Constitutional Government, issued in April 2015 (RDTL 2015c), offered some

changes in direction, with Prime Minister Rui Araújo pledging to “fight the culture of bureaucratisation in public administration” and promising a “new bureaucratic order that is leaner, more professional, more technical and less politicised.” He also signaled a new economic direction, a halt to the “waste and the ineffective use of public monies,” and a welcome commitment to economic diversification in neglected areas such as tourism, agriculture and fisheries (Araújo 2015). This shift in political culture toward a more “rational-legal” mode of political legitimacy, from the charismatic legitimacy of Gusmão, borne of his historic leadership of the resistance, would be a challenging one. Other themes of the speech included commitments to finalizing the long-delayed Land and Property Law and prioritizing education spending, particularly to encourage women to enter the labor market. Welcome commitments to fighting domestic violence and making the formal justice system more actively bilingual were featured.

The key focus of government economic strategy remains the Strategic Development Plan 2011–2030 developed by former Prime Minister Gusmão. A central component of this ambitious plan is a South Coast Petroleum Corridor comprising a supply base in the southern town of Suai, a refinery farther east in Betano, and a liquefied natural gas (LNG) processing facility in Beacu. To further this vision, major road infrastructure development is proposed along the south coast, with highway links to Dili. The core aspect of this vision relies on onshore processing of liquefied natural gas, a position that has united East Timorese

political parties but is not supported by the commercial partner in the Greater Sunrise gas field, Woodside Petroleum. While domestic and international critics urged the government to begin the long process of steering the country away from big-money megaprojects and the overspending of Timor-Leste’s finite oil and gas revenues to focus more on health and education, the 2015 budget showed little sign of diverging from the former pattern of high spending on infrastructure—mostly in the form of contracts let to the private sector. In 2015, this represented some 36 percent of the budget, including the Oecusse Special Market Economy Zone (ZEESM) Authority, which received US\$82 million in public transfers. By comparison, expenditures on education (9.5%), health (4.6%), and agriculture (2.25%) have been modest. Pension payments to the many veterans of Timor-Leste’s long independence struggle are a particular focus, representing 8.7 percent of the 2015 budget, a figure that exceeded the monies spent on the security sector (6%) (La’o Hamutuk 2015).

Most growth was driven by government spending, drawing on returns from Timor-Leste’s petroleum fund, which now stands at US\$16.22 billion, representing its lowest value since April 2014. Timor-Leste remained highly dependent on petroleum revenues at 95 percent of national income, second only to South Sudan in that regard, with the small balance dominated by coffee exports. While a new middle class thrived on government contracts for infrastructure development, employment growth from the oil revenues was relatively limited.

The government's policy of spending above the Estimated Sustainable Income threshold of Timor-Leste's sovereign wealth fund has been justified in terms of the need to accelerate development, though local nongovernmental organizations have warned that if government spending is not made sustainable, Timor-Leste's current oil wealth could be depleted within ten to twenty years, just as a demographic explosion of young adults enters the labor market. Local nongovernmental organization La'ó Hamutuk (the Timor-Leste Institute for Development Monitoring and Analysis, based in Dili) estimated that at the current rate the petroleum fund would be exhausted somewhere between 2025 and 2035, depending on varying scenarios for oil prices and the scale of likely remaining deposits in the Timor Sea (La'ó Hamutuk 2016). Agricultural spending was not increased despite this sector still representing the majority of East Timorese subsistence livelihoods. In the meantime, Timor-Leste's high-cost, low-skills economy was proving difficult to diversify, with economic activity continuing to center on public-sector spending of oil and gas revenues, raising the specter of the "resource curse," in which development of other more sustainable industries is neglected and maladies such as political corruption and clientelism may be facilitated. Notably, President Taur Matan Ruak vetoed the 2016 budget law in late December 2015, arguing that the budget did not adequately tackle the pressing need of poverty alleviation.

The five-hundred-year anniversary of the arrival of the Portuguese in Lifau, Oecusse, prompted a major

national celebration in 2015. Coinciding with the fortieth anniversary of the unilateral declaration of independence in 1975, yearlong commemorations took place, leading up to the highlight of the 28 November celebration in Oecusse. A government resolution in April created an Organisation Committee for the Commemoration of the five hundred years since the Affirmation of the New Timorese Identity (RDTL 2015a). The government announced that the commemoration was intended "as a starting point, to signal the arrival of the Portuguese navigators and missionaries to Lifau, Oecusse Ambeno, and represents a historic mark in the affirmation of the new Timorese identity and the construction of Timor-Leste" (RDTL 2015b). Promotion of the yearlong commemorations heavily emphasized the arrival of the Catholic Church, with plans for a reenactment of the first arrival of Dominican priests.

Some aspects of official celebrations attracted considerable criticism from younger East Timorese, confused by what appeared to be a celebration of the colonial relationship that had initiated generations of forced labor and chronic underdevelopment (see, eg, Goncalves 2015). For the government, however, the focus was clearly on the historical relationship with the Catholic Church, seen as integral to a distinctive East Timorese national identity.

The new prime minister's commitment to increasing cooperation between State and Church was not just rhetorical. In August, to commemorate the five hundredth anniversary of the Portuguese arrival, a concordat was signed with the Vati-

can. These agreements offer particular privileges to the Church and have been relatively rare since the Second Vatican Council. Earlier versions were criticized for compromising the separation of Church and State, though other signatories in recent years have included Community of Portuguese Language Countries (CPLP) members Portugal and Brazil (Sainsbury 2015). The mass celebrating the concordat was convened at Tasitolu, recalling the 1989 visit of Pope John Paul II that saw clandestine independence activists unfurl protest banners. The concordat guaranteed a public role for the Catholic Church “in line with constitutional norms and local legislation,” in providing “spiritual assistance” in prisons, hospitals, orphanages, and schools. The contrast with the former FRETILIN government’s opposition to mandatory religious education in state schools was evident, with the freedom to profess and practice the Catholic faith publicly declared a “religious freedom.” The concordat had been in development since 2006, the time of the Second Constitutional Government. Prime Minister Araújo noted that the concordat confirmed that Catholicism and the Portuguese language are “two elements which have shaped our identity as a nation” (Sainsbury 2015).

The new moderation of political conflict also saw the state seek to tackle dissident veterans’ groups like the Committee for the Popular Defense of the Democratic Republic of Timor-Leste (CPD-RDTL) who do not recognize the 2002 Constitution and seek a return to the state declared in 1975. In March 2014, Parliament had moved to proscribe both the

CPD-RDTL and the Maubere Revolutionary Council (KRM) after members wearing uniforms conducted military exercises in the Baucau district. By mid-2014, tensions surrounding disaffected veterans’ groups appeared to calm considerably, only to flare up again in January 2015 in a standoff between the National Police of East Timor (PNTL) and the KRM, in Laga, in Baucau District. Police blockades were set up throughout the country in June and July to regulate the movements of these groups. In August 2015, KRM leader Mauk Moruk was killed during a confrontation with a joint force of army and police in Baucau District. Despite KRM claims of widespread support, the country remained calm in the wake of this episode.

Relationships with its two major neighbors continued to occupy Dili’s diplomats. The Program of the Sixth Government committed more stridently to issues of national sovereignty, and to “safeguarding the independence, sovereignty and territorial integrity of our Nation” (RDTL 2015c, 77). Most notably, a new Council for Delimitation of Maritime Boundaries was formed in 2015 for the purpose of furthering maritime boundaries with Australia and Indonesia (Ministry of Foreign Affairs and Cooperation 2015). In the case of Indonesia, the parties agreed on a schedule of major maritime boundary delimitation talks to take place in 2016 to determine some small remaining sections of their land border as well as the much larger issue of sea boundaries.

Relations with Australia continued at a low ebb, with no formal ministerial visits between the two states since 2013. The government of Timor-Leste

continued its Permanent Court of Arbitration case to have the 2006 Certain Maritime Arrangements in the Timor Sea (CMATS) treaty voided, which delayed maritime boundary negotiations for fifty years, following allegations from a former Australian Secret Intelligence Service (ASIS) operative that the Australians had spied on the East Timorese negotiating team in 2004 in order to secure a commercial advantage in revenue-sharing talks. Timor-Leste seeks to have the CMATS treaty nullified under the wider principle, codified under the Vienna Convention on the Law of Treaties, that negotiations should take place in good faith. In 2015, Timor-Leste dropped a separate case against Australia before the United Nation's International Court of Justice after Canberra returned documents seized from Timor-Leste's Australian counsel (Hurst 2015). A third case over assessment of pipeline tax revenues in the Joint Petroleum Development Area also proceeded throughout 2015. In the wake of a twenty-four-year fight for Timor-Leste's independence, the unresolved maritime border issue had become a totemic issue of national sovereignty by 2015. Timor-Leste's major political parties have united around the need to settle these boundaries, a position that appears to have strong support in the wider Timorese society.

With elections scheduled for 2017, and the historical leadership of the country transitioning out of politics, Timor-Leste was poised for a generational shift on the road to democratic consolidation. While 2015 saw a welcome return to a position of national unity and "consensus" politics for

the first time since the late occupation era, the key question at the close of the year was whether the lack of an effective parliamentary opposition will create a vacuum for new political entrants in 2016.

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VANUATU

The headline in the *Vanuatu Daily Post* on the first day after the New Year holiday—“Police Boss Orders Bribery Case Completion”—indicates

how intent the current government was to pursue the investigation of alleged bribery involving a number of members of Parliament (MPs) dating back to the previous year (VDP, 2 Jan 2015). Indeed, the bribery case dominated the news throughout 2015, making it the most politically unsettled year since Vanuatu’s independence in 1980.

In early November 2014, the local press reported that the leader of the Opposition, Moana Carcasses, had deposited a check for 35 million vatu in his personal account at a local bank and subsequently transferred sums of money ranging from VT500,000 to VT1 million into the accounts of a number of MPs (100 vatu [VT] averaged around US\$.91 in 2015). Ten days later, the prime minister, Joe Natuman, and deputy prime minister, Ham Lini, lodged a motion in Parliament to suspend sixteen Opposition MPs on charges of alleged bribery, based on provisions in the Leadership Code that leaders in government should conduct themselves so as to avoid demeaning their office or the integrity of the Republic of Vanuatu. The next day, Carcasses tabled a motion of no confidence against the Natuman government.

Speaker of Parliament Phillip Boedoro ruled that the two motions should be dealt with in the order they were received; thus the bribery case against sixteen Opposition MPs was debated first. Carcasses denied the allegation of bribery, claiming instead that he had offered the money as “loans” to any MP—either Opposition of Government—who was willing to “pledge their allegiance to him.” On 25 November, however, Parlia-

ment voted for suspension of sixteen MPs on the basis that the Leadership Code specifically states that “a leader must not accept a loan (other than on commercial terms from a recognized lending institution) and only if the leader satisfies the lending institution’s usual business criteria” (Leadership Code Act [Cap 240], part 3—Breaches of Leadership, section 21).

The sixteen MPs left Parliament and remained absent for the rest of the session. Carcasses, however, turned to the Supreme Court for redress, arguing that “only the court has the right to punish anyone and not parliament” (*VDP*, 26 Nov 2014). The court ruled in favor of the sixteen MPs, stating that the motion “to suspend the Petitioners from Parliament amounts to breaches of their Constitutional rights and is therefore invalid, void and of no effect” (*VUSC* 2014). The accused MPs were, therefore, reinstated. The Speaker, however, called for a judicial review, arguing that the court’s decision had “intruded” in the affairs of Parliament—that it “interfered with the separation of powers between the legislature and the judiciary under the constitution of the country . . . [and] that the Parliament had a duty to act to protect its integrity by deciding to discipline those members concerned” (*VDP*, 4 Dec 2014).

Realizing they did not have the numbers to proceed, the Opposition allowed the motion of no confidence to lapse. Nevertheless, Prime Minister Natuman responded to the accusations that had been leveled against him as part of the motion. In particular, he focused on the airport concession agreement signed by the Carcasses-led government, which an ad hoc commit-

tee engaged to investigate the project had concluded “did not favor the government, the people and Vanuatu but ‘only foreigners and it could cause a catastrophe’” (Van Trease 2015, 546–547, 554–556). Natuman cautioned that “there were people around trying to get the Opposition to return to government to reopen the agreement” (*VDP*, 5 Dec 2014). Whether or not there was a link between the airport project and the alleged bribing of MPs remains to be seen, as the whole incident has yet to be fully investigated—in particular, the original source of the VT35 million.

The Public Prosecutor’s Office began preparing a case against those alleged to have been involved in the bribery, which it was expected to present in court around mid-March 2015. The investigations were disrupted, however, due to the devastation inflicted on the country on the night of 13–14 March by Super Tropical Cyclone Pam—a category 5 hurricane. Maximum sustained winds reached 270 kilometers/hour (167 mph) in the capitol of Port Vila—making Pam one of the worst hurricanes in Vanuatu’s recorded history. The storm passed down the eastern side of the Vanuatu chain, veering westward as it neared the central Shepherd group and the main island of Efate, where Port Vila is located, and continuing in a southwestward direction, passing over the islands of Erromango and Tanna. The islands directly affected by the hurricane suffered immense devastation. Homes and government facilities, such as schools and hospitals, were destroyed or severely damaged. Most significant was the loss of food gardens and water supplies for those

people on the outer islands affected by the cyclone. Compounding the problem has been the onset of an El Niño weather pattern over the western Pacific, which brought severe drought to Vanuatu. Replanting of gardens began everywhere after the storm, but limited rain meant very slow and limited growth.

Port Vila itself survived somewhat better, though most small corrugated-iron houses lost their roofs or collapsed completely. Electricity was knocked out, with estimates of VT200 million in damages and restoration costs (*VDP*, 27 March 2015), but was restored throughout the urban area within a month. A representative of the International Labor Organization present in Port Vila estimated that Pam caused VT48.5 billion in economic loss to the country (*VDP*, 5 June 2015).

Recovery around Port Vila was quicker due to the close proximity of building supplies and transportation links through which aid from the outside arrived. Eleven people lost their lives—but the number could have been far greater if not for the early warnings provided by the Vanuatu Meteorological Service and awareness among the country's population of what to expect and how to protect themselves when a hurricane strikes (*VDP*, 19 March 2015).

Countries from around the world offered their assistance with Vanuatu's traditional aid donors—Australia, France, and New Zealand—providing immediate donations of food and materials for reconstruction. All three committed their military air, sea, and ground forces to transport supplies into the country and to assist in its

distribution to the outer islands.

The United Nations and most of the major international nongovernmental organizations offered assistance and many sent representatives to oversee its distribution and work with local communities.

The Vanuatu National Disaster Management Office was up and running from day one and put in a tremendous effort to deal with the crisis. It was soon clear, however, that the biggest problem was not in attracting enough aid, but managing its distribution (*VDP*, 20–24 March 2015). Rumors circulated around Port Vila of heated discussions between the director, who was determined to insure that Vanuatu officials and organizations should maintain oversight and control over the dispatching of relief supplies, and representatives of some aid organizations.

The Opposition picked up on this issue when it finally broke its silence two weeks after the hurricane, Carcasses accusing the disaster management office of lacking transparency and not providing “guarantees that any shipment will be received by [the institution or organization] to whom it is being consigned” (*VDP*, 28 March 2015)—the implication being that certain groups were being favored for political advantage. The response from Prime Minister Natuman was that members of the Opposition were merely trying to “capitalize on a situation and exploit the people's misery and suffering for their own political gains” (*VDP*, 30 March 2015).

For the most part, however, politics remained quiet following Cyclone Pam until early May, when it was announced that Prime Minister Natu-

man had decided to reshuffle his cabinet, replacing the existing minister of youth and sport, Don Ken (National United Party member for Malakula), with John Lum (Nagriamel member for Santo). It was said that Nagriamel had requested the move and the prime minister declared that it was only fitting that the two parties—Nagriamel and Vanua‘aku Pati—should be working together, as they both had been prominent in the struggle for independence (*VDP*, 6 May, 8 May 2015). That they had been on opposite sides of the rebellion seems to have been forgotten and reflects possible changing political alliances.

A few days later, the “elephant in the room” suddenly made itself known again. After more than five months—on 8 May—the Court of Appeal handed down its decision on the case, which Speaker Boedoro had lodged against the decision of the Supreme Court to reverse the action of Parliament on 25 November 2014 to suspend the sixteen MPs (see above). The presiding judges ruled in favor of the MPs, concluding that the decision to suspend them infringed their constitutional rights and was “invalid, void of no effect” since no criminal offense had been proved (*VDP*, 11 May 2015).

The judges went on to say, however, that they accepted “that Parliament is legitimately concerned about conduct of members outside Parliament where their conduct might damage the integrity of Parliament” and that if allegations of misconduct have been established and the facts proved, “Parliament is then free to act as it thinks appropriate on the facts established by the courts” (*VUCA* 2015a). The Court of Appeal, in effect, did not dismiss

the charges out of hand, only the basis on which they had been made.

While Opposition MPs may have felt a sense of relief, their problems were far from over, as the police were still investigating the bribery charges. This, most likely, explains the decision of Carcasses to again lodge a vote of no confidence against the government, which coincided with the termination of two additional ministers in the Natuman-led government—Sato Kilman (foreign affairs) and Alfred Carlot (justice)—who were replaced by two members from the Opposition—Kalvao Moli and Hosea Nevu. Natuman explained to the press that the main reason for Kilman’s removal was that he had misrepresented the collective position of the government on a recent visit to Indonesia with regard to West Papua, when he suggested that Vanuatu was preparing to open an embassy in Jakarta. Vanuatu governments on both sides of the political divide had long supported the West Papuan struggle and had taken a strong stand recently in favor of West Papua membership in the Melanesian Spearhead Group. Kilman’s comment appeared to be sending the wrong signal.

Likewise, Natuman related how Kilman, on a recent visit to Russia, had made contact with a so-called foreign minister of Abkhazia, when the firm position of the Vanuatu government was that Abkhazia is a part of Georgia with whom the government has bilateral relations (*VDP*, 5 June, 10 June 2015). It would seem that Kilman continued to maintain links with representatives of Abkhazia dating back to late 2011, when he was prime minister and authorized

recognition of the breakaway province involving questionable payments of money to Thi Tam Goiset, who had been appointed Vanuatu's roving ambassador to Russia and other eastern European countries (Van Trease 2014, 529).

The reasons given for the no-confidence motion included removal of the Opposition MPs from Parliament, which was claimed to be unconstitutional; unfair distribution of funds and supplies relating to Cyclone Pam; alleged misuse of funds relating to the visa scheme operating in China; and claims that the prime minister was leading the country in the wrong direction with regard to economic development. Subsequently, the two dismissed ministers, along with several of their supporters in the government, moved to the Opposition when the first ordinary session of Parliament convened the next day, providing the majority necessary to topple the Natuman government. Sato Kilman, president of the People's Progressive Party, became the new prime minister, with Moana Carcasses (Greens) as deputy (VDP, 6, 8, 9, and 12 June 2015).

In response, less than twenty-four hours after losing the government, the new Opposition tabled a motion of no confidence against the Kilman-led government, which the existing Speaker, Philip Boedoro, ruled in order. When Parliament met again on 16 June, the new government voted to replace Boedoro with Marcellino Pipite from the Vanuatu Republican Party—one of the sixteen MPs under investigation for bribery. Having taken over the Speaker's position, Pipite then ruled that the motion of no confidence was

not in order and closed Parliament (VDP, 17 June 2015).

In response, the new Natuman-led Opposition filed an urgent constitutional application with the Supreme Court, seeking a declaration from the Court that Speaker Pipite's closing of the first ordinary session of Parliament on the 16th was unconstitutional. The grounds given in the application were that the original motion of no confidence against Kilman had been ruled in order and, therefore, could not be ignored—that is, that the decision to adjourn Parliament without allowing the motion to be debated had denied the applicants their constitutional rights (VUSC 2015b). Subsequently, the Supreme Court upheld the Opposition application and declared that Parliament was still open and that the decision by Pipite to close Parliament was unlawful and in breach of the constitutional rights of the applicants (VDP, 18, 19, and 25 June 2015).

Pipite countered with an appeal against the decision (VDP, 29 June 2015), and a stay order was issued, extending the date for reconvening Parliament to 2 July (VDP, 30 June 2015). When Parliament met, the Opposition withdrew its motion for lack of numbers needed to topple the Kilman government (VDP, 3 July 2015). Some three weeks later, the Court of Appeal handed down its judgment relating to Pipite's appeal, ruling in favor of the Speaker (VUCA 2015b). The argument given was that Speaker Boedoro did not comply with Article 43 (2) of the Vanuatu Constitution by listing the motion of no confidence for debate on 18 June 2015, less than a week after he received it. According to the constitution, "At

least 1 week's notice of such a motion shall be given to the Speaker." Pipite's response was to demand an apology from Boedoro during the next sitting of Parliament (*VDP*, 28 July 2015).

The bribery case itself was adjourned by the Magistrate Court to 23 June, due to the ongoing First Session of Parliament (*VDP*, 13 June 2015) and again to 14 July (*VDP*, 24 June 2015), due to delays in the preparation of necessary documents. Meanwhile, the prosecution made an application to prevent the defendants from interfering in the work of police investigators—that they be prohibited from “interfering ‘directly’ and ‘indirectly’ with prosecution witnesses” (*VDP*, 24 June 2015).

Just at this complicated juncture, the nation was shocked to learn of the sudden death of one of its senior politicians, the leader of the Opposition, the Honorable Edward Nipake Natapei, who passed away at the age of sixty-one due to a sudden illness. Natapei was from the island of Futuna in the southern islands and began his political career in 1983, representing the Vanua'aku Pati as the constituency's elected member of Parliament. In 1988, he was asked by the party to move to the Port Vila constituency, where he was elected and served a total of eight terms. During his time in Parliament he had held the position of prime minister three times, Speaker of Parliament and, since 1999, president of the Vanua'aku Pati (*VDP*, 29 July 2015).

On 7 August, a preliminary court hearing finally took place during which the acting public prosecutor, John Timakata, brought charges under the Leadership Code Act and Penal

Code Act against eighteen members of Parliament, of whom seven were ministers of state. Those charged included the deputy prime minister, Moana Carcasses Kalosil (Port Vila, Green), who was alleged to have corruptly offered loans of up to VT1 million to individual MPs. Other ministers alleged to have offered or taken bribes included Iauko Group members Thomas Laken (Tanna), Tony Nari (Pentecost), and Hosea Nevu (Santo). Two members of the Reunification Movement for Change included Paul Telukluk (Malakula) and Stephen Kalsakau (Efate). Willie Jimmy (Port Vila) was a member of the Vanuatu Liberal Democratic Party, and Serge Vohor (Santo) was a member of the Union of Moderate Parties (UMP). Members of Parliament also listed included UMP members Silas Ratan (Tanna) and Tony Wright (Port Vila); Kalvau Moli (Luganville, Independent); John Amos (Tongoa, People's Progressive Party); Green members Arnold Prasad (Santo) and Jean Yves Chabot (Port Vila); Sebastien Harry (Tanna, Iauko Group); Marcellino Pipite (Santo, Vanuatu Republican Party); Jonas James (Paama, Natatok); and Robert Bohn (Epi), member of the Vanuatu Progressive Development Party. In addition, longtime businessman Thomas Bayer—the nineteenth individual in the case—was charged with alleged complicity in bribery and corruption under the Penal Code Act (*VDP*, 7 Aug 2015). The accused were placed on bail pending their plea appearance the following week.

When Supreme Court Justice Mary Sey announced the start of the trial—scheduled to last for two weeks, beginning on 2 September—she noted that

the number of defendants had been reduced from 18 to 16 due to the decision of the Public Prosecutor to grant immunity to two of the charged who had agreed to provide evidence—MPs Kalvau Moli and Hosea Nevu, both from Santo. Two additional MPs, who had not been charged, were also given immunity.

When the Court convened, the minister of finance, Willie Jimmy, pleaded guilty to the two charges laid against him: one count of corruption and bribery of officials contrary to section 73 of the Penal Code (Cap 135) and one count of acceptance of loans contrary to section 21 of the Leadership Code Act (Cap 240). He had provided a written statement to police prior to the convening of the trial (*VDP*, 3 Sept 2015).

All sixteen remaining defendants, who were divided into two groups—the “givers and receivers” of the alleged bribes—pleaded not guilty to the charges. Tom Bayer, the only non-MP, was charged with one count of complicity to bribery contrary to section 21 of the Leadership Code Act and one count of complicity to corruption and bribery contrary to section 73 of the Penal Code Act. The court granted permission to separate his trial from that of the others, which would be dealt with following the conclusion of the main trial (*VDP*, 3 Sept 2015).

Opposition leaders Joe Natuman and Ham Lini spoke out strongly against the unfolding situation. They pleaded in a news conference for Prime Minister Kilman to cease his overseas travel and attend to the constitutional crisis facing the nation—the undermining of the “integrity of the institutions and the offices we hold.”

They described the scene in which ministers and MPs arrived in their black cars, flying national flags, to face charges against them of bribery and corruption, “as a mockery of the lowest grade and detestable in the eyes of the law. Such is unheard of anywhere in the world.” As one of the defendants, Deputy Prime Minister Moana Carcasses, dismissed a plea from the Opposition for Prime Minister Kilman to reshuffle his cabinet and remove all those involved in the case, labeling the charges against him and his colleagues as “politically motivated” (*VDP*, 5 Sept 2015).

The trial, which lasted for two weeks, was presided over by Supreme Court Justice Mary Sey, who is from Gambia and had been seconded by the Commonwealth Secretariat to Vanuatu in September 2014 from the High Court in Swaziland. On the first day of the trial, Judge Sey began by formalizing the conviction of Finance Minister Willie Jimmy. She announced to him that he was convicted on his own guilty plea and, since he had done this at his earliest opportunity, she was mandated to give him a “substantial reduction in whatever sentence is meted out to you. You have not wasted the Court’s time and you have shown remorse” (*VDP*, 8 Sept 2015).

The prosecution presented twenty-four witnesses, including a Westpac Bank representative who testified to an inward transaction of US\$500,000 from China Construction Bank Corporation Limited in Hong Kong via banks in the Netherlands and the United States to the account of the Pacific International Trust Co Ltd (PITCO), owned and operated by Tom Bayer. It was further revealed that

Bayer authorized conversion of the money into Vatu (VT48.9 million) of which “VT35 million was paid through a check by the PITCO Vatu trust account to Moana Carcasses on 28 October 2014.” The Westpac representative confirmed the transfer of VT1 million to the accounts of two of the accused MPs, and an ANZ Bank representative confirmed—the result of a search warrant the bank had received—that large sums were also transferred to the accounts of the other twelve MPs charged (*VDP*, 9 Sept 2015).

The prosecution’s case then focused on the purpose of the money transfers and the conditions under which the loan agreements were signed. Kalvao Moli—one of four MPs who had been granted immunity for providing information—provided key evidence. He testified that Moana Carcasses, then leader of the Opposition, had “made known to him of a loan scheme that MPs could borrow from . . . but Moana said he is offering VT1 million as the loan on the condition that he is made Prime Minister” (*VDP*, 10 Sept 2015). The prosecution also called a number of MPs to testify, who claimed to have turned down the offer of money in return for a signature on a motion of no confidence against the Natuman government (*VDP*, 11, 12, 14, and 15 Sept 2015).

The defense case was short and tried to establish that the money was intended as a loan to MPs to use in their constituencies. MP Hosea Nevu—another MP who had been granted immunity—testified that the agreement was “between myself and the Green Confederation Development Fund . . . [and] to my understanding,

the loan agreement had nothing to do with the motion of no confidence.” Moreover, he stated that, as an Opposition MP, “it was his duty to sign any motion against the government” (*VDP*, 16 Sept 2015). In addition, the various defense councils presented submissions to the court on behalf of their clients that there was “no case to answer” and that the “evidences are irrelevant to their clients.” Judge Sey rejected the submissions, ruling that “the accused persons have a case to answer” (*VDP*, 17 Sept 2015).

As part of her ruling, Sey explained that the accused were entitled to defend themselves by calling witnesses or to give evidence themselves, or they could choose to remain silent. All of the fifteen accused facing criminal charges had pleaded not guilty, but at this point only Robert Bohn, MP for Epi, decided to speak in his own defense. He explained his understanding of the loans as being provided to a select group of MPs to use “for good works and development in the constituencies of Vanuatu and it is the people that would benefit from these good works.” He stated that the agreement was verbal between him and MP Carcasses, without any conditions. Moreover, he noted that he had known Carcasses for “25 years, as a friend, a business associate, and more recently, as a colleague in Parliament”—the implication being, that such a loan would not have been unusual or improper (*VDP*, 18 Sept 2015).

Judge Sey handed down her verdict on the 9th of October (*VDP*, 10 Oct 2015). The Court found Carcasses guilty of eighteen counts of offering a bribe; thirteen of the defendants guilty

of accepting a bribe in breach of 73 (1) and (2) of the Penal Code; and one of the defendants, Robert Bohn, not guilty (VUSC 2015e). Following his conviction, Deputy Prime Minister Carcasses announced that he respected the verdict and appealed for calm.

It is significant to note that on the day prior to the handing down of the verdict, Supreme Court Justice Daniel Fatiaki ruled that the ombudsman had not made a proper inquiry and report into the conduct of the members of Parliament who had been convicted of bribery under the Leadership Code, nor had he given them the “opportunity to reply to the complaints made against them” (VUSC 2015a). As a result, Judge Sey decided that the charges of breaches of the Leadership Code would be set aside and the defendants would only be tried for breaches of the Penal Code Act (VUSC 2015e).

Then, unbelievably, the people of Vanuatu were shocked to learn the following day, 10 October 2015, that the Speaker and acting president, MP Marcellino Pipite, had signed an instrument of pardon for himself and thirteen other MPs (including Carcasses), who had been convicted of bribery the previous day. The document was gazetted by the State Law Office on Sunday, 11 October 2015. Willie Jimmy, who had pleaded guilty, was not included. Pipite, as Speaker of Parliament, had assumed the position of acting president during the absence of President Baldwin Lonsdale from the country, as provided for in the Vanuatu Constitution (chapter 6, section 37[1]). As such, he took the action to pardon himself and his fellow convicted MPs, based on the pro-

vision in the constitution that states: “The President of the Republic may pardon, commute or reduce a sentence imposed on a person” (chapter 6, section 38).

Citing political disturbances that had occurred in the past in Solomon Islands and Papua New Guinea, Pipite explained in a press conference that “as leader, symbol of peace and unity, I do not want to see a similar situation happening in Vanuatu.” It is significant to note that everything was peaceful and calm in Port Vila. Pipite’s announcement was clearly uncalled for and could have had precisely the opposite effect, undermining order and stability. The mood in Vanuatu was one of shock, but there were no public disturbances. In any case, given the fact that none of the convicted MPs had been sentenced, it is doubtful whether a pardon was legally possible at that point (VDP, 12 Oct 2015).

MP Pipite also used his new position of power to suspend the ombudsman, Kalkot Mataskelekele. Claiming gross misconduct, Pipite’s action followed the ruling by Judge Fatiaki (as noted above) against the ombudsman regarding his alleged failure to conduct an adequate inquiry or produce a proper report as required under the Leadership Code. The ombudsman responded by requesting the State Law Office to appeal the judgment (VDP, 9 Oct, 13 Oct 2015). The issue of the alleged violation of the Leadership Code was especially important to the convicted MPs due to the provision therein that would bar a leader from holding office for ten years if convicted of a criminal act.

On his return to Vanuatu, President Lonsdale expressed his deep sorrow

for what had been affecting the country, noting that “the important institutions of the country continue to deteriorate and operate outside the Constitution . . . no one is above the law . . . it is my duty to remind every citizen that the Constitution is the Supreme Law, and everything that we do in this country must be guided by it” (*VDP*, 13 Oct 2015). On 15 October 2015, the president revoked the pardons.

The following day, Speaker Pipite and ten other convicted MPs and their four lawyers—the group who met and conspired to have themselves pardoned—were arrested and charged without bail on suspicion of “conspiracy to defeat the course of justice.” Prime Minister Sato Kilman, who had finally returned from overseas travel, removed MPs Paul Tulukluk, Tony Nari, Tony Wright, and Thomas Taken from their ministerial portfolios (*VDP*, 17 Oct 2015). Willie Jimmy continued on for the moment as minister of finance. All those arrested were released several days later on strict bail conditions.

Both the Opposition bloc and the convicted MPs launched judicial reviews, which were joined and dealt with together by the Supreme Court. In his judgment, Justice Oliver Saksak made the point that the case was incomplete, as sentences had yet to be delivered, and noted that “a pardon granted under Article 38 of the Constitution does not acquit a person of a conviction, but redeems a person from a sentence.” He surmised that the haste with which the pardon document was drawn up—signed, sealed, and published in the Official Gazette over a single weekend—could indicate

an attempt by the Speaker and other convicted persons to “stop Criminal Case no. 73 (Bribery case) from proceeding towards its end, when sentences would be handed down on 22 October.” The Court ruled that the pardon by convicted MP and Speaker of Parliament, Marcellino Pipite, was void and of no effect (*VUSC* 2015C; *VDP*, 21 Oct, 22 Oct 2015).

Needless to say, the Opposition welcomed the convictions, proclaiming that “convicts have no place in public affairs,” and called for the Kilman government, which still held power despite the conviction and imprisonment of fourteen of its members, to step aside for the good of the country. “The prime minister’s continued silence in the face of calamity brought about by the El Niño-induced drought and the nation’s brush with anarchy, demonstrates his incapability in running national affairs any longer” (*VDP*, 12 Oct, 14 Oct 2015). The problem they faced, however, was that Kilman refused to move aside and simply juggled the portfolios of the discredited members of his parliamentary majority. The Opposition finally lodged a motion of no confidence, but it was declared out of order when it failed to secure the required twenty-seven signatures needed to call a special session of Parliament (*VDP*, 20 Oct 2015). When Parliament is in session, only seven signatures (one-seventh of the fifty-two members) is required on a motion.

Sentencing of the convicted MPs finally took place on 22 October 2015. Carcasses was sentenced to four years in prison, Toni Nari to three and a half years, and the remainder to three years each. They were imme-

diately incarcerated and remained in prison for the rest of the year. Willie Jimmy, who had pleaded guilty, was sentenced to twenty months' imprisonment, suspended during good behavior (VUSC 2015f). The Court of Appeal rejected the appeals by the defendants, upholding both the convictions and the sentences in their entirety (VUCA 2015c; VDP, 20 Nov 2015).

In early November, prior to the appeal ruling and with the fourteen MPs in jail, a delegation of chiefs from Sanma, Malampa, Penama, Shefa, and Tafea provinces suddenly appeared in Port Vila, announcing that they had come to perform a "customary reconciliation" ceremony using high-value custom pigs known as *ravwe* and traditional mats, which they had brought with them. The rumor around Port Vila was that the trip and attempt at intervention had been organized by the brother of one of the convicted MPs and paid for by the Board of Directors of the Northern Islands Stevedoring Company Ltd (NISCOL). They apparently hoped to influence the president to grant pardons to the convicted MPs.

The delegation asked Chief Senimao Tirsupe, the president of the Malvatumauri Council of Chiefs, to facilitate a meeting with President Lonsdale as the head of state. Echoing the feeling of many leaders, Chief Tirsupe received them respectfully but resisted their move to become involved, noting that "there is a time for everything and as such things must happen at their appropriate time." Likewise, the leader of the Opposition, Joe Natuman, cautioned the chiefs that "the Head of State must be allowed to make his decision based on

his free will and not due to pressure" and sent them a letter explaining that the legal appeals process must first be completed before any reconciliation ceremonies could take place. The chiefs never met with the president and returned home (VDP, 2, 3, 4, and 6 Nov 2015).

Contributing to the political stalemate was the fact that, although the fourteen convicted MPs had been removed to jail after sentencing on 22 October 2015, they were still not required to vacate their seats in Parliament. They were counted as part of the sitting Kilman government and continued to receive their salaries. Under the Members of Parliament (Vacation of Seats) Act, an MP convicted of a crime is allowed thirty days to appeal before being obliged to relinquish his or her seat. They would, therefore, continue to hold their seats at least until 21 November, when the thirty-day window lapsed, depending on the outcome of their appeals. The same applied to MP Willie Jimmy, who was free on good behavior. As a result, following the convictions, Prime Minister Kilman continued to hold onto power, commanding a majority of 28 out of a total of 52 MPs, which included the 15 convicted MPs. Parliament was not in session, so the fact that they could not take their seats made no difference for the moment.

Attempts by the Opposition during this period to persuade Kilman to hand over power or form a government of national unity failed. Indeed, Kilman was successful in winning over two Opposition bloc members, Don Ken and Isaac Hamariliu, by offering them ministerial portfolios (VDP, 24 Oct, 28 Oct 2015). After 21 Novem-

ber, when their appeals were dismissed and the 15 convicted MPs officially vacated their seats, Parliament's number was reduced to 37, made up of 13 government MPs and 24 Opposition, who then commanded the majority.

Nevertheless, the political stalemate continued, as Kilman refused to authorize the recall of Parliament for the constitutionally mandated Second Ordinary Session. The first session had taken place in May/June, but a second session had never been convened. Kilman clearly had no intention of summoning Parliament, since the Opposition with their new majority would easily have defeated his minority government in a vote of no confidence. Moreover, it should be noted that the failure of Parliament to meet deprived Kenneth Natapei (Vanua'aku Pati)—who had recently won a by-election to replace his father in one of the Port Vila seats—the opportunity to be sworn into office (see above). This would have added another member to Opposition numbers and was an issue that they would include in a subsequent court challenge of the president's decision to dissolve Parliament (VUSC 2015d).

The other option was a dissolution of Parliament, which Kilman actually favored and the Opposition opposed. Delegations from both the government and the Opposition had met with the president at the end of October and discussed the situation. It was reported over Radio Vanuatu that Kilman had asked President Lonsdale to dissolve Parliament—a power vested in the president alone—in response to a request from the Council of Ministers. Despite the fact that on 16 October the Council of Ministers had agreed

to request a dissolution, the president did not act. His position was that there was still time for the parties to reach an agreement and dissolution would be a “last resort” (Vanuatu Daily Digest, 26 Oct 2015). It would seem that the president preferred to wait until the appeals of the fifteen convicted MPs had been heard. If the appeals were upheld, the MPs would resume their posts and a dissolution would not be necessary (Vanuatu Daily Digest, 31 Oct 2015).

On 20 November, the day on which the Court of Appeal announced that the appeals of the fifteen convicted MPs had been rejected, the Opposition filed an urgent constitutional application with the Supreme Court to order the Speaker to call the Second Ordinary Session of Parliament for 2015 (VDP, 20 Nov 2015). However, before the Court had met, Acting Speaker Samson Samsen announced that Parliament had been scheduled to meet on 14 December (VDP, 23 Nov 2015). It came as a surprise, therefore, when the president announced the next day that he had dissolved Parliament—especially since a resolution to the political impasse was at hand with the announcement of a date for the Second Parliamentary Session.

The president gave as his reasons the need to reestablish a strong functioning government due to the delay in dealing with the aftermath of Cyclone Pam and a decline in service delivery. Likewise, he pointed to the unnecessary costs of holding by-elections for the fifteen convicted MPs (the fourteen imprisoned plus Willie Jimmy), given the fact that the national election was not scheduled to be held until late 2016. He mentioned that he was

aware of the decision to recall Parliament but decided as he did due to the long period of unstable government that had occurred and for “the welfare of the public of Vanuatu” (*VDP*, 25 Nov 2015).

The following day, the Opposition filed a case against the decision of the president, requesting that it be declared null and void (*VDP*, 26 Nov 2015). The submission questioned the delay between the request by the Council of Ministers for a dissolution and the decision of the president—over five weeks—at a time when the prime minister was running a minority government. It also questioned the issue of the composition of the council on the day the decision was made, “as only ten (10) members attended the meeting instead of all the Ministers [13 . . . and] that five of the ministers who attended the meeting were convicted in the bribery case [and] were yet to be sentenced” (*VUSC* 2015d).

The possibility of bias and conflict of interest was also raised, noting that the president had accepted a custom ceremony from the prime minister involving an exchange of a pig and he giving one in return, leading to the suspicion that the government was receiving special treatment. Council for the president argued that under the Vanuatu Constitution (paragraph 28 [3]), the president has unfettered authority to make such a decision. The Supreme Court agreed and dismissed the case (*VUSC* 2015d).

The decision to dissolve Parliament coincided with rumors circulating that the president was about to pardon the jailed MPs, which his office firmly denied, noting the legal process that would be required and the current

political circumstances: “It is too early to consider such, as it will make a mockery of the justice systems in Vanuatu” (*VDP*, 27 Nov 2015).

The main issue for the Opposition regarding a dissolution was that it would leave Kilman and his ministers in power as a caretaker government to continue what they viewed as corrupt practices. For example, there were rumors that the new minister of lands, Paul Telukluk, was intending to intervene in a case against Lands Department staff who were issued state land leases by the former minister of lands, Steven Kalsakau, without tendering for land and assets valued greater than VT15 million (*VDP*, 16 July, 17 July 2015).

While awaiting the court decision on the challenge to the president’s decision to dissolve Parliament, the Electoral Commission went ahead and announced that a “snap” election would be held on 22 January 2016 (*VDP*, 4 Dec 2015). The Electoral Commission moved quickly, as the constitution (paragraph 28 [4]) requires that an election must take place not earlier than thirty days and not later than sixty days following the dissolution of Parliament.

Another unexpected development occurred at this time, concerning the application of the Leadership Code in relation to the Penal Code Act. As noted above, the Leadership Code stipulates that a conviction under the Penal Code Act is automatically a breach of the Leadership Code and makes the individual concerned liable to dismissal from office and disqualified from appointment to public office for a period of ten years. The interpretation of the link between the Leader-

ship Code and the Penal Code was what led to the dismissal of charges of bribery and the suspension of MPs in December 2014—that is, that the defendants had not been found guilty of bribery before being suspended from Parliament.

Judge Sey had been careful to charge the accused MPs under the Penal Code, leaving the issue of breaches under the Leadership Code to be dealt with later. This followed a ruling by Judge Fatiaki on 9 October—the day before Judge Sey handed down her judgments for the fifteen MPs (as noted above)—that there had been a breach of the Ombudsman’s Act related to the production of an official report by the ombudsman. Subsequently, however, the Court of Appeal ruled that Judge Fatiaki’s judgment was “not binding on Judge Sey” and that she “should have proceeded to determine the Leadership Code Act charges despite the decision of Justice Fatiaki” (*VDP*, 4 Dec 2015).

As a result of this clarification, the newly appointed public prosecutor, Josiah Naigulevu, applied to the Supreme Court for a ruling in view of the convictions handed down under the Penal Code. Judge David Chetwynd ruled that he was “satisfied beyond any doubt that the breaches were and are serious” and confirmed orders “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.” He also ruled that the defendants were not entitled to “payments or allowances” since their dismissal and that disbursements that may have been paid prematurely should be recovered—that is, the

defendants were “ordered . . . to repay them forthwith” (*VUSC* 2015g; *VDP*, 8 Dec 2015). Thus, after a tangled series of judicial procedures, the fate of the accused MPs had been resolved—at least for the moment—though the issue of reduced sentences or pardons would continue to be discussed.

There was, however, unfinished business relating to the bribery case that would have to wait until the following year: Quite significant was the “conspiracy to pervert the course of justice” case involving ten of the convicted members of Parliament who had conspired with their four lawyers for Marcellino Pipite, as acting president, to issue a pardon for all the convicted MPs including himself—excluding MP Willie Jimmy, who had pleaded guilty. Yet to be heard was the “complicity to bribery” case related to the source of the large amounts of money loaned by Carcasses to members of Parliament, the source of which was traced to PITCO and its manager, local businessman and financier Thomas Bayer (*Paterson* 2015).

Also on the immediate agenda for 2016 was the national election, scheduled for 22 January. By mid-December, prospective candidates were lodging their documents with Electoral Office officials and unofficially beginning to campaign. There were rumors that the fourteen jailed former MPs were trying to manipulate their followers from inside, and several were said to be planning to run—expecting most likely a miracle or Christmas gift in the form of a pardon, which the president had made clear was not going to happen anytime soon (*VDP*, 22 Dec 1015).

The political chaos that began in late 2014 and continued to unfold

in 2015 was unprecedented in the short history of Vanuatu, and yet life remained remarkably peaceful throughout. For example, following the death of senior politician Edward Natapei, a by-election was held in mid-October 2015 for his Port Vila constituency, which coincided with the announcement of the guilty verdicts and Pipite's illegal pardoning of convicted MPs. The turnout was low, which is not unusual for Port Vila—around 10,236 out of 38,324 registered voters cast their ballots—but the poll took place peacefully, as is the normal practice. Kenneth Natapei, representing the Vanua'aku Pati, was elected with 4,281 votes to replace his father, and the election results were announced on the day that the government MPs and their lawyers were arrested following the cancellation of the illegal pardons. The elections of the Luganville Municipal Council and the Sanma Provincial Government also took place during 2015 without issues or problems.

Vanuatu gained its independence a mere thirty-six years ago, accompanied by a rebellion that involved violence and divided the population. It is, perhaps, the remembrance of that painful experience—and a desire that it should never be allowed to happen again—that has led the people of Vanuatu over the years to develop a confidence in the work of the judiciary and the rule of law. This was clearly evident during 2015, when unprecedented challenges to Vanuatu's institutions of government were overcome through the patient work of the court system—achieved without any public violence or social unrest.

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