

Political Reviews

The Region in Review: International Issues and Events, 2012

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Melanesia in Review: Issues and Events, 2012

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The Contemporary Pacific, Volume 25, Number 2, 351-415
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FIJI

In Fiji, 2012 was a year of raised and then repeatedly dashed expectations. In January, brief euphoria greeted the dropping of public emergency regulations, but stiff controls were promptly reinstated several days later. In March, hopes for a relatively smooth restoration of the rule of law and reasonably free elections before September 2014 were greatly encouraged both at home and abroad when Yash Ghai—a former United Nations (UN) envoy to Cambodia—was appointed by the interim government to head the scheduled Fiji Constitution Commission (FCC). Yet by the year's end, military commander and Prime Minister Frank Bainimarama had fallen out with Yash Ghai and had declared the government's intention to extensively rewrite the FCC's draft constitution and to avoid any public consultation beyond that of a handpicked Constituent Assembly. Soon, plans for the intended Constituent Assembly were also scrapped. Throughout 2012, authority to shape Fiji's future constitutional arrangements remained continually contested. Having destroyed most of the institutions associated with the precoup order, by the end of 2012 the government was busily dismantling the processes it had itself put in place to construct a new order.

In his 2012 New Year's address, Bainimarama announced that the public emergency regulations would be dropped (Bainimarama 2012). Those regulations had been in place

continuously since the abrogation of the constitution in April 2009. The announcement was welcomed by local civil society organizations as well as by the United Nations, the Commonwealth, Australia, and New Zealand. Yet, within days, a new Public Order (Amendment) Decree 2012 had been introduced that revived many of the key provisions of martial law, including police powers to prohibit meetings, impose travel bans, and undertake house arrests, as well as military powers to assume the roles of police and prison officers (Fiji government 2012a). This was the first of many incidents in 2012 in which the interim government appeared nonchalant about its own propaganda gains and reluctant to capitalize on any potential for re-legitimization.

Nevertheless, the security situation remained calm throughout the year. Open opposition to the planned Namosi copper mine, involving Australian company Newcrest and two Japanese firms, subsided after Bainimarama himself assumed responsibility for negotiations between landowners and mining interests and put the project on hold (FijiLive, 14 Jan 2012). In September, there was some resumption of exploratory activity (FijiLive, 18 Sept 2013), but care was taken to avoid again inflaming landowner protest. Mere Samisoni, a former parliamentarian in the deposed Soqosoqo Duavata ni Lewenivanua (SDL) government, was arrested in January and charged together with three others for inciting

violence, but all were soon released. In March, another SDL member of Parliament—the former minister of education, Rewa paramount chief Ro Teimumu Kepa—spoke out against Bainimarama’s abolition of the Great Council of Chiefs and called for UN intervention to protect indigenous rights (RNZI, 16 Mar 2012).

Otherwise, public dissent remained subdued through 2012. The government’s opponents were mostly nursing their wounds and biding their time ahead of the scheduled 2014 elections. Many had migrated overseas. The central focus of anti-Bainimarama activity was by now firmly in cyberspace, where participants had an anonymity that encouraged abuse and ineffective rage, though here too activity quieted over 2012. Others focused less on the polarization at the time of the coup six years earlier and more on the fact that an ethnic Fijian leader, backed by a predominantly indigenous military, was finally in charge of Fiji for the long run, unlike after the 1987 and 2000 coups when military rulers had felt pressured to hand control quickly back to civilian authorities.

Economically, Fiji’s 2011 recovery from the slowdown of 2007–2010 weakened slightly in 2012. The Asian Development Bank (ADB) and the International Monetary Fund (IMF) estimated economic growth at around 2 percent in 2011, but both anticipated a slowdown in 2012 (ADB 2012; IMF 2012). The economy was awash with liquidity, but investment remained low due to fears about the political situation and constant changes in regulations. Visitor arrivals in 2012 were slightly down from the previous year, but at around 650,000

the industry was still booming. Ironically, Australian tourist arrivals had kept Fiji’s economy afloat throughout the years after the 2006 coup, while Canberra’s sanctions had sought to sink the Bainimarama regime.

The chronic decline of the sugar industry continued. Industry Permanent Secretary Lieutenant Colonel Manasa Vaniqi pointed to reduced Fiji Sugar Corporation debt levels since the government took over the industry in 2010, but at 1.6 million tonnes, output in 2012 was half its 2006 level (*Fiji Times*, 7 Nov 2012). According to the International Monetary Fund, the industry now comprises only 2 percent of Fiji’s gross domestic product (IMF 2012, 10). Sugar’s share of formal employment remains higher, but the still regularly quoted figure of 200,000 people (close to a quarter of Fiji’s population) being largely reliant on cane farming or milling is now a great exaggeration. Figures released in 2012 by the Fiji Bureau of Statistics indicated that gold production continued to increase through 2011, buoyed also by higher international prices. There was no sign of the bottled mineral water industry slowing production in response to the 2010 increase in export duties. Garment exports remained flat and fisheries exports stagnated through 2011 (FBS 2012a). Data released from the 2008–2009 Household Income Expenditure Survey suggest that 31 percent of Fiji’s population is living in poverty, with hardship levels particularly high in rural areas (FBS 2012b).

Internationally, 2012 was a year of busy diplomacy for Fiji, triggered in part by broader geopolitical realignments. In August, United States (US)

Secretary of State Hillary Clinton touched down in Rarotonga, Cook Islands, for the Pacific Islands Forum summit, a further sign of the enhanced US attention now being given to that annual event. Otherwise, President Barack Obama's "pivot" or "rebalancing" toward the Asia-Pacific has meant little for the Pacific Island states, except for a new United States Agency for International Development (USAID) office originally planned for Suva but then relocated to the Papua New Guinea capital, Port Moresby. By contrast, Beijing's soft loans have enabled Chinese firms to bid for construction of hydroelectric dams, roads, and low- and medium-cost housing in Fiji, as well as other infrastructure projects. Once a foothold is established, those firms are well placed to make other acquisitions, as with Xinfu Aurum Exploration's bauxite venture in Bua on Vanua Levu, which commenced shipments in June (*Fiji Times*, 10 Oct 2012). For China, Obama's thinly veiled China-containment policy emphasizes the necessity of courting allies, no matter how small or remote. In September, Wu Bangguo, the chair of the National People's Congress Standing Committee, touched down in Fiji. He saluted policies of noninterference, encouraged a "Look North" policy, and criticized the "bullying of big region strong countries over the small or weak countries" (*China Daily* 2012; Wu Bangguo 2012).

Other international players flirted with Fiji in 2012, and vice versa. Russian Foreign Minister Sergei Lavrov visited Fiji in April, after trips to Nauru and Tuvalu aimed at encouraging recognition of the breakaway Russian puppet states of Abkhazia

and South Ossetia. Georgia responded by sending 200 notebook computers for Fiji schools in the hope that, as Georgian Deputy Foreign Minister Davit Jalaghania put it, Fiji would "remain loyal to international principles" (Lomsadze 2012). Over the 2011–2012 period, Fiji opened missions in the United Arab Emirates, South Africa, South Korea, Brazil, and Indonesia. In September, Fiji's Permanent Representative at the United Nations Peter Thomson was elected to chair the G77, a UN body representing 130 developing nations, drawing protests from the International Trade Union Confederation (ABC, 12 Oct 2012). In November, Bainimarama was selected to chair the London-based International Sugar Organization, an industry body representing over eighty sugar-producing countries. Overseas diplomacy regularly featured persuasion about the righteousness of Fiji's domestic reform agenda and assurances that Fiji was following its much-advertised roadmap toward elections in 2014.

Meanwhile, at home the Bainimarama government ruthlessly pursued its opponents, often on highly personalized issues. In August, deposed Prime Minister Laisenia Qarase was sent to prison for a year on nine charges of corruption, an action that one former senior military officer and onetime ally of Bainimarama said had always been central to the military commander's objectives (Tevita Mara, quoted on RNZI, 3 Aug 2012). Oddly, the convictions were not for offenses committed during Qarase's period as head of government (2000–2006) but for minor misdemeanors a decade earlier when he was director of Fijian Hold-

ings Ltd (FHL), an indigenous company that thrived under the post-1987 coup affirmative-action policies for ethnic Fijians. Qarase had applied for FHL shares for three Fijian companies but had failed to declare his personal interest in the companies (FijiVillage, 3 Aug 2012). His sentence was twelve months, to be served at Suva's Korovou prison. Around 300 supporters turned up outside the court to mourn the incarceration of their former leader. Charges against Fiji's other major precoup party leader, Mahendra Chaudhry, were also pursued in the courts during 2012 (ABC Pacific Beat, 7 July 2012). In addition to prison sentences, by the end of the year there were clear signs that Attorney General Aiyaz Sayed-Khaiyum was actively seeking other methods of harassing both of the main rival political parties as they geared up for the scheduled elections.

In theory, the trials of Qarase and Chaudhry were free from government control. Yet, as indicated in a report titled "Fiji: The Rule of Law Lost" from the Law Society Charity in the United Kingdom (2012), Fiji's courts were plagued by political interference, particularly at the behest of Attorney General Aiyaz Sayed-Khaiyum. In July, on his departure from Fiji after serving two years as resident justice of appeal, William Marshall QC sent a petition to Bainimarama complaining about "progressive inroads into the independence of the judiciary which process has culminated since mid-April 2012 in a judiciary which at all levels now does what it perceives as required of it by the Executive" and urging the dismissal of the attorney general (Marshall 2012).

In March, Bainimarama set out plans for deliberations on the new constitution, which were to be premised on several "nonnegotiable" but "universally recognised and aspired to" principles: these were "a common and equal citizenry"; "secular state"; "removal of systemic corruption"; "independent judiciary"; "elimination of discrimination"; "good and transparent governance"; "social justice"; "one person, one vote, one value"; "elimination of ethnic voting"; "proportional representation"; and a "voting age of 18." Most of these could easily have been embraced by any of Fiji's postindependence governments, with the exception that ethnic Fijian governments after 1987 flirted with ideas of a Christian state and supported retention of colonially bequeathed communal representation (whereby each community voted on separate electoral rolls). The idea of a military government setting any "non-negotiable" provisions was rejected by many, but aside from these two issues the principles themselves were fairly uncontroversial. In comparison with the deliberations of the 2007–2008 National Council for Building a Better Fiji (see Fraenkel 2009), the 2012 constitutional review was to generate much more broad-ranging participation.

Optimism that the review would lead to the restoration of democracy was greatly increased by the appointment of Professor Yash Pal Ghai to chair the Fiji Constitution Commission (FCC). Ghai had taught Fiji's Attorney General Aiyaz Sayed-Khaiyum in Hong Kong and had worked on both the Kenyan and Nepalese constitutions. Aside from

Ghai-nominee South African lawyer Christina Murray, the other three members of the FCC officially sworn into office on 25 July were much more closely associated with the Bainimarama regime: these were community activist Penelope Moore, deposed minister in the 1987 Timoci Bavadra government and Bainimarama loyalist Satendra Nandan, and former education minister Taufu Vakatale. As an interim government-appointed body with so many known regime sympathizers, the commission inevitably faced challenges to its credibility. The legal setting was also uncertain. Previous court rulings in March 2001 and April 2009 encouraged the view that the 1997 constitution might still be deemed legally operative or resurrected, thus obviating the need for any new constitutional review. Ghai accused those raising such criticisms of turning a “blind eye to reality”: “We have a situation where there has been military rule for a while and the only way it seemed to me to return to a democratic system is to engage the whole country in a process of dialogue, consultations, finding some consensus” (RNZI, 13 Mar 2012).

Professor Ghai was no stranger to Fiji politics. He had played an influential role in the establishment of the Citizens’ Constitutional Forum, a local nongovernmental organization, in the wake of the 1987 coup. He and his wife, Jill Cottrell, had written extensively on Fiji, urging an “integrationist” perspective aimed at bridging divisions between ethnic communities while rejecting “consociational” approaches that treat “communities as corporate entities” but seek to engineer top-level compromise. They were

critical of the 1999–2006 alternative vote system, despite this being the central “integrationist” instrument of the 1997 constitution. They also disagreed with the post-1997 power-sharing experiments, pointing to the unlikelihood of robust coalitions being forged between racially demarcated groupings. Their 2008 article ended by noting Bainimarama’s integrationist objective and stating not unsympathetically: “If this is achieved, the pendulum will have swung to the opposite extreme from past preoccupations with race. And Fiji’s fortunes may then tell us something more about the relative merits of consociation and integration” (Ghai and Cottrell 2008, 665–666, 669).

At the time of that writing, Ghai was obviously unaware that he would himself become the key instrument of the Fiji government’s integrationist orientation in 2012. With a modernist military government in office, the constraints that had prevented the 1995–1996 constitutional commissioners from dismantling corporate representation were now gone (otherwise, the ideological differences were not so large). In other respects, however, conditions were much more inauspicious, particularly with regard to continued censorship and restrictions on public meetings, but also because the commission members themselves had not been selected by any elected authority. Early on, Yash Ghai made it clear that some concessions would be necessary from the interim government, reminding them that he had walked away from the Kenyan Constitutional Review Commission in 2004.

In July, the Bainimarama government issued two decrees, one setting

out the functions and powers of the FCC and the other establishing the intended Constituent Assembly (Fiji Government 2012b, 2012c). The first, with Yash Ghai's oversight, included provisions for a suspension of the need for meeting permits under the Public Order Act during the FCC deliberations. The second, without Ghai's oversight, set out that the Constituent Assembly scheduled to deliberate on the FCC draft would comprise members, and a chair, appointed by the prime minister to "reflect the diversity of the people of Fiji," including government, registered political parties, faith-based organizations, representatives of employers, members of the business community, trade unions, farmers and members of rural communities, Republic of Fiji Military Forces, national organizations, women, persons with disabilities, youth, pensioners, and "other Fijian-registered representative civil society groups." It also made provision for vetting the draft after the deliberations of the Constituent Assembly by a five-member tribunal appointed by the chief justice. Both decrees set out requirements for far-reaching immunities, covering involvement in all three of Fiji's coups, including the ethnonationalist coups of 1987 and 2000.

A day after the release of those decrees, the FCC issued a press release expressing its concern on three key points. First, it pointed out that the decree gave the prime minister "full control over the size and composition of the Constituent Assembly" and as a result that "essential principles of democracy are ignored and the independence of the assembly is negated." Second, it contested the firm

requirement that far-reaching immunity provisions be entrenched in the new constitution, urging instead that deliberation on these issues become part of the constitution-making process. Third, it indicated concern about continuing "controls over the media and wide-reaching powers of the security forces," claiming that these were inhibiting the constitution-making process (FCC 2012a). Such willingness to criticize the government served to enhance the credibility of the commission both within Fiji and abroad. Overseas money—including support from Australia and New Zealand—began to flow generously to fund the activities of the FCC secretariat.

Relations soured badly between the FCC and the interim government during the second half of 2012. In August, Bainimarama accused Ghai of meddling in Fiji politics and criticized the FCC for providing a "running commentary" on its deliberations and giving "preferential treatment to certain segments or individuals in society who they meet privately" (ABC, 16 Aug 2012). As the public hearings and submissions gathered steam, the FCC processes captured the public imagination. In total, the commission was to receive over 7,000 written submissions—attracting a greater interest than any of Fiji's many previous constitutional public dialogues (although the 1995–1996 submissions and hearings were also extensive).

Many of the submissions to the FCC applauded the 2008 People's Charter, which by 2012 had become the primary symbol of support for the Bainimarama government. Some submissions were hostile to political parties, including those by Krishna

Datt, a former Fiji Labour Party (FLP) minister in the deposed 2006 government (Datt 2012), and Jale Baba, the former campaign director of Qarase's SDL party (Baba 2012). There were proposals for an elected president, most of which were oblivious to the ramifications of semi-presidential systems with both powerful prime ministers and presidents (the Pacific Islands have no experience of such arrangements). The chiefs of Rewa strongly criticized presidential arrangements as facilitating dominance by a "singular or individual subjective authority" in a submission that otherwise conveyed mainly the "feeling of insecure hopelessness, accompanied by great difficulties and anguish" of indigenous Fijians in the Rewa Delta (Kepa 2012).

The two largest parties in the precoup parliament—the largely Fiji Indian-backed FLP and the largely indigenous Fijian-backed SDL—were highly critical of the constitutional review process. Both lodged submissions that showed how ill equipped they were to set out any broad alternative for the nation. The FLP urged a reversion to the original proposals of the 1995–1996 Reeves Commission, including even the abandoned multi-member alternative vote system and 26 communal seats (10 for Indo-Fijians, 12 for ethnic Fijians, 1 for Rotuma, and 3 for the "others"). Yet this entailed a share of seats well in excess of the Fiji Indian proportion of the population, around 35 percent by 2012. The submission justified this by claims that "the Indo-Fijians can rightly claim to be the most aggrieved community" and because the "suggested distribution would give the

minority community greater confidence about their own future in Fiji" (FLP 2012).

The SDL submission challenged the Bainimarama government's "bigger agenda to plunder Fijian resources by weakening the apex of Fijian institutions." Its recommendations were also narrow and communal in focus. In submissions before the FCC in Suva and Nasinu in August, party representatives urged that Fiji be declared a Christian state, that same-sex marriage be outlawed, and that some communal seats be retained (FijiVillage, 15 Aug 2012). In a more careful submission in October, the SDL reiterated but also elaborated on those demands. Fiji was urged to adopt a New Zealand-style mixed-member system, with 46 open constituencies and 25 communal constituencies. The latter were to be divided into 14 for ethnic Fijians, 9 for Indians, and 2 for the others (SDL 2012), a distribution more advantageous to the indigenous community than that urged by the FLP. The communal constituencies were to use the list-proportional representation system, whereas the 46 open seats would be decided on a first-past-the-post basis. More logically, this would surely have been the other way around.

In the Fiji context, the call for a Christian state was hugely controversial. The ethno-nationalist agenda after 1987 had been to urge the declaration of a unitary state religion, often encouraged by the militant wing of the Methodist Church (Garrett 1990). Since the 1987 coup had ousted a largely Fiji Indian-backed government, such calls were viewed by many inside Fiji as aimed at further eroding Indian rights. By contrast, as Yash

Ghai rightly pointed out, a “secular state” did not mean an irreligious state but rather a separation of church and state and the freedom to practice whatever religion one chose (RNZI, 8 Aug 2012). Data released in 2012 by the Fiji Bureau of Statistics from the 2007 Census indicated that Fiji’s population is 27.9 percent Hindu, 6.3 percent Muslim, and 64.4 percent Christian (FBS 2012c). Nearly all Hindus and Muslims are Fiji Indian, and 99 percent of ethnic Fijians are Christian, helping to explain why fixing singular religious labels on the state is so inflammatory. Changes in proportions are also hugely significant. The equivalent figures from the 1996 census were respectively 33.7 percent, 7 percent, and 58 percent. Thus, in tandem with the increasing Fijian population share, the country is becoming more strongly Christian. (Interestingly, the Methodist share among Christians has fallen significantly, from 62.4 percent in 1996 to 53.7 percent in 2007.)

In October, Bainimarama responded angrily to the FCC appointing former Vice President and Bau chief Ratu Joni Madraiwiwi as a consultant. The interim prime minister alleged that Ratu Joni was party to a submission to the FCC urging a Christian state, contrary to the “nonnegotiable principles” set out in March that required “a secular state,” and that he had done so while serving as an FCC consultant (*Fiji Times*, 2 Nov 2012). In fact, Ratu Joni had only participated in a delegation as a Bau chief and had not endorsed the contents of that submission. Ratu Joni is well known in Fiji as liberal by political persuasion and, although indigenous,

as highly sensitive to the concerns of Fiji’s Hindus and Muslims. In July, he had expressed the view—not shared by many other observers—that ethnic frictions were waning in Fiji: “We are still a fractured society although I also have to say that ironically, inter-racial relations appear to be better than they ever were” (*Fiji Times*, 27 July 2012).

The attack on the FCC over Madraiwiwi’s appointment—one of many red herrings that ostensibly drove Fiji’s political processes over 2012—was to provide the pretext for a thoroughgoing reworking of the scheduled constitutional review process. On 31 October, a new decree canceled all public consultation on the FCC draft, removed the FCC’s powers to detail necessary changes in law associated with the new constitution, and demanded that the FCC detail its income and expenditures (Fiji Government 2012d). Yash Ghai responded by telling reporters that the government had lost its enthusiasm for the constitutional review process (RNZI, 6 Nov 2012). He revealed that there had been “massive interference” by the government in the work of the commission (ABC Pacific Beat, 6 Nov 2012).

The Republic of Fiji Military Forces (RFMF) belatedly made its own submission to the FCC in December. This recounted at length a heroic history of the RFMF’s defeat of the ethno-nationalist uprisings of 2000 and conveyed some degree of bitterness against the entire civilian political order: “We [the RFMF] have been collectively marginalized, sanctioned and ‘kicked in the gut’ one too many times.” The submission was critical of the “Westminster” [*sic*] model and said that the alternative vote system

had “given all in Fiji nightmares.” It urged a 46-seat unicameral parliament and a president selected by Parliament. The key passages focused on the guiding role of the armed forces to ensure “good governance.” It said that there was “an enveloping comfort that the Forces exist to deal with both the Internal Security situation and external threats.” Echoing battles from the precoup era, the submission insisted on the retention of a provision contained in the 1990 constitution giving the RFMF “the responsibility . . . to ensure at all times the security, defence and well being of Fiji and its people” (RFMF 2012). The reference to the “well-being” of Fiji’s people could, of course, mean responsibility for just about everything. The RFMF envisaged itself as having huge powers, but for usage in a “guardian” role rather than through assuming direct responsibility for government.

In December, Ghai handed over the FCC’s 199-page report to the president (FCC 2012b). The draft contained all the nonnegotiable provisions set out in the government’s July decrees, including the provisions for immunity. It entailed Fiji returning to a more strictly Westminster constitution, but with some unusual features. There were no provisions for a second chamber. Nor were the 1997 constitution’s multiparty cabinet power-sharing provisions to be restored. A 71-member Parliament, larger than that favored by the interim government, was to be elected for a four-year term by a closed-list, proportional-representation system, with provisions for a French-style “Law on Parity” requiring parties to alternate men and women on their lists. On the advice of Norwegian

electoral specialist Kåre Volla, this was to be facilitated through a mixed-member system, with 60 members of Parliament selected from four constituencies and another 11 “top up” members also to be selected by closed-list proportional representation. The objective was to achieve a very exact proportionality between seats won by, and votes cast for, political parties, but the cost was considerable complexity. Compensatory mixed-member systems are better suited to usage of two different types of voting system (eg, where a list component adjusts for the nationwide disproportionality generated by a single member district plurality system, as in Germany and New Zealand).

The integrationist centerpiece of the constitution was to be a National People’s Assembly, with powers to elect the president of Fiji. This was to meet annually and bring together politicians, local government representatives, civil society organizations (including the Great Council of Chiefs), and a group of ordinary citizens chosen by lot to deliberate on the affairs of the nation. There were a very extensive bill of rights, provisions for a consultative forum on land matters, and requirements for legislation on political parties and local government. Most controversial were the transitional provisions, which would have entailed Bainimarama and his cabinet surrendering power to a Transitional Advisory Council prior to the scheduled elections. All military officers (bar the commander) would have had to resign their commissions if they chose to continue as public servants (FCC 2012b).

The government felt itself under no obligation to accept any of these recommendations. Land Force Commander Mosese Tuitoga accused Ghai of ignoring the RFMF (FijiLive, 3 Jan 2013). In an effort to contain publication of the FCC draft, police seized 600 copies in December and even set fire to some shredded galley proofs (Ghai quoted on ABC Pacific Beat, 28 Dec 2012). After this incident, Ghai described the “position of the Attorney General” as “extraordinary, and hard to understand.” Now outside Fiji, he released the document online (Ghai 2013).

The approach of seeking to build popular momentum behind the constitutional review had temporarily reinvigorated Fiji’s beleaguered political scene. Indeed, the RFMF’s own submission said that the FCC review had “brought about a sense of belonging culminating in a national pride of want and togetherness which we must continue to foster” (RFMF 2012). Yet for Bainimarama, Aiyaz Sayed-Khaiyum, and a few senior military officers, this had also proved hugely challenging to their now well-entrenched authority. In response, as in the wake of the 2009 Court of Appeal judgment pronouncing the government illegal, they again resorted to using the president as a mouthpiece for a dramatic reorientation.

On 10 January 2013, Fiji President Ratu Epeli Nailatikau addressed the nation, describing the Ghai draft as backward looking and claiming that the commission “has unfortunately perhaps succumbed to the whims of the few who have an interest in perpetuating divisions within our society.” To adopt the draft, the presi-

dent said, would lead to “financial and economic catastrophe and ruin.” Nailatikau had a particularly negative assessment of the proposed National People’s Assembly, which was to have been the body charged with electing Fiji’s future presidents. It was “anathema to democratic representation that the Ghai Draft allows for, at the very least, a 144-member body of unelected people deciding on key issues pertaining to the people of Fiji” (Nailatikau 2013).

This was an extraordinary outburst, entailing condemnation of the key instrument of the government’s own strategy for re-democratization. The logic was also hard to figure: the government controlled the appointments to the Constituent Assembly, which according to the July decrees could itself have amended the draft. The chief justice also had a final say, through a five-member tribunal. Clearly, the government saw risks associated with the popular momentum that had built up around the FCC and wanted to firmly reassert control. Yet picking this option meant that Bainimarama had blown his opportunity to preside over the creation of a legitimate and durable new political order. The attorney general’s office would rewrite and revise the draft in 2013, removing the National People’s Assembly, further fortifying immunities and amnesties, taking out all concessions to hostile forces, and setting in place cast-iron methods for the commander and his chief lawmaker to closely supervise the transition—if there was to be any meaningful transition at all.

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NEW CALEDONIA

With two years left before a possible referendum on independence, as stipulated in the Noumea Accord of 1998, local leaders struggled to position themselves for an “exit” from that transitional agreement. The provincial elections of 2014 may decide whether a referendum will be held or perhaps another accord will be negotiated. Fluctuations in metropolitan politics have had a significant impact on New Caledonia, notably in 1958 (when nationalist Charles de Gaulle regained power) and 1981 (when Socialist François Mitterrand became president). French presidential elections in May 2012 saw the fall of Gaullist President Nicholas Sarkozy after only one term and the return to power of the Socialists for the first time since 1995, this time under François Hollande. Locally, the year-old alliance between the loyalist Rassemblement-UMP (or RUMP, tied to Sarkozy’s Union pour un Mouvement Populaire) and the pro-sovereignty Front de Libération Nationale Kanak et Socialiste (FLNKS) suffered a setback in the June elections to the French parliament. Former

territorial President Philippe Gomès’s loyalist Calédonie Ensemble (CE, Caledonia Together) won both New Caledonian deputy seats in Paris. In regional relations, the CE objected to a visit to New Caledonia by Commodore Voreqe Bainimarama of Fiji, the head of the Melanesian Spearhead Group, arguing that he has been a military dictator since his 2006 coup. Labor unions remained active, as the cost of living remained high while world nickel prices plummeted due to a slowdown in middle-class Asian demand for stainless steel. But French development aid continued to flow amid local concerns over lingering social and ethnic inequalities.

Sarkozy had proclaimed to French voters that he would strongly defend the “eternal France” of Molière, Napoleon, and Charles de Gaulle, but Hollande reminded listeners that Louis XVI lost his head to the guillotine during the French Revolution and it was the left’s turn to govern the country. Hollande opposed austerity budget cuts during the European Union’s financial crisis and instead wanted to raise taxes on the rich (BBC, 20 April, 28 Sept 2012). Sarkozy had inherited the commitment of his predecessor, Jacques Chirac, to the Noumea Accord, so transfers of self-governing powers to New Caledonia continued, most recently in civil and commercial law and civil security. But Sarkozy had also voiced his personal preference that the country should remain in the French republic, whereas Hollande remained neutral and supported an open public debate among all New Caledonians to decide their future status. Hollande and Sarkozy both wanted to promote more competition

among importers who kept the cost of living so high in New Caledonia, but neither wanted to end the “indexation” that paid French civil servants and retirees almost twice what they would earn in France (NC, 21 April 2012). In the second-round runoff, Sarkozy won 63 percent of the ballots in New Caledonia and 53 percent in French Polynesia, but Hollande won the French presidency; he also won clear majorities in the two Kanak-ruled provinces of New Caledonia and in Wallis and Futuna (PIR, 7 May 2012; NC, 23 April 2012). Hollande appointed Victorin Lurel of Guadeloupe as overseas minister, replacing a Gaullist predecessor, also from Guadeloupe. The FLNKS praised Lurel as a fellow “islander,” while loyalists said he knew nothing about the Pacific (NC, 18 May 2012).

In the June elections, the RUMP lost its long monopoly over local representation in Paris when Gomès and Sonia Lagarde of the CE won in the second-round runoff. At first, it had looked as if the FLNKS might win the deputy seat for the interior of the main island, Grande Terre, because its two main parties, the Union Calédonienne (UC) and Palika (Parti de Libération Kanak), ran on the same list for once. After receiving a plurality in the first round of voting, Jean-Pierre Djaiwé of Palika was interviewed by the local newspaper before the second round, as was Gomès, who came in second in the interior in the first round, having been mayor of La Foa for twenty years. Djaiwé was pleased that the reunited FLNKS had clearly beaten the Rassemblement in his district, but he said that his list had to mobilize Kanak voters in order to overcome

a habitually high abstention rate in French legislative elections. Gomès attributed his success to his commitment to a consensual solution to the Noumea Accord process and to his opposition to Frogier’s change of position in 2011 from regarding the Kanaky flag as a terrorist symbol to having it raised alongside the French tricolor. Gomès hoped to build “a little nation within the big one [France]” by bringing together all Caledonians for a common destiny with a common flag, not two that were once opposed. He referred to South Africa, which had combined its rival flags under Nelson Mandela’s post-apartheid regime (NC, 14 June 2012).

The CE, although loyalist, had often pursued centrist, social democratic policies, sometimes in ad hoc concert with pro-independence parties. But the surprise 2011 alliance between the Rassemblement-UMP and the UC-FLNKS had displaced the CE from the territorial presidency and from key leadership posts in the Congress. The CE had then waged a heated protest campaign against the two flags policy, and even many Rassemblement supporters finally helped to elect Gomès deputy against Djaiwé. Gomès’s second-round victory in the interior district revealed that loyalists, including members of the right-wing National Front, could unite against having a pro-independence deputy in Paris (the late Rock Pidjot of the UC had last filled that role from 1964 to 1986). Many residents were left with a feeling of repolarization in the country’s politics, just when consensual negotiations were needed to complete the Noumea Accord process. Yet the CE’s dramatic comeback also showed

that no one should be marginalized in the current discussions about future status, including Palika, a pro-independence party that the UC and the union-affiliated Labor Party had partly displaced by allying with the Rassemblement last year.

How would these May-June election results affect New Caledonia? The country is already “autonomous” from Paris, and each of its three provinces have significant self-governing powers, leading some legal scholars to call it a *sui generis* entity (ie, no term adequately describes its place in the overseas French political system), which in effect has a “federal” relationship with France. The Noumea Accord specifies that certain administrative responsibilities should be delegated to the country before a possible referendum on whether the so-called reserve powers still held by France (such as defense and public security) should also come under local control. Hollande, like Sarkozy before him, has promised that France will accompany New Caledonia in its process of emancipation as far as local citizens desire. But loyalist concerns over juvenile delinquency among urban Kanak (who often live in squatter camps) and purported foreign threats (eg, from China or “Anglo-Saxon” neighbors or terrorists) make independence unappealing to them. The demography of New Caledonia was radically altered by French-orchestrated immigration during a nickel mining boom in the 1960s and 1970s that ensured a settler majority, and new migrants continue to arrive, though laws that restrict voting and most job hiring to long-term residents are now in place, thereby creating a

form of local citizenship. Given the demographic near parity between an indigenous Kanak minority (45 percent) and migrants, negotiating the exact legal boundary between enlarged autonomy (or association?) and full sovereignty is a challenging and rather technical task. Other key issues include continuing economic development aid and educational training financed by France and by nickel exports and reducing the cost of living and the large income gap between settler-dominated Noumea and the mostly Kanak rural interior and islands (NC, 9 May 2012). The South Province has the largest and most multiethnic population, as well as most of the jobs and squatter camps, so it wants to revise the system of dividing up territorial revenues, of which it produces 75 percent but receives back only half. But the FLNKS has argued that the North and Islands provinces need half for economic “rebalancing,” including the opening of a new nickel mining and processing plant at Koniambo, while the South already has such a plant at Doniambo and another almost completed at Goro.

Kanak independence supporters at first took heart from the reshuffling of metropolitan political cards because the French Socialists, their longtime allies, also took command of the National Assembly in the legislative elections. After Hollande won the presidency, Gerard Regnier of the UC said that the Socialist’s “vision of the emancipation of New Caledonia” would “reassure the Caledonians . . . to find the necessary consensus for the just application of the Noumea Accord.” Michel Jorda of the local Socialist Party said that Sarkozy’s

defeat after only one term of office resulted from his divisive leadership, whereas Hollande's determination to "respect the choice of Caledonians" could help to overcome "this atmosphere of fear that certain people propagate." Gomès, however, said that the economic distress in Europe had pushed one-third of French metropolitan voters to cast their ballots "against the system." That verdict was a nod to the National Front in France, who are also Gomès's new allies locally and complicate his former centrism. Bianca Henin of the local National Front called the doubling of votes cast for her party since 2009 "a sanction against the manipulations that have happened here with the [two] flags affair" (NC, 24 April 2012). Although Gomès himself had sometimes tried to work with Palika but was pushed aside by the RUMP and UC in 2011, the local newspaper surmised that "the loyalist electorate does not want anyone to discuss with the independence supporters except in a crisis [and] wishes a return to the logic of [opposing] blocs" (NC, 18 June 2012).

In fact, the anti-independence Rassemblement, founded in the 1970s, has declined gradually since its partnership with the FLNKS in the Matignon (1988) and Noumea (1998) accords. Frogier's gesture toward the UC-FLNKS last year of raising two flags was a political gamble reminiscent of his party's alliance with a small group of dissident independence supporters in 1999–2004. The sudden success of the moderate Avenir Ensemble (AE, Future Together) party in 2004 was a major challenge to the Gaullist RUMP, bringing centrist loyalists to power

in Congress and the Southern Province. In 2008, the CE split from the AE (now led by Harold Martin), and in 2011, with RUMP and UC-FLNKS support, Martin replaced Gomès as territorial president. Now Gomès and Lagarde of the CE want a reshuffling of portfolios in the territorial cabinet and other commissions in order to reestablish the voice of the CE with its expanded constituency (NC, 5 Sept 2012). Frogier of the RUMP denounced such "radicalization" of local politics by the CE, which he claimed ran a "violent campaign that has awakened old demons" (PIR, 26 June 2012). His ally, President Martin of the AE-UMP, denounced street protests by the CE against the two flags for stirring up "violence between communities" (NC, 18 July 2012), yet other loyalists criticized the FLNKS for arousing Kanak juvenile delinquency by speaking of independence and supporting two flags. Frogier's RUMP debated how to reaffirm its traditional anti-independence stand after the shaky alliance with the UC-FLNKS and the Labor Party. Could loyalists reunite in a "republican pact," as they had temporarily done after the 2009 provincial elections? The eighteen-month grace period instituted by Paris after several local cabinet collapses in 2011 was scheduled to end in October, possibly allowing now-deputy Gomès to return to power (NC, 18 Aug 2012).

The quest for a new flag and country name that was proposed by the Noumea Accord still sparks emotional divisions of opinion. Overseas Minister Lurel met with Paul Néaoutyine of Palika in Paris and then said simply, "The members of this government are interested in the future of New

Caledonia, of Kanaky.” Gomès and Lagarde of the CE called the use of that last word a “regrettable” slip of the tongue, while ex-deputy Gael Yanno of the RUMP accused Lurel of “taking sides” with a pro-independence “minority” and thus stepping on the “yellow line” beyond which lay intercommunal chaos: “The Socialists, once in power [evoking Mitterrand in 1981–1995], have not waited long to put into practice their electoral slogan ‘change is now.’ The Rassemblement-UMP warns the Socialist government: we will fight any unilateral proposal that goes against keeping New Caledonia in France, which would be contrary to the unalterable hopes of the majority of Caledonians. For the Rassemblement-UMP, it’s no to Kanaky! And it will always be no” (NC, 2 Aug 2012).

Lurel replied the next day that Kanaky was “not a bad word,” since the Noumea Accord defended Kanak identity and proposed open discussions to choose a new country name. Some independence supporters have suggested Kanaky New Caledonia as a country name and some loyalists prefer Caledo-Kanaky. The conciliatory decision to raise both flags in 2011 was made at the annual meeting of the signers of the Noumea Accord, but dissident loyalists accused the RUMP and the Sarkozy regime in Paris of “imposing” it on the country (NC, 3 Aug 2012). President Martin proposed that a referendum be held before 2014 on whether to call the country New Caledonia or New Caledonia Kanaky (NC, 17 Aug 2012). In settler-dominated Bourail, the mayor and city council canceled a festival celebrating a “common destiny” because Kanak

customary leaders proposed raising the Kanaky flag along with the French tricolor for the occasion. Instead, local leaders suggested that Congress make the Kanaky flag the country emblem and New Caledonia the country name. They also urged the two associations of mayors, one loyalist and the other pro-independence, to unite for a common destiny (NC, 20 Sept 2012).

If loyalists suffered divisions amid calls for unity, what about the FLNKS, which grew out of a 1970s independence movement and officially came into being in 1984 under the flag of Kanaky? The UC and Palika have often competed with each other. The former party descends from the multiracial, progressive, autonomist party of the 1950s and 1960s, which dominated local politics until the polarizing 1970s put it mainly under the control of Kanak chiefs and church leaders. The latter party arose during the student protest movement of the late 1960s and 1970s and has a more leftist vision, though since the Noumea Accord it has also been willing to work within the government institutions for progressive change. They also differ in their views of whether to have two flags (UC) or seek a common one (Palika, which had already raised both flags together in the North a generation ago). Smaller parties have come and gone within the FLNKS coalition, but the addition in the 1990s of a pro-independence “Oceanian” party composed of migrants from Wallis and Futuna and the prominent membership of pro-independence Europeans and Asians show that “Kanak” is not an exclusively ethnic label but rather a would-be national one. In late 2011 the Dynamik Unitaire du Sud

(DUS)—which included Kanak such as former Palika activist Sylvain Pabouty and other progressives in the settler-dominated South Province—claimed a thousand followers who support socioeconomic reforms and self-government. In early 2012, the municipal council of Moindou, which at first had refused to raise both the French and Kanak flags together, voted 8-7 to do so as a gesture of mutual respect (NC, 16 Feb 2012). Many people seek constructive dialogue and working relationships, and membership in the territorial cabinet, Congress, and provincial and municipal governing councils is based on proportional representation.

Gomès has criticized the FLNKS for having fluctuating views about the flag issue and about whether to hold a referendum or a negotiation in 2014, whereas he supports one flag and a consensual outcome (NC, 14 June 2012). In March, the FLNKS congress did not produce a unified policy, though party leaders reiterated their belief that the front had achieved a lot since the 1980s, including negotiating the two peace accords, controlling two out of three provinces, and winning 43 percent of the seats in Congress in 2009, as well as gaining the administrative congressional presidency in 2011 (Rock Wamytan). The UC alliance with the RUMP did harm to FLNKS unity, however, by exacerbating the rivalry between the UC and Palika. Néaoutyine, longtime president of the North Province, said that such divisions indicated “perhaps a crisis at the level of the political leadership [but] I don’t think the FLNKS is in crisis regarding its objectives.” Charles Pidjot of the UC agreed: “The FLNKS

does not belong to a party, it belongs to the Kanak people. The FLNKS has always known ups and downs, but on essentials, we have always found ourselves again, and if we have a national congress, it’s with Palika.” Victor Tutugoro of the small Union Progressiste Mélanésienne (UPM) warned, however, that “to prepare the exit from the Noumea Accord, the pro-independence family must be reunited,” and Wallisian Aloisio Sako of the Rassemblement Démocratique Océanien (RDO) said that the front needed to elect a president (no one has held that position for a decade): “To get past cleavages, we need a chief” (NC, 24 March 2012). The Labor Party and DUS are allies but not FLNKS members, and Nidoish Nais-seline’s Libération Kanak Socialiste (LKS) follows its own high chief, while the local, multiethnic Socialist Party is supportive of self-government but separate.

In May, the FLNKS and affiliated labor unions, the local League of the Rights of Man, the Labor Party, and the DUS had achieved significant unity for the French legislative elections. But when Hollande won the French presidency, loyalist voters rallied behind the CE. Frogier of the RUMP complained, “We have gone twenty-five years backwards,” and Wamytan of the UC and Louis Kotra Uregei of the Labor Party expressed concern that the concessions made by the RUMP might not survive the CE resurgence. But Néaoutyine, while on a trip to South Korea to finalize economic deals to have nickel ore processed there until the Northern Koniambo plant is operational, was not worried about shifts in loyalist (or French) politics. He noted that

the RUMP was in free fall after losing both deputy seats, but for a decade it had stalled in fulfilling the Noumea Accord. Its brief alliance with the UC, he said, had enabled pro-independence politicians to acquire a few symbolic posts in the government (eg, Wamytan as Congress president and some UC cabinet ministries), but its losses in the 2012 elections had simply reminded FLNKS members of their own goals. “We’re used to that,” Néaoutyine said, and Palika would “continue as before,” by negotiating with French parliamentary groups and the regime in Paris to lobby for the fulfillment of the Noumea Accord. Palika had been able to work with the AE/CE, and now the Socialists controlled Paris. The annual accord Signers Committee, now enlarged to include the AE, CE, and Labor Party, would “decide if we stop or not.” Néaoutyine warned “the right wing as well as independentists . . . not to pretend that there will be a radicalization, a return backwards of 25 years. They should not play on fear that we lost something. No, we are here to build. People must distinguish between deceptive rhetoric . . . and real political work” (KOL, 1 July 2012).

In French overseas territories, celebrating the fall of the Bastille in 1789 to French revolutionaries is somewhat ironic, but Charles Pidjot of the UC said that the occasion “symbolizes liberty, it’s the birth of the Rights of Man and the Citizen . . . the end of absolutism [similar to] the Kanak cause that wishes for independence” (Calédosphère, 10 July 2012). A flyer for a pro-independence march on Bastille Day vowed that the Kanaky flag would never come down

again because it is the symbol of a struggle for liberty for which many Kanak died in the 1980s. On 14 July 2012, two rival marches occurred in Noumea. One featured the French military and a mostly loyalist audience, but another that marched in the name of “Kanaky 2014” and the common destiny was led by the leftist, pro-independence Union Syndicaliste des Travailleurs Kanak et Exploités (USTKE), from which the Labor Party arose in 2009. Politicians like Frogier and Gomès (and even Wamytan) joined the French high commissioner in front of the Museum of New Caledonia on Moselle Bay to watch the military parade, but as soon as it ended, the seats were taken down before the USTKE march from Vallée du Tir arrived at the nearby Mwâ Kâ (a totem pole sculpted by Kanak artists to symbolize the nation). From a truck, Nicole Waia of the UC called out on a microphone, “We’re not terrorists, we’re not dangerous, come join our ranks!” A young Kanak with a raised fist told a reporter, “We don’t care about the common destiny, that’s an idea invented by France. We are determined, we will use every means to keep our [Kanaky] flag raised.” Some marchers mocked Gomès for repolarizing relations between communities in his quest for a Caledonian flag, saying that some day they would share a 14 July and 24 September (the latter being the date of French annexation in 1853 and regarded by Kanak as a day of sharing or even of mourning). Wamytan said that he attended the French parade out of respect for the men, not their politics: “Philippe Gomès aroused the fear of independence and thus of Kanak.

This march today lets all those who expressed their voices in the legislative elections to send a clear message.” Gomès called the second march “racist,” but Aloisio Sako of the RDO said, “We must build a country and a community. That’s the purpose of this march” (NC, 16 July 2012). Another speaker urged Kanak to register to vote, especially in the South, before the provincial elections of 2014 and the possible referendum (MNP, 22 July 2012).

Wamytan traveled to Paris to nurture ties with the Socialist president of the National Assembly, Claude Bartolone. He promoted his idea of creating a commission to come up with a common flag, an initiative that he acknowledged was a continuation of the earlier gesture made by Frogier regarding the two flags, but which now shifted in the direction of all those who worked for a common destiny (ie, Gomès). Wamytan also lobbied to terminate the indexation of salaries and pensions of French civil servants in New Caledonia in order to help reduce the cost of living there (neither Sarkozy nor Hollande had supported that idea); to encourage the continued transfer of self-governing responsibilities as prescribed in the Noumea Accord; to improve administrative training for local personnel; and to keep the Pasteur Institute (whose branch in French Polynesia has now left) in Noumea to sustain an adequate level of medical care and training in New Caledonia. When asked whether he was hoping to keep his presidency of Congress, which had to be renewed in late August, Wamytan said that he would like to keep his post but was not clinging to it

because he wanted to restore cooperation and consensual negotiation in the country (NC, 20 July 2012).

Three Kanak ran for election as Congress president in August: Wamytan and two loyalists, Gerard Poadja of the CE and Simon Loueckhote, an ex-RUMP leader. In the third round of voting, Wamytan received 25 votes, including 2 from loyalists, but Loueckhote suddenly supported Poadja, who thus won with 28 votes in yet another loyalist rally against a pro-independence candidate. Poadja promised “change” and “greater efficiency” to fulfill the Noumea Accord, but some pro-independence members complained loudly and walked out. A Kanak from the North (Koné), Poadja and his family have opposed independence since the 1980s (NC, 30 Aug 2012). Independence supporters, who had felt hopeful after gaining the Congress presidency last year due to the earlier UC-RUMP alliance, now felt bitter. The UC talked of a possible resignation from the territorial cabinet, a tactic that the UC (followed by the CE in revenge) had used in 2011, or perhaps a boycott of the annual Signers Committee meeting in late 2012. UC Secretary General Regnier said, “We’re facing a blockage” because the policy of sharing and making concessions seemed over, and leaders were already positioning themselves for the provincial elections of 2014 (NC, 24 Sept 2012). The death of Charles Pidjot of the UC, on a medical visit to Vanuatu, was another blow to Kanak leadership (NC, 12 Sept 2012).

Regionally, the Melanesian Spearhead Group (MSG) was formed in the late 1980s, in part to support the Kanak liberation struggle. It has

been monitoring progress under the Noumea Accord, voicing concerns about socioeconomic inequalities and the nominal role the Customary Senate plays in decision making. The FLNKS has been a member since the 1990s, despite the fact that the other members (Fiji, Vanuatu, Solomon Islands, and Papua New Guinea) are independent countries. France has recently sought to insert the New Caledonian cabinet leadership as a substitute for “Kanaky.” A controversy arose in 2012 when Gomès opposed a visit of the MSG led by Commodore Bainimarama of Fiji, who had come to power in 2006 and still had not held democratic elections. As a former MSG head himself, Wamytan prioritized keeping good relations with neighboring countries and maintaining regional diplomatic pressure to fulfill the Noumea Accord. He said Bainimarama did not have blood on his hands and only wanted to purge his country of corruption. Moreover, he said, France had welcomed its share of dictators in the past, including Muammar Qaddafi of Libya. So Wamytan had visited the Foreign Affairs Ministry in Paris to lobby for granting a visa to Bainimarama, but to no avail (NC, 20 July 2012). Wamytan had signed a separate cooperation agreement between the Congress of New Caledonia and the MSG that would enable more young New Caledonians to serve in the MSG Secretariat (PIR, 29 Feb 2012). But Gomès led criticisms of Wamytan’s attendance at an MSG Foreign Ministers meeting in Fiji as “scandalous,” and as deputy in Paris he lobbied against Bainimarama’s visit to New Caledonia. The MSG visit was postponed, “on advice from the

French embassy in Suva, which says it was never asked to issue the Fiji delegates a visa” (PIR, 11 July 2012; NC, 13 April 2012). The Fiji foreign affairs minister finally led the MSG mission instead of Bainimarama and met with President Martin in Noumea, where they discussed both implementation of the Noumea Accord and progress in Fiji toward holding elections in 2014 (PIR, 17 Aug, 24 Aug 2012). The FLNKS later learned that it would again hold the chairship of the MSG from 2013 to 2015 (NC, 1 Oct 2012).

Resurgent CE leaders, including deputies Gomès and Lagarde, opposed a new tax on goods and services of 6 percent, which Congress had passed as a “country law” (needs approval by Paris). The CE warned that it would cause an “inflationary shock” in local prices and asked whether the new tax would apply to basic foodstuffs and to airfares from the outer islands (NC, 10 Jan 2012). The two deputies also voiced concern about a RUMP proposal to allow yet another casino in New Caledonia, this time to finance a new local television station, because middle-class families might take more risks (NC, 9 July 2012). The CE successfully lobbied the French Council of State to question a RUMP plan to improve infrastructure in the squatter camps around urban areas in the South as a cost-saving policy, rather than to build affordable housing as the previous CE regime had done. The CE also asked the Administrative Tribunal of Noumea to halt such “rehabilitations” and accused the RUMP of promoting “ghettoization” and “racial segregation” (NC, 1 Aug 2012). The tribunal agreed, but the policy is still being debated. The FLNKS agreed with

the RUMP and AE that squatters need water, electricity, sanitation, and transportation now, not later, and some squatter leaders said that they prefer the “Oceanian lifestyle” of having their own gardens and access to the bush (NC, 14 Sept, 28 Sept 2012).

Despite some ethnic repolarization over the independence issue, loyalist unity remains elusive. In October, President Martin spoke to the United Nations about progress under the Noumea Accord. Without naming the CE, he criticized it for opposing the raising of the two flags, a “very symbolic gesture of peace and reconciliation among the communities,” and for “prematurely beginning the election campaign of 2014,” while blocking efforts at “major reforms for social justice and reduced inequalities” (AE, 10 Oct 2012). Gomès responded that attacking a political party at an international forum “disqualified” Martin from continuing as the country’s president and invited another possible mass resignation by the CE that would bring down his cabinet, now that the eighteen-month grace period was ending (NC, 19 Oct 2012). Gomès also accused the Martin-led cabinet of not pursuing reforms such as reducing the cost of living and building affordable housing, while the UC boycotted French-sponsored technical advisory meetings and Palika complained about a lack of collegiality. Gomès introduced a censure motion against the Martin cabinet, but the RUMP and most of the UC voted it down, while Palika and UC dissidents supported the CE on that issue. Gomès later resigned from the cabinet to be replaced by another CE member, but Martin said that he would consider reallocating

portfolios (NC, 22 Dec, 26 Dec 2012). Gomès and Lagarde joined forces in Paris with a new political federation that included dissidents from Sarkozy’s UMP, which was splitting into right-wing and centrist factions (NC, 24 Oct, 10 Dec 2012). The CE unveiled a twelve-point platform that claimed to seek consensus, collegiality, fulfillment of the Noumea Accord, economic planning and development, and social and educational reforms that would unify the country. The AE-RUMP and UC-FLNKS replied that Gomès was a demagogue who sought to regain power by reviving old political divisions (NC, 27 Oct 2012).

In Congress, the RUMP tried to tie passage of a revised tax on goods and services to reforming the unequal distribution of territorial revenues among the three provinces. Pierre Bretegnier of the RUMP, who had earlier proposed annexing Wallis and Futuna (PIR, 9 Jan 2012), spoke for many loyalists when he accused the North of hoarding its revenue share instead of investing it in infrastructure, thereby creating “a war chest” for Néooutyine instead of enabling the North and Islands to retain inhabitants by creating jobs (NC, 11 Aug 2012). Independence supporters worried that the limited electorate on key votes (provincial elections and an independence referendum, in which only long-term residents can participate) will be threatened if the loyalist majority adopts a hard line against Kanaky. Meanwhile, nine traditional Kanak huts that were erected near the Mwâ Kâ for the 24 September festival of shared citizenship (instead of French annexation) had to be relocated next to the Maritime Museum after contro-

versy and negotiation; some huts were simply demolished after the festival to free up parking spaces (*NC*, 11 Oct 2012). Déwé Gorodé of Palika, vice president of the cabinet until 2011, said of that attempted “tribe in the city” project, “We already have a common past, we are in a common present and obviously, of course, we’re headed toward a common destiny” (*KOL*, 1 Nov 2012).

In November, Overseas Minister Lurel visited the country and made the rounds to familiarize himself with places and people. He promised full application of the Noumea Accord, hinting at pushing for some of the additional transfers of control it suggested, but he said that Paris would remain neutral and “equidistant” from local political rivals over controversial identity symbols and the possibility of independence. He reminded people that 2014, when a possible referendum on independence could take place, was not an end but rather a beginning: “You will have to build a more egalitarian, cohesive society” that educates young people better, especially Kanak (*NC*, 24 Nov 2012). Daniel Goa replaced the late Charles Pidjot as UC leader and suggested putting identity issues on hold in order to “build a country”; otherwise, he said, “we won’t get far” (*NC*, 29 Nov 2012). Despite recent electoral defeats and consequent UMP scission in both France and New Caledonia, Frogier still opposed repolarization, arguing that his leadership role required having a vision for the country and hence a willingness to dialogue with pro-independence parties (*NC*, 23 Nov 2012). At the meeting in Paris of the now-enlarged Signers Committee of

the Noumea Accord, each party voiced its positions. Gomès accused the RUMP and UC of cooperation on creating a local citizenship and on revising the distribution of tax revenues among the provinces, but broader efforts at consensus emerged on transfers of governing powers and the training of personnel, combating the high cost of living, and French aid in socio-economic and educational reforms. As the local newspaper observed, “It was above all about pursuing or beginning discussions” (*NC*, 8 Dec 2012). The Labor Party pushed for a referendum on independence in 2014, but Palika and the UC seemed more flexible and desirous of advance preparations, while Frogier and Wamytan spoke of maintaining the historical role of the RUMP and UC (*NC*, 14 Dec, 17 Dec 2012). Frogier criticized “Maximum Leader” Gomès, the Labor Party, and dissidents within his own party for reviving tensions when it was negotiation that was needed, but he also called the RUMP the party that “had taken up arms when it had to, to stay on this French land” (*NC*, 21 Dec 2012).

Most workers, whether in the public or private sectors, belong to labor unions in New Caledonia. The Union Syndicaliste des Ouvriers et Employés de la Nouvelle-Calédonie (USOENC) remains the largest federation (22 percent), with USTKE second (15 percent), and the Federation of Civil Servants third (13 percent). USOENC has waged a long campaign against the high cost of living, while USTKE remains committed to Kanak independence and pollution controls. USTKE organized a May Day parade and expressed concern about the

unemployment rate among young people, especially Kanak (NC, 2 May 2012). The inflated real estate market in Noumea has been declining as investors complain of “government instability” at the approach of 2014, rising taxes, and reduced French aid subsidies (NC, 20 Feb 2012). More apartment buildings in Noumea are depending on rents from large, non-European families. Arrested juvenile delinquents are given seminars in good citizenship, but sales of firearms have tripled in a year (NC, 3 Aug 2012). After a lawsuit filed by human-rights lawyers, France agreed to upgrade the local prison facility (PIR, 2 Aug 2012, 17 Aug 2012).

This year, a country law took effect that restricted hiring to local citizens of long residence, with ranked exemptions made for difficult-to-fill specializations, but more vocational training for local citizens is needed (NC, 23 Feb 2012). Meanwhile, 6,000 Asian migrant workers are helping to build new nickel-processing plants at Goro in the South and Koniambo in the North, to supplement the Société le Nickel’s Doniambo plant near Noumea. They are paid the local minimum wage but have their meals, lodging, and other benefits deducted from that, making them cheaper to hire than locals (NC, 2 Feb 2012). Nickel prices fell to their lowest since 2010, and the Goro project has been naggged by various construction and pollution issues, so its parent company may sell it (NC, 2 Nov 2012). The Koniambo project is envisioned as an employment magnet for young Kanak, but one challenge is making arrangements with local workers and villages to include their participation

and respect their environmental concerns.

The North Province owns 51 percent of the South Pacific Mining Company (Société Minière du Sud Pacifique, or SMSP), which has also negotiated nickel-processing and trade deals with firms in South Korea and China (NC, 28 Feb, 29 Aug 2012). Néaoutyine and André Dang of the SMSP negotiated an unprecedented partnership with Jinchuan of China that gives the North Province 51 percent ownership in a processing plant in that country, the same kind of arrangement that the North has with Posco in South Korea. China had to make an exception in its own laws to allow such majority foreign ownership (NC, 11 Sept 2012). The North has also purchased prefabricated structures from China for its Koniambo plant. Western powers have sometimes expressed concerns about increasing intrusions into their own strategic “lake” by Chinese diplomacy and economic aid or trade (Wesley-Smith 2007; Lanteigne 2012). But indigenuous leaders seek to broaden their postcolonial options. Making one’s own choices of international partners is what the late Jean-Marie Tjibaou called sovereignty.

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PAPUA

In 2012 the Government of Indonesia failed in dealing with the sporadic attacks by the armed resistance groups called the Free Papua Movement (Organisasi Papua Merdeka [OPM])–National Liberation Army (Tentara Pembebasan Nasional [TPN]) and other “unknown persons.” As far as their responsibility for this failure is concerned, the Indonesian government sometimes showed its frustration by blaming difficult geographical conditions, limited numbers of personnel, and lack of equipment. Even though the challenges were greater this year, the security policy of the government was similar to that of 2011 and did not succeed in coping with the complex reality. In general, it did not demonstrate to the public that the state was present and that laws were being enforced justly. Compared to 2011 (38 attacks resulting in 52 deaths and 573

injured), 2012 saw a higher number of violent cases (67 instances resulting in 45 deaths and 120 injured). The number of casualties during 2012 was lower than in the previous year only because 2011 saw three communal clashes during the local election in Puncak in which casualties were high (35 dead and about 500 injured).

In line with the government’s security policy, the political policy during 2012 looked stagnant on the surface. The government tried to maintain an image that Papua was under control. Disturbances were framed as minor and insignificant. The real policy, hidden from the public and civil society, was implemented behind the scenes. Intelligence units associated with the military/police/civil government bodies as well as formal intelligence bodies such as Badan Intelijen Negara (BIN, the State Intelligence Agency) and Badan Intelijen Strategis (BAIS, the Armed Forces Strategic Intelligence Agency) played a dominant role. But among these intelligence units there is a lack of coordination, and rivalries are rampant. The overarching goal of “defending the sovereignty of Indonesia” is not formulated in a clear policy but rather emerges in reactionary and ad hoc ways.

This closed political policy reflects the dominance of old political players within the central government bureaucracy, who were mostly high officers recruited from the army. These officials tend to look down on Papuans. The situation is worsened by a deep mutual distrust between the government and the people of Papua. The resulting policy has constructed a political configuration overwhelmed by intrigue, rumor, suspicion, and

character assassination among political factions, nongovernmental organization activists, journalists, and even security officers and TPN/OPM fighters. Mutual mistrust and fear, which have grown for so long, continued to spread steadily in 2012.

For its part, the TPN/OPM retained its usual pattern of movement in 2012, but the organization also produced a new group and became more active in hunting for weapons from the police and the military. The Paniai and Puncak Jaya regions were more dynamic, while the Kerom group, led by Lambert Pekikir, was quieter due to the pressure being applied by a military operation. The Jayapura group shrank, as its leader, Danny Kogoya, has been detained since September 2012, while a new fighting spot emerged in Lanny Jaya (Tiom). The latest trend shows that the action locus and guerilla fighters are concentrated mostly in the highlands—areas where the police and army presence is growing. The TPN/OPM sees these police officers and soldiers as targets, ambushing them when possible to confiscate weapons and to increase their reputations.

The political will of the government to employ peaceful means of solving the Papua conflict appeared more clearly at the end of 2011 and during the early part of 2012. On 9 November 2011 and again on 2 February 2012, President Yudhoyono stated that the government was prepared to hold open dialogue with Papuan leaders. However, the dialogue did not materialize in 2012. The Unit for Acceleration of Development in Papua and (West) Papua Barat (UP4B) that the president established in Septem-

ber 2011 only focused on social and economic issues. What the special envoys of the president had arranged with Papuan leaders in Papua in 2011 in terms of dialogue was not followed up by the president himself. The old political players, under the umbrella of the Coordinating Ministry of Political, Legal, and Security Affairs (including the BIN, the home ministry, and the army) maintained a status quo, security-heavy policy. Many Papuan leaders, mostly the well-educated moderates, now question the goodwill of the government.

The central government is aware of the political and security difficulties. As compensation, the government has been giving greater attention to Papua development. During the period 2002–2012, funds provided under the special autonomy law (OTSUS) amounted to Rp 28.4 trillion (US\$1 is the equivalent of approximately 9,650 Indonesian rupiah, or Rp). For 2009–2012, the OTSUS budget for West Papua Province amounted to Rp 5.2 trillion. The funds were primarily for infrastructure development, with Papua Province receiving Rp 2.5 trillion and West Papua Province receiving Rp 2.2 trillion. In the 2013 national budget, the OTSUS funding for Papua Province has been increased to Rp 4.3 trillion and for West Papua to Rp 1.8 trillion. However, the development implementation has been hampered by corrupt practices—funds have been intercepted at lower levels—and the lack of capacity of the local governments. The main problems remain in the basic education sector and health services (subdistrict and village clinics), as well as in the economic empowerment of the people.

Significant improvements have been seen in several districts/municipalities in the development of education and health facilities, but these have not yet been accompanied by the presence of adequate officers, so the quality of service is still problematic. In the midst of this situation, the government created UP4B.

UP4B started operations in the beginning of 2012 and became the new coordinator of socioeconomic development, filling in the blanks between development actors, especially various development programs funded by the national budget (called the Anggaran Pendapatan Belanja Negara, or APBN). Thanks to its efforts at facilitation and mediation, a number of decision-making bottlenecks hindering implementation of construction were overcome. During 2012, a number of affirmative policies were put in place allowing the acceleration of infrastructure development. However, the ultimate success and consistent implementation of UP4B's efforts depend on the performance of the various ministries and agencies as well as the local governments. If the weaknesses of the ministries and related agencies are not addressed and the capacity of the local governments remains low, then the facilitation and mediation conducted by UP4B will not be effective.

The term of office for the governor of Papua Province officially expired on 25 July 2011, but by the end of 2012 no gubernatorial election had been held. Over this period, Papua Province has had no definitive governor and vice governor. At first there was a dispute over who actually had the authority to conduct elections.

The Papua Legislative Body (Dewan Perwakilan Rakyat Papua, or DPRP), under the law of special autonomy, felt entitled to conduct a registration of prospective governors and deputy governors, and it did so unilaterally. This process, however, was rejected by the General Elections Commission of Papua (KPU Papua). The long debate over this process resulted in the general election being stalled. The question of who had the authority to conduct the gubernatorial election was brought to the Constitutional Court (Mahkamah Konstitusi, or MK), which decided on 12 September 2012 that KPU Papua had the authority. However, the court also found that the registration process already completed by DPRP could be considered valid.

Toward the end of 2012, another election-related issue arose. On 14 December 2012, KPU Papua decided that the most recent governor, Barnabas Suebu, and his running mate, John Tabo, did not qualify to stand in the election because they lacked the required level of support—15 percent—from political parties. These two candidates, known as Bas-John, claimed that they were supported by eight parties with eighteen seats, or 32.13 percent, but during the verification process KPU Papua determined that Bas-John was supported by only six parties, representing only four seats, or 7.14 percent. The Bas-John team did not accept the determination of KPU Papua and vowed to seek legal redress. Despite the ongoing Bas-John lawsuit, KPU Papua announced that the voting would be conducted on 29 January 2013. Six pairs of candidates were set to contest the election: Lukas

Enembe-Klemen Tinal, Habel Suwae-Yop Kogoya, Manase Kambu-Blasius Pakage, and Alex Hesejem-Marthen Kayoi were all supported by political parties, while Wellington Wenda-Waynand Watory and Noak Nawipa-Johanes Wob were running independently.

Until 1999, the Province of Irian Jaya (renamed “Papua” in 2000) had only 9 districts and municipalities. In line with the move toward regional autonomy and decentralization throughout Indonesia, a policy of regional division (*pemekaran*) was implemented in Papua by Law 45/1999. Since then, the number of autonomous administrative units (districts) has increased rapidly. In 2012, there were two provinces: Papua (with as many as 2,833,381 inhabitants in 2010) with one municipality and 28 districts, while West Papua (with as many as 760,422 inhabitants in 2010) has one municipality and 12 districts. In total there are 40 districts and two major cities, with an overall population of 3,593,803. Based on the total number of inhabitants, the new districts are already disproportionately small. However, the demand for further division continued in 2012. On 13 July 2012, the DPRP formally decided that 18 new districts could be created. Going further, the spokesperson for the DPRP said that 21 new districts could be established in Papua Province, while West Papua Province also proposed creating 9 new districts and even one new province.

The normal basis of division is intended to narrow the span of government control, increase the government’s connection to the community, and ultimately improve

public services. In fact, very few new districts are experiencing any improvement in public services. Conversely, conflict between clan-based elites has increased, corruption is widespread, and the absence of district heads is high. In order to avoid demands and public protests, the district heads and their inner circles spend significant amounts of time and state funds around Jakarta instead of in their home districts. In Jakarta, or the provincial capital Jayapura, they enjoy a life of luxury living in hotels, driving luxurious cars, and marrying non-Papuan women. Most are able to buy a new home or apartment outside Papua. Many of the local elites fight for division primarily in order to exploit the political and financial resources of the State. Nevertheless, Minister of Home Affairs Gamawan Fauzi said that the government will not stop the division and has prepared a grand design for Papua with as many as five provinces. Even DPRP Chairman John Ibo says that ideally Papua Province will be divided into seven regions, based on customary territorial division.

The new faction of the Papua People’s Congress III, which proclaimed a new Federal Republic of Papua in October 2011, shrank as it garnered little public support from Papuans and its main leaders were jailed. During 2012, street politics was dominated by the West Papua National Committee (Komite Nasional Papua Barat, or KNPB), which organized around twenty demonstrations. The main political agenda of KNPB is a referendum on Papuan independence. To pursue this goal, KNPB is relying on International

Lawyers for West Papua (ILWP) and International Parliamentarians for West Papua (IPWP), which promise to bring the Papuan cause to the International Court. Consequently, KNPB rejects any political agenda imposed by Jakarta.

Unfortunately, this year KNPB engaged in more hostile and even violent conduct. For example, on 20 February 2012, KNPB rallied to reject the creation of UP4B and demanded a referendum in the office of the Papuan People's Council (Majelis Rakyat Papua, or MRP). Mobilizing 300 people, it forced MRP members who were attending the speeches to remain against their will in the hot sunshine until the event ended. On 20 March 2012, during the visit of United Nations Secretary-General Ban Ki-moon, KNPB mobilized its supporters to stop traffic in Abepura and extort money from drivers. To make it worse, protestors also blocked the gate of Cenderawasih University campus and dispersed students who were having classes.

On 1 May, one KNPB member, Terjoli Weya, was shot and killed by "unknown persons" (orang tak kenal, or OTK) in Abepura. The shooting occurred when Weya boarded a truck along with other members of KNPB after a demonstration. The next day a non-Papuan, Dedy Kurniawan (age twenty-eight), fell victim to an arbitrary attack, which was perceived by KNPB supporters to be revenge for the previous day's shooting.

KNPB has also displayed a negative attitude and unfriendly behavior toward journalists since March 2012. From the KNPB perspective, all journalists are pro-Indonesia. The

daily newspaper *Suara Pembaruan* reported intimidation of thirty journalists, including Victor Mambor, a Papuan and chairman of the Alliance of Independent Journalists (Aliansi Jurnalis Independen, or AJI) of Jayapura. KNPB Deputy Chairman Mako Tabuni publicly stated that "we are opposed to all journalists and the media in Papua and Indonesia. . . . If any of them still reports KNPB activities, then KNPB will kill him or her and the office will be turned to ashes" (*Suara Pembaruan*, 6 May 2012). The same threat was also repeated during a large KNPB demonstration on 19 May 2012 that was focused on calling for a referendum and rejecting the Indonesian government policies, especially regarding local or provincial elections.

On 3 June 2012, a non-Papuan student, Jimmy Purba (age nineteen), was found dead. The police indicated that the culprit was one of KNPB's supporters who was participating in a KNPB motorcycle convoy in Waena. On 4 June 2012, when their march was blocked by the police, about 500 supporters of KNPB vented their anger with vandalism and attacks on migrants' houses in Kampung Harapan. Two people were injured during the violence. Mako Tabuni really shocked the public when he spoke out against the detention of KNPB chairman Bukhtar Tabuni on 7 June 2012 at the DPRP office. He blamed the detainment on DPRP members and expressed his anger by threatening all DPRP members openly: "We will hunt the members of DPRP door to door in their houses. We will even empty the offices" (Jawa Pos National Network, 9 June 2012).

In addition to the numerous open

acts of hostility, the police alleged that Mako Tabuni was also involved in seven other cases of violence in Jayapura, including the shooting of a German citizen. On the morning of 14 June, Tabuni was shot dead by a special plainclothes police team when they attempted to detain him near Cenderawasih University. The killing enraged KNPB supporters and sparked violent riots in which hundreds of people attacked non-Papuans and destroyed a number of properties. Four migrants were mortally wounded. At the funeral ceremony of Tabuni in Sentani, around 600 people were present. There were rumors that the ceremony would turn into a riot, but due to the large number of security units present who were prepared for that possibility, the anticipated riot did not take place.

The details of the shooting of Mako Tabuni are disputed and possible human rights violations were raised, not only by KNPB, but also by local nongovernmental organizations and the Baptist church. According to KNPB, the police shot Tabuni five times without warning when he was chewing betel nut with two of his colleagues, and he later died at the hospital. Conversely, the police claimed that Tabuni resisted arrest and tried to grab their weapons. Furthermore, the police found a Taurus revolver and sixteen bullets in Tabuni's bag. Unfortunately, there has been no independent investigation into the shooting, so it has turned into a political football.

During the second half of the year, KNPB tried to behave more peacefully. However, while KNPB's campaign did expand the democratic space, it failed to maintain the nonviolent principles

of democracy. During protests, its leaders and supporters have shown a hostile attitude toward those not part of the group by threatening and carrying out violent actions against civilians, as well as other criminal acts. Due to their actions, KNPB has lost some legitimacy and public support for its cause, especially among migrants and coastal Papuans. Additionally, the group faced the legal ramifications of its members' actions since the police had enough justification to search and detain its leaders.

After the death of Mako Tabuni, the police intensified investigations into KNPB leaders suspected of crimes in various districts in Papua and West Papua. In Timika on 23 September and 19 October 2012, eleven leaders and members of KNPB were interrogated and released. A camera and a laptop were seized. In Jayapura on 2 October 2012, the police also interrogated KNPB leaders as they disembarked from the passenger vessel *Labobar*. Reacting to these incidents, the new KNPB chairman, Victor Yeimo, condemned the police for treating KNPB leaders arbitrarily. On 1 October 2012, the police searched the KNPB secretariat in Wamena. Police found dangerous materials including a pipe bomb with a 16 cm detonator, one 200 ml bottle bomb, traditional weapons such as bows and arrows, and a number of long machetes, along with KNPB and TPN/OPM symbols and documents. Nine people—the owners of these items and allegedly members of KNPB—were detained.

On 18 October 2012, police uncovered incriminating evidence when three kilograms of TNT powder (allegedly intended for a high-explo-

sive bomb) were found in Kurulu, around ten kilometers from Wamena town. After two more kilograms of explosives was found in the Wamena area, police suspected that the KNPB was training its members to assemble bombs there. Based on the information obtained from the arrested suspects, the KNPB have been planning to bomb public facilities. They are alleged to have tried to detonate a bomb in the Jayawijaya local parliament building on 1 September 2012 and at the Jayawijaya Police Post on 18 September 2012. Police have added five KNPB activists to the list of Wanted Persons (Daftar Pencarian Orang, or DPO).

The searches and arrests continued through the end of 2012. On 16 December 2012, police and army joint forces arrested six KNPB activists in and around the headquarters of the Papuan Customary Council (Dewan Adat Papua, DAP) in Balim Valley, Wamena. They allegedly were involved in a plot to bomb public facilities. In Kurulu, where some of the explosives were found, two KNPB activists were shot, allegedly by a joint force of police and army.

KNPB members did not lessen their opposition, even though Mako Tabuni had been executed and the repressive searches by the police increased sharply. This was shown by their willingness to organize multiple demonstrations on 23 September 2012 to support the activities of the ILWP/IPWP in London. KNPB managed to simultaneously hold demonstrations in eight districts/municipalities in the land of Papua and one each in Makassar and Manado. This shows that the KNPB network has been expanding and is mostly con-

trolled by highlanders. Most of the demonstrations happened peacefully, except in Manokwari, where a clash between police and supporters of KNPB occurred. Police also dispersed the demonstrations in Jayapura and Fakfak without opposition from KNPB supporters.

On 20 November 2012, KNPB celebrated its sixth anniversary with prayer services in Jayapura and Merauke. In Jayapura, there was heavy police and army surveillance during the prayers. Hostilities almost erupted when the police tried to stop a speech by KNPB Chairman Victor Yeimo. Though the scene was quite tense, the worship service went well. Similarly, the ceremony in Merauke was quiet and went smoothly. The first of December is always celebrated as the anniversary of West Papua's "independence." This year on that day, Yeimo was captured as he was leading a long march from Waena toward the tomb of the great Papua leader Theys Eluay in Sentani. He was taken to the Abepura police post for questioning. Despite his detainment and the usual tight security, the 1 December prayer celebration at the tomb of Theys Eluay was peaceful.

Other cases of violence occurred during 2012. Nine shooting incidents took place in Puncak Jaya, which resulted in around 15 people being shot, including 1 member of the TPN/OPM and 2 members of the police/army. Out of the 15 who were shot, 3 people were killed. In the first week of the New Year, armed confrontations were started by the TPN/OPM when army troops from Infantry Battalion 811 Nabire stationed around Mulia were intercepted. Lindiron

Tabuni, one of the members of the TPN/OPM, was shot. The military seized an SS1 firearm and seventy-five bullets from Tabuni. Apart from this, real encounters between the police/army and the TPN/OPM were rare. It was alleged that TPN/OPM mostly ambushed their targets. For example, on 20 January 2012 at Mulia Lama, Krisna Rofik, a migrant settler who was keeping his stall, was approached by three OTK and shot for unknown reasons. On 28 January 2012, a member of the Mobile Brigade Sukarno was shot in the left cheek and killed. He and twelve other soldiers were guarding a private contractor's heavy equipment for a road project in the Wandigobak subdistrict.

It appears that the TPN/OPM now not only targets migrant settlers or individual members of the police/army but also seeks to disrupt transportation. On 8 April 2012, a Trigana Air Service plane that had just landed at Mulia airport was attacked by the TPN/OPM. Four people were injured, including the pilot and copilot, and one passenger, local journalist Leiron Kogoya, was killed. Indonesian President Susilo Bambang Yudhoyono urged that the perpetrators be arrested. This incident led to the suspension of flights into Mulia and pushed a number of migrants to take refuge in Wamena. Regular flights into Mulia remained suspended until the end of June 2012, with only one or two charter planes operating. Supplies ran low as all the needs of the city and the surrounding area had to be filled by limited road transport between Wamena to Mulia. The shootings terrified migrant settlers and led them, especially public workers, to

protest openly and demand security assurances.

The TPN/OPM in Paniai were not as active as their compatriots in Puncak Jaya, with only four recorded cases of violence in 2012. The casualties as a result of these incidents were relatively low, with 2 civilians killed and 1 injured, while 2 police officers were killed and 1 was injured. Most of the TPN/OPM actions here were ambush shootings. For example, on the evening of 16 August 2012, one migrant was shot dead by OTK near the Obano airport, while his friend was shot and injured in his left hand. On 21 August 2012, Police Brigadier Yohan Kasimatau was shot in the chest and killed by unknown persons, possibly TPN/OPM from the direction of Paniai Lakes. The victim was washing a car when he was targeted, and the perpetrators escaped in speedboats after seizing police firearms. Kasimatau was evacuated from Enarotali to Nabire, and then his body was sent to Jayapura for an autopsy.

One attack, allegedly by the TPN/OPM, took place in a new area of resistance, Lanny Jaya. On 27 November 2012, a police post in Pirime was ambushed by about fifty attackers. Police Chief Rolfi Takubesi and his two subordinates were shot dead and burned inside the post. The police explained that the attackers were from a new group of TPN/OPM led by Yani Tabuni. The group also seized three revolvers and two assault rifles. In reaction, the police sent members of the Mobile Brigade platoon and one special team of the Papua police to pursue the perpetrators. On 27 November 2012, one of Puncak Jaya OPM's prominent leaders,

Goliath Tabuni, denied that his group was involved in the attack. Chairman of the Lani Pago Papuan Customary Council (DAP) Lemok Mabel insinuated that the incident had been engineered by the government.

Timika and the Freeport mining area were relatively quiet in 2012. In February, three shooting cases took place within the mine's concession area, resulting in three deaths and four injuries. The victims included police and civilians. It was difficult to be sure whether the perpetrators were TPN/OPM members or an army unit. This latter suspicion always emerges, as the rivalry between the police and the army for control of security in the Freeport area is still rampant. On 23 June 2012, a group of TPN/OPM tried to seize weapons from a police officer, but his colleagues helped him fend off the attackers. It was clear that the perpetrators were TPN/OPM members, as the police saw them.

From May through July, the inhabitants of Jayapura were caught in fear as about eleven reported violent incidents took place, mainly shootings. Most of the perpetrators were unknown. At least 12 lives were taken and 3 persons injured. The victims were varied: 9 migrant settlers, some of whom worked for a military-related institution; 1 highland Papuan; 1 German citizen; and 3 army soldiers. The series of killings started on 1 May with a mysterious death of a highland Papuan, followed by the death of a migrant the next day. The German, Dietma Pieper, was shot when he was enjoying the warmth and beauty of Base G Beach near Jayapura on 29 May. The police believe that KNPB people were involved in the shoot-

ing and have been searching for the perpetrators. It was during this search when the police shot Mako Tabuni, one of KNPB's important leaders. On 20 July the police also shot dead Pieter Penggu, who was the village head in Tolikara District. Penggu is believed to have been involved in KNPB-TPN/OPM-related activities. However, the reason for the killing was unclear and almost no one has questioned this.

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APPRECIATION to Meki Wetipo, who helped collect materials for this review.

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PAPUA NEW GUINEA

The year 2012 and the events in the latter part of 2011 leading up to the infamous “political impasse” in Papua New Guinea (PNG) will go down in the annals of PNG political history for a number of reasons. Most significant, it was a year that saw the end of nine years of rule by the National Alliance Party–led government of Prime Minister Grand Chief Sir Michael Somare—cutting short what would have been a historic two full terms as prime minister.

These events led to the biggest con-

stitutional and leadership crisis in the history of the country. The crisis put to test the thirty-seven-year-old constitution, challenged the principle of the separation of powers among the three arms of government (executive, legislative, and judicial), and shook the foundations of the Westminster system of government adopted by Papua New Guinea. Additionally, business houses and landowners around the Liquefied Natural Gas (LNG) project area warned that if the impasse between the two groups claiming to be the legitimate government continued, it could negatively impact investor confidence and the economy at a time when the LNG project was at its peak construction phase (*Post-Courier*, 19 Dec 2011).

Fortunately, 2012 was an election year, which meant that Parliament was dissolved and political incumbents had to re-contest their seats. This somewhat ended the leadership tussle between the Peter O’Neill and Somare factions, who were forced to renew their leadership mandate through the ballot box. This was timely because the political impasse could have devolved further into social chaos, as the stalemate was gradually politicizing and dichotomizing the different groups in the country who supported one faction or the other.

There was a sense of political insecurity and uncertainty when Somare’s family announced that he was not medically fit to continue as the country’s leader in 2011. Somare’s absence from the country for almost three months created a leadership vacuum despite his having appointed Sam Abal (the member for Wabag and minister for foreign affairs and immigration)

as acting prime minister. Somare's prolonged absence led the majority in Parliament to declare a vacancy in the prime minister's seat. Rifts within the National Alliance circles were already conspicuous due to Abal's displacement of onetime Deputy Prime Minister Don Polye. Abal had political foes from within his own party and also lacked the authority and respect that was accorded to Somare.

Since Somare became prime minister in 2002, his style of leadership and many of his decision-making processes were perceived as dictatorial by the Opposition. This was demonstrated in the ways that some controversial legislation was bulldozed through Parliament without wider consultation and debate—for example, the Environmental Act, which among other things prevents third-party lawsuits against resource companies (see Kantha 2011, 491, 494–495), and the Maladina Bill, which proposed the removal of the powers of the Ombudsman Commission (see Kantha 2010, 456–457). The provision in the Environmental Act preventing third-party lawsuits was later repealed by the O'Neill-Namah government.

The announcement of Somare's retirement from politics by his son and Member for Angoram Arthur Somare (*Post-Courier*, 30 June 2011)—seemingly without the knowledge of his father who was in the hospital in Singapore—provided an opportune moment for the Opposition to mobilize support and seize control of the government in mid-2011. However, the bond between new Prime Minister Peter O'Neill and his deputy, Belden Namah, was apparently one forged for political convenience. The two

men had to sell their policies, boost their popularity, and secure the voters' support to return to power after the national elections.

The rhetoric about free health care service was one popular election gimmick that never materialized during the twelve-month long government of O'Neill and Namah. Nonetheless, after being elected prime minister, O'Neill kept his word on free education. The Department of Education was directed to facilitate the dispensing of subsidies to schools, and when this was delayed and not implemented in a timely fashion, the National Executive Council in September suspended the secretary for the Department of Education, Dr Musawe Sinebare, allegedly for failing to effectively implement the policy. Prime Minister O'Neill issued a stern warning that his government would not tolerate slackness in the public service, particularly at the departmental head level (*The National*, 28 Sept 2012).

There were numerous skirmishes in the short-lived O'Neill-Namah regime and many embarrassing reversals by Prime Minister O'Neill of widely publicized decisions made by Deputy Prime Minister Namah. Namah was the government's rhetorician, predominantly seen as the one calling the shots, making the hard decisions, and being easily agitated. Meanwhile, O'Neill was soft-spoken, inquisitive, and seemed to merely wear the prime minister's hat without really exerting any authority.

On one occasion, Namah suspended the managing director of the Mineral Resources Development Company over allegations of corruption in the company. The company

was set up by the government with the prime minister as the sole trustee to manage landowner equity interests in the mining and petroleum sector (*The National*, 13 Oct 2011). Namah was acting prime minister at that time, as O'Neill was out of the country. On returning from his overseas trip, O'Neill immediately rescinded the decision of his deputy. These contradictions in the public pronouncements proved early in the formation of the O'Neill-Namah government that the alliance was just a façade for their own ends, and it was clear that the relationship would not last.

The overthrow of the Somare government and the impasse leading up to the elections in mid-2012 sparked a debate regarding whether the constitution or the Parliament held supremacy. The unprecedented circumvention of laws by the O'Neill-Namah government—seen in the removal of Somare as a member of Parliament, the amendment to the Prime Minister and National Executive Council Act to retroactively legalize Somare's disqualification, and the introduction of the Judicial Conduct Bill, which was an ominous attempt to penalize judges who might render a verdict upholding the supremacy of the constitution, and thus reinstating Somare—were obviously desperate attempts to cling to power. The constitution, however, fell short of clearly defining the parameters by which such practices could be deemed constitutional or otherwise.

Lawyers and political scientists alike conjured up varying interpretations of the laws with respect to the removal of Somare from Parliament, thus confusing the public with differing views more than shedding light

on the legality of the processes and acceptable parliamentary norms. Legal opinions about the legitimacy of the two government factions offered by lawyers representing the two sides were even more contradictory.

The inexorable O'Neill-Namah faction was adamant that Parliament, as the law-making body, was supreme and that the decisions of Parliament to disqualify Somare as prime minister and to remove him as East Sepik Regional Member for missing three consecutive parliamentary sessions were legitimate. In fact, however, Somare missed only two sessions. He was compelled to fly to Port Moresby from his hospital bed in Singapore and entered the chambers of the Parliament House in a wheelchair, determined to fulfill the constitutional requirements by not missing the third session of Parliament. The Somare faction maintained that the constitution created the institution of Parliament and thus is supreme and that the procedures undertaken by Parliament to remove him were therefore unconstitutional and extrajudicial.

The impasse consequently raised doubts about the independence and neutrality of the PNG Supreme Court, which is mandated to defend and protect the constitution. The O'Neill-Namah government was wary of the outcome of the Supreme Court ruling. After Chief Justice Sir Salamo Injia ruled that the manner and procedures by which Somare had been removed from Parliament were unconstitutional and called for Somare to be reinstated as prime minister, a warrant was immediately issued at the direction of Namah for the arrest of the chief justice. In a shocking theatrical display,

Namah went to the courthouse with police personnel calling for the chief justice to show himself and be arrested (adelaidenow 2012). This was the first time in the history of the country for a politician—deputy head of the executive government and member of the legislature—to lead the police to the courthouse calling for the arrest of the head of the judiciary and the courts.

The political impasse led to calls for the review of the constitution, which was said to be vague and full of loopholes. This followed calls from the PNG Constitutional Democratic Party for a review to tighten up laws in the country (*The National*, 14 Nov 2011). However, proponents of the constitution argued that it was not the ambiguity or inadequacy of the constitution that was the problem but rather the intention of politicians to inappropriately use the constitution to satisfy their personal interests and to legalize their illegitimacy.

The political deadlock with the O'Neill and Somare factions both claiming to be the legitimate government led to dual appointments of government ministers and heads of almost all key government departments, including the police, the PNG Defence Force, and the Department of Finance, which controls the government's purse. Contravening the constitution of the country, for the first time there was an odd structure of government with two prime ministers—one seeking legitimacy from the constitution and the courts, the other seeking his mandate from Parliament.

It was also the first time the country saw politicization and division within the police and defense forces, with members taking sides with the

two political factions based on past loyalties or what they hoped to gain from aligning with Somare or O'Neill. There was already speculation within the expatriate community about an imminent military coup, and the public service and bureaucracy were confused as to which government they should serve.

During this entire political deadlock, it was evident that the key individual involved in making and breaking the government was the Speaker of Parliament. Jeffery Nape, who had been Speaker under the Somare government, jumped ship to the O'Neill-Namah faction as soon as Somare's alleged retirement was announced by his son. Somare, however, dismissed his son's announcement of his retirement and declared that only he could make that decision, not anyone else on his behalf. However, Speaker Nape then declared a vacancy in the position of the prime minister and announced on the floor of Parliament the dismissal of Somare as prime minister and as East Sepik regional member.

PNG citizens turned to electronic media such as Twitter and the PNG Facebook group "Sharp Talk" to express their disgust at the immaturity of leaders in prolonging the political impasse. The stalemate was left to the elections to resolve and bring in a new government.

A few months before the issue of writs for the elections, Deputy Prime Minister Namah claimed that the Electoral Commission was unprepared, as the electoral rolls were yet to be fixed. Therefore, Namah claimed, there was a valid reason to postpone the elections until the roll was fixed. This proposition brought the ire of the public, nongovernmental organiza-

tions, and churches, who viewed the elections as perhaps the only process that could end the political impasse. Prime Minister O'Neill refuted his deputy's claim, saying that the Parliament has no authority to defer elections and that only the Electoral Commission can make such a decision (*Post-Courier*, 26 June 2012). The Electoral Commission immediately denied Namah's assertion that they were not prepared to conduct the elections. Electoral Commissioner Andrew Trawen reassured the public and voters that the commission was prepared and that the elections should commence as scheduled.

As the political deadlock continued and seemed to permeate other segments of the society, the only hope was that the national elections would give a fresh mandate to new members of Parliament to form a new government. While the 2012 national elections somewhat brought about political stability, the answer to the question of the supremacy of the constitution or Parliament remains unresolved, with the various challenges supposedly disposed of for the sake of political stability.

The 2012 elections, like previous elections, were riddled with the familiar illegal practices of double and multiple voting, underage voting, electoral roll discrepancies, and security problems, especially in the Highlands region of the country. Shocking photos of very young kids voting in one of the remote electorates in West Sepik Province filled the front page of the national dailies (*Post-Courier*, 24 July 2012). Perhaps the most glaring problem was that of missing names on the electoral roll. Hordes of disgruntled voters complained to the media of not

finding their names on the common roll and thus not being able to vote.

The Commonwealth Observer's interim report on the elections stated that some of the benchmarks for democratic processes had been met but several significant challenges remained to be addressed. Among these challenges were the persistent discrimination against the participation of women, increasing use of money to bribe voters, delays in polling schedules, and widespread disenfranchisement of citizens because of an ineffective voter registration and electoral roll management system (Commonwealth Secretariat 2012).

During the election campaign, leaders of political parties were already declaring their intentions to vie for the country's top seat—the position of the prime minister—if they were reelected. The two most popular of these candidates were Deputy Prime Minister Belden Namah, leader of the PNG Party (PNG Industry News 2012) and Don Poyle of the Triumph, Heritage and Empowerment Party (“T.H.E. Party”). Namah donated 30 million kina (1K = approximately US\$0.48), allegedly from his own pocket, to fund his party's candidates in the election (*Post-Courier*, 10 May 2012).

The formation of a government depends on the number of seats a party wins; the party with the most seats will be invited by the governor-general to try to form a government. Since independence in 1975, governments have always been formed through a coalition of parties because no single party has been able to achieve an outright majority of members.

As the winners of various seats were being declared, it became appar-

ent that O'Neill's People's National Congress Party was leading. Somare's National Alliance Party came to accept that they would not be a major force in the formation of the government in this election. On 3 August 2012, O'Neill was elected prime minister by an unprecedented parliamentary majority, which included five members who crossed the floor of Parliament from the rival group led by former Deputy Prime Minister Belden Namah. O'Neill mustered a total of 94 votes, while only 11 members stood with Namah. Meanwhile, three regional seats of Goroka, National Capital District, and Chimbu were yet to be declared (*The National*, 4 Aug 2012).

The 2012 national election was also the first in the history of the country that saw three female candidates elected to Parliament. When Dame Carol Kidu, former minister for community development and lone female member of Parliament, announced that she would not re-contest the Moresby South electoral seat in the elections, there was growing melancholy that there would be no female representative in the highest decision-making arena. Many anticipated that the country might not see another female member of Parliament for a long while because of the male chauvinism in PNG politics.

However, it was not by sheer luck but by their own merit that the country for the first time had three female Parliamentarians after the counting came to a close in the Sohe Open seat, the Lae Open seat, and the Eastern Highlands Regional seat. It was not only the first time to have three female members in a single Parliament but also the first to have a female can-

didate from the Highlands region, renowned for its traditional male dominance in politics.

After winning her seat, the new Lae Open member, Minister for Community Development Loujaya Toni declared that the bill for the twenty-two reserved seats for women in Parliament would not be supported by the government (see Kantha 2011, 498). Toni told Parliament that women had to prove that they could compete with men in politics and that there was no place for women to have easy entry into Parliament (*The National*, 22 Nov 2012). There were mixed reactions from women, with some expressing support for Toni's announcement. The National Council of Women, who, with the support of the United Nations in Papua New Guinea, had campaigned for the reserve seats for almost five years, knew that there was little they could do without a political champion in Parliament.

Eastern Highlands Province Governor Julie Soso, another female member of Parliament, announced plans to introduce a bill to outlaw polygamy in the country, saying that polygamous marriages, a cultural practice in most parts of the Highlands region, are not conducive to women making their own decisions (*The National*, 11 Dec 2012). Women and civil society groups in the country welcomed the proposal, with some members vowing to support the bill in Parliament. Although the practice is diminishing, it is still one of the major causes of gender-based violence in many parts of the country.

Sir Mekere Morauta, former prime minister and member for Moresby North West, also announced his retirement from politics and did not

re-contest his seat. Mekere had first been elected to Parliament in 1997 and retained his seat in the 2002 election before splitting with the Pias Wingti-led People's Democratic Movement Party to form the new PNG Party. Mekere led the country as prime minister from 1999 to 2002. In 2011, Mekere handed the leadership of the PNG Party to Member for Vanimo-Green Belden Namah. Mekere said that he is stepping down to make way for young leaders to take over and run the country (*Post-Courier*, 9 May 2012).

Prominent among those who contested but lost their seats in the elections were Member for Angoram Arthur Somare, Member for Lae Open Bart Philemon, Morobe Regional Member Luther Wenge, Member for Wabag Sam Abal, Madang Regional Member Sir Arnold Amet, and Member for Sinasina-Yongumugl and Speaker of Parliament Jeffery Nape.

Soon after his election loss, Nape was arrested by the Task Force Sweep, a government-endorsed corruption investigation body, for allegedly misusing K5 million. He was arrested just after leaving the courthouse on a separate bribery charge for offering K30,000 to a rival candidate in the Sinasina-Yongumugl seat to induce him to step aside (*The National*, 18 Sept 2012). Both cases are still pending.

Arthur Somare was a key player in the government led by his father, Sir Michael Somare, under the National Alliance Party. After his loss to former MP Ludwig Schulze, Somare admitted that he did not do enough for his electorate and that he had spent a lot of time away from the elector-

ate dealing with national issues (*The National*, 20 July 2012). Regrettably, the people of Angoram will have to go to the polls again, as their new member, MP Schulze, passed away after a long illness on 8 March 2013. Schulze spent only six months in office; the Angoram Open seat is now vacant pending an announcement from the Electoral Commission for a by-election.

The youngest person elected to Parliament was Member for Ambunti-Drekikir Ezekiel Anisi, who claimed to be twenty-five years old. Anisi is the son of former Secretary-General of the People's Progress Party Alex Anisi. The party is now under the leadership of former Prime Minister Sir Julius Chan. However, former Member for Ambunti-Drekikir Tony Aimo disputed Anisi's election win, claiming that he was under the mandatory age of twenty-five and did not have his name registered on the common roll at the time of voting and was therefore ineligible to contest the elections. In October, the court ruled in favor of Aimo, declaring the election of Anisi null and void; Aimo was thus returned to Parliament. The court found that Anisi was underage when he stood for elections (*Post-Courier*, 25 Oct 2012). Anisi was the first member of Parliament in the 2012 elections to lose his seat in the Court of Disputed Returns.

Given the widespread problems with the electoral roll and other illegal practices in the elections, an unprecedented 80 members—almost two-thirds of Parliament—had their election wins challenged. As the deadline for filing disputes came to a close in September, there were a record 105 election petitions registered with the Court of Disputed Returns. (A few

election wins have been challenged a number of times by different petitioners, hence the higher number of disputes than the number of members of Parliament who were challenged.)

To prove that he could only be removed from Parliament by his constituents and not by Parliament, forty-four-year veteran politician Sir Michael Somare re-contested his East Sepik Regional seat. As anticipated, Somare won the election with an overwhelming majority. Most of the votes were characterized as “sympathy” votes, since East Sepik Province voters were infuriated by the way Somare had been dismissed from Parliament. After winning reelection, in November 2012, Somare passed on the leadership of the National Alliance Party to Patrick Pruaitch, the new forests and climate change minister (*Sunday Chronicle*, 4 Nov 2012). The results of the election saw the National Alliance Party lose its dominance after being in power for two consecutive terms. Since it did not secure enough members to form a government, the National Alliance Party surprisingly joined in coalition with other parties to support Peter O’Neill’s People’s National Congress Party, which then formed the government.

Given the widespread disenfranchisement of citizens and irregularities seen in the elections, there is now a strong call for the introduction of a biometric system for the next elections. National Planning and Monitoring Minister Charles Abel announced that Papua New Guinea will use the biometric identification card system in the 2017 elections to avoid the electoral roll and double voting problems. He further stated that the National Executive Council has approved the

engagement of Chinese firm Huawei Technologies as the lead contractor to establish a national electronic identification card system for US\$76 million (K228 million). The minister added that the funding would come from the government’s US\$3 billion loan arrangement with the Export-Import Bank of China (*Post-Courier*, 1 Nov 2014). Due to security concerns raised by the United States Congress about Huawei and its affiliation with the Chinese government and military (BBC News 2012), there is already skepticism about engaging the firm in a sensitive exercise such as the biometric system for PNG elections.

During the period of political impasse it was obvious that a key institution, the Ombudsman Commission, which enforces the Leadership Code and scrutinizes the actions of leaders, was very silent. This unfortunately was largely due to the chief ombudsman being very ill and unable to perform his duties. The country lost Chief Ombudsman Chronox Manek on 1 October 2012 after a period of hospitalization. Manek, who was always very vocal on corruption, had previously escaped an assassination attempt in 2008.

In November, Prime Minister O’Neill announced that the cabinet was considering approving a proposal to amend section 145 of the constitution that would extend the grace period before a vote of no confidence is allowed from 18 months to 30 months after Parliament is seated. According to O’Neill, 30 months (equivalent to half of a five-year term of Parliament) would give the government sufficient time to implement its policies and development agenda (*Post-Courier*, 2 Nov 2012). Since

1975, votes of no confidence have resulted in governments having very short tenure, averaging around two years. This consequently has led to political instability affecting continuity in major developmental projects as well as disrupting the delivery of goods and services.

Political parties play a major role in PNG politics by endorsing and funding candidates during elections. However, they are still very loose entities, with most parties mushrooming during election periods and ceasing to exist after the elections. According to Dr Norman Kelly in a 2012 election-debriefing workshop for political party officials, Papua New Guinea needs strong political parties that are administered by professionally trained officers who comply with the Organic Law on the Integrity of Political Parties and Candidates and electoral laws, in addition to providing leadership for party members and PNG citizens. The officers should also ensure that parties have a strong membership base and be able to provide coherent policy alternatives to voters at election time (*Post-Courier*, 16 Nov 2012). With the political culture in Papua New Guinea, especially in the rural localities where people vote along personal, tribal, and ethnic lines, voting for party policies will take a while to materialize.

An important and memorable event toward the end of the year was the royal visit by Prince Charles and Camilla, Duchess of Cornwall. They arrived in the country on 3 November to a rousing welcome for a three-day visit. (This was Prince Charles's fourth visit to Papua New Guinea. The first was when he was seventeen years old, as a pupil in Geelong Grammar School in Melbourne, Australia.) Not

everyone was happy with this latest visit, including former Prime Minister Somare, who expressed dismay at his exclusion from the official ceremonial program, saying that it showed a lack of respect and common courtesy on the part of the PNG government (*Sunday Chronicle*, 4 Nov 2012).

During a meeting at Alotau in Milne Bay Province, which led up to the formation of the People's National Congress-led government, coalition partners signed a key government development blueprint called the Alotau Accord. In the November budget session of Parliament, the government allocated K753 million to the development budget, per the Alotau Accord commitments. The development budget is mostly for infrastructure maintenance and design work throughout the country. The government's spending on education also increased by K483.5 million to K1.8446 billion under the 2013 budget (*The National*, 23 Nov 2012).

During the year, one of the biggest environmental debates was that concerning deep-sea mining. Besides the multibillion-dollar LNG project, deep-sea mining is a new frontier that has gained interest from other countries such as the United States. Civil society groups, customary landowners, academics, university students, and the general public argue that the environmental costs of deep-sea mining are unknown and could be catastrophic. However, prospective developer Nautilus Minerals Inc of Canada, which has spent millions of dollars exploring the sea floor of the Bismarck Sea, is adamant about mining the seabed, despite concerns raised about the environmental consequences of mining on marine ecosystems.

In 2011, the government granted the world's first deep-sea mining lease to Nautilus Minerals for the development of its Solwara 1 project in the Bismarck Sea. The mining lease was granted for an initial twenty-year term, and the PNG government exercised an option to take a 30 percent stake in the Solwara 1 project as a joint-venture partner. Currently, the government is in an ongoing dispute with Nautilus over whether the company has fulfilled its obligations under the lease agreement. In November, Nautilus announced that it was suspending operations because it had not resolved the dispute with the government and could no longer continue to fund the entire project without the expected PNG government capital infusion (Nautilus Minerals Press Release, 13 Nov 2012).

Ironically, Papua New Guinea is a member of the Coral Triangle Initiative, which in 2009 adopted a ten-year Regional Action Plan to protect coral reefs and other marine ecosystems. Issuing environmental permits for Nautilus to do deep-sea mining in the Bismarck Sea contradicted the agreement under the Coral Triangle Initiative and undermined the role of the Department of Environment and Conservation as the regulator of environment in Papua New Guinea (*Post-Courier*, 13 Nov 2012).

One of the most controversial cases on the list of high-profile scandals in the country occurred when the Citizenship Advisory Committee, chaired by the former Minister for Foreign Affairs and Immigration Ano Pala, bestowed PNG citizenship on an Indonesian citizen—alleged fugitive Djoko Tjandra—through a dubious process.

Contravening the requirements for citizenship under Papua New Guinea's Citizenship Act—which, among other things, requires a foreigner to be a majority business owner, have significant investments in the country, or have lived in Papua New Guinea for ten years or more—Tjandra, while seemingly evading prosecution for embezzlement in Indonesia, was flown into Papua New Guinea and immediately given citizenship on the illogical basis that it was anticipated that he would make future investments in the country.

Police Minister Nixon Duban confirmed that Tjandra was an Interpol fugitive and that, as a member of that international police organization, Papua New Guinea was obliged to detain and deport him. Questions about why this did not happen were raised in Parliament by Governor for Oro Gary Juffa. The Office of the Attorney General was tasked by the prime minister to investigate the manner in which Tjandra was granted PNG citizenship (*The National*, 23 Nov 2012).

The reopening of the Manus Island asylum seekers' detention center became another contentious issue in 2011 and in the early part 2012 when the Australian government announced its intention to consider Manus Island as an option to deal with the influx of boat people. A detention facility was first established in Manus in 2001 under the John Howard government's Pacific Solution and was closed in 2005 after completing the processing of asylum seekers held there.

National Capital District Governor Powes Parkop, who is originally from Manus Province, publicly opposed

the idea as a fundamental breach of human rights to keep people under detention. The Manus Provincial Government, on the other hand, was excited by the economic opportunity that the Regional Processing Center would bring to the province. However, the provincial government's concurrence came with a list of economic expectations and demands. Former Governor of Manus Michael Sapau expressed his opinion that major infrastructure development such as bringing the airport up to international standards, rehabilitating schools, improving roads, and upgrading the public hospital must be carried out in return for reopening the center (*The National*, 26 May 2011).

In September, a memorandum of understanding was signed between Papua New Guinea and Australia for the transfer and processing of asylum seekers on Manus Island. PNG Minister for Foreign Affairs Rimbink Pato and Australian Trade Minister Dr Craig Emerson signed the agreement to build on existing strong and cordial relations, stating that the importance of combating people smuggling and irregular migration in the Asia-Pacific region is a shared objective. The Regional Processing Centre on Manus Island is seen as a deterrent to people smugglers (*The National*, 10 Sep 2012). Locals in Manus were frustrated by not being informed about issues surrounding the presence of the asylum seekers in their province and wanted contracts for services such as catering, security, building, and general labor opportunities to be given to them. The locals threatened to close the asylum seekers' center because they were not

being informed and consulted (*The National*, 23 Nov 2012).

A report from a study published by the Asian Development Bank (ADB) was not well received by the boards of some of the state-owned enterprises (SOEs) in Papua New Guinea, particularly the National Development Bank. The ADB study highlighted the fact that PNG SOEs absorbed an estimated K700 million in direct government transfers during the financial years 2002–2009, against which they generated a net profit of K500 million and of which only K23 million was paid to the treasury in the form of dividends (ADB 2012). The PNG SOEs are Air Niugini, Bemobile, Motor Vehicle Insurance Ltd (MVI), National Development Bank, Eda Ranu, PNG Ports Corporation, PNG Post Ltd, PNG Power Ltd, Telikom PNG Ltd, and Water PNG.

The study assessed the impact of the SOEs on the PNG economy and revealed that while they had produced net profits that were in the upper range of the SOE portfolios they had benchmarked, they had done so at a substantial cost to the government in terms of ongoing fiscal transfers and other subsidies. The study recommended that reforming SOEs in Papua New Guinea by placing them on a fully commercial and transparent footing would enable them to make a positive contribution to inclusive economic growth (ADB 2012).

The findings of the study were refuted by the National Development Bank, which claimed that it significantly improved operations and generated profits under the former managing director and now member of Parliament for the Yangoru-Saussia

electorate, Richard Maru. The study is timely, as most of the SOEs have become complacent over the years and need to improve not only in terms of generating profits but also, most important, in terms of service delivery at a reasonable cost to customers and the general public.

In September, Treasury Minister Don Polye announced that Papua New Guinea's domestic and foreign debt stood at K7 billion and that the Department of Treasury is reviewing the country's debt-management strategy to maintain it at a manageable level. However, Papua New Guinea continues to borrow, particularly from China, to fund its budget deficit. The government announced that it would be looking at both domestic and international financial markets to borrow K2.6 billion to fund the budget deficit (Nicholas 2012).

A number of challenges remain for Prime Minister O'Neill and his government in his first term. First and foremost is the urgency of settling the question of the supremacy of the constitution and Parliament. Doing so would more clearly define their respective jurisdictional powers and authority in order to avoid another political impasse in the future. Regrettably, the Supreme Court reference by the East Sepik Provincial Government on the legality of the then O'Neill-Namah government was withdrawn in February 2013, effectively diminishing any chance of a firm and final legal opinion on the issue. Further reducing the likelihood of any resolution of the question, the controversial amendments to the Prime Minister and National Executive Council Act and the Judicial Conduct Bill were repealed by Parliament, supposedly as a com-

promise with Somare in exchange for the National Alliance Party becoming a coalition partner in the government. As the political impasse led to divisions within the key state institutions, it is also imperative to amend relevant legislation governing the police and defense force as well as the public service to ensure their neutrality in the event of major political discord.

Second, there is a conspicuous trend of the lack of government attention to matters of national security and violation of state sovereignty. Over the past few years, Papua New Guinea has been labeled akin to a transnational crime haven for providing political protection to international fugitives. It is important for the government to swiftly and effectively deal with the Tjandra citizenship scandal and to penalize politicians and government ministers responsible for abusing national laws, compromising national security for personal interest and gain. The government must be committed to and seen to be serious about combating corruption, not only in the public service bureaucracy but also in the political ranks.

Third, improvement of the electoral roll management, voter registration and identification, and the implementation of a biometric system must begin immediately to ensure the success of elections in 2017. It is necessary also to revitalize the Electoral Commission by restructuring the institution and building the capacity of its managers. A key aspect of the change must come from a review of the obsolete Organic Law on the National and Local Level Government Elections. The electoral law must be brought up to date with the changing practices and political and social

dynamics in the society. A caveat is that the engagement of Huawei Technologies in the development of a biometric system must be reviewed carefully and preference be given to a company that has working experience and knowledge of implementing a biometric system.

The new thirty-month grace period augurs well for political stability, continuity, and the commitment of the government to adequately and effectively implement its goals set out in the Alotau Accord. Political stability and continued economic growth are paramount, and the government must ensure it does not devolve into a “kitchen cabinet,” given that a majority of the coalition partners are remnants of the previous government. There must be wider consultation and involvement of all relevant stakeholders in any major legislative and decision-making process.

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THE VIEWS EXPRESSED *in this review* are those of the author and do not represent those of his employer, the International Organization for Migration.

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