

Vanuatu politics—two into one won't go

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...the best actors in the world, either for tragedy, comedy, history, pastoral, pastoral-comical, historical-pastoral, tragical-historical, tragical-comical-historical-pastoral...

(Shakespeare, *Hamlet*, Act II (ii))

For anyone interested in studying the practice of democratic politics or in the problems of governance, Vanuatu has always presented a fascinating spectacle. Of late, however, it is hard to know, for one not entirely detached from the outcome of the processes at work, whether the spectacle is tragical or comical, at least in the larger sense of the *comédie humaine*. I am reminded often of the ridiculous hyperbole of Polonius in *Hamlet* quoted in the epigraph. Vanuatu has it all, from its history as 'Pandemonium' through the tragic-comedy of recent political behaviour to the repeated promise of the Air Vanuatu pilot as you come in to land at Bauerfield Airport in Port Vila—'the weather is fine in Paradise today'. Between Pandemonium and Paradise, between government and anarchy, contradiction is in-built and contradiction provides the only unity, a unity of oppositions.

A brief recital of events, bewildering in its scene-changes, yet mesmerising in its dramatic boldness, will give substance to the point.

Politics 1995–97

The general elections in November 1995, Vanuatu's fourth since independence, led to the formation in late December of a coalition government between one faction of a divided UMP, under Party President Serge Vohor, as Prime Minister and Fr. Lini's NUP, with him as Deputy Prime Minister and Minister for Justice, Culture and Women's Affairs.

By the end of February, after a successful motion of no-confidence, there was a new government under former UMP Prime Minister Carlot-Korman, plus six break-away UMP MPS, and the former Opposition Unity Front, led by the Vanua'aku Party's (VP) President Donald Kalpokas as Deputy Prime Minister. Getting there, however, was extremely fraught: first, Prime Minister Vohor, unable to avoid a vote of no-confidence in the House, announced his resignation and the President, the following day, first purported to dissolve the Parliament, and then revoked his action. Vohor, similarly, sought to revoke his resignation and to resume office and Justice Minister Lini, in his last hours before the Parliamentary sitting, moved to suspend or dismiss the Commissioner of Police, the Chief Justice, the Attorney-

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General, the Clerk and deputy Clerk of the Parliament and contemplated action against the President. All these actions were beyond his legal authority and, once the President had failed to dissolve Parliament, seem intended to have effected a *coup d'état* by administrative means.

Appointed Finance Minister in Carlot-Korman's government, Melanesian Progressive Party (MPP) leader, Barak Sope, began very actively to promote economic development projects, of sometimes rather dubious viability. His most adventurous initiative was the issue of ten US\$10 million negotiable instruments, guaranteed by Vanuatu's Reserve Bank, to be traded on international financial markets by an Australian broker and some American associated companies. The guarantees were signed by the Prime Minister, Finance Minister, Governor of the Reserve Bank and First Secretary to the Minister.

The Ombudsman, in July, after an urgent investigation of the scheme recommended that the President reprimand the Prime Minister who should in turn dismiss the other three from office.

The Prime Minister, politically in pawn to Sope and his MPP support, denounced the Ombudsman's action in publishing her report and accused her as a 'foreigner' of interference in Vanuatu's internal affairs.

In August, responding to public pressure and from his VP coalition partners, Carlot-Korman reshuffled his Cabinet, moving Sope from Finance to Trade.

Sope's response was to resign from the Ministry (his version of the story; according to the Prime Minister, he was dismissed), form a new political grouping MTF (with Tan Union (TU) and Fren Melanesie Party (FMP)) and enter into negotiations with the Opposition which, thus strengthened, requested an extra-ordinary session of Parliament at which to unseat the government by vote of no-confidence.

Between 20 August and 30 September Carlot-Korman, in seeking to avoid defeat in the Parliament, embroiled the government and the Speaker in a succession of technically doubtful procedural stratagems, all challenged by the Opposition and defeated in the Courts. In the process Carlot-Korman exposed the Speaker to citation for contempt of court, first reconciled with and then, only days later, repudiated his UMP rival, Vohor, who nonetheless succeeded in replacing him as Prime Minister after a successful no-confidence vote.

Barak Sope, for whose scalp Vohor and his adherents had clamoured while in Opposition, was now re-appointed Deputy Prime Minister and promptly sought to revive the bank guarantee scheme.

The Ombudsman released another report condemning Sope, for alleged breaches of the leadership code and other infractions of his legal authority, which provoked Sope to the memorable remonstrance, 'the fact that the Ombudsman can investigate a Minister is detrimental to the operation of a democracy.'

In mid-October, Lini and Kalpokas conducted a formal custom reconciliation which might have ended the fatal rift in the major anglophone parties, which had occurred in September 1991 and ended their domination of government in post-independence Vanuatu.

Almost certainly as a consequence of the VP / NUP reconciliation, Prime Minister Vohor dumped Sope and his MTF colleagues, brought into his government the most able and experienced politicians from the VP, and thus established a large parliamentary majority, free for the first time from the recurrent threat of motions of no-confidence.

It also introduced into government a two-thirds anglophone majority, for the first time since 1991.

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In October, Father Lini also accomplished what he had failed to do in February, to dismiss the Chief Justice and to deport him. Both actions were restrained by court injunction and, at the time of writing, the Chief Justice's action for wrongful dismissal is still before the court undecided.

The para-military Vanuatu Mobile Force, impatient with the government's failure to redress a member of outstanding conditions-of-service grievances, took the law into their own hands on 12 October and abducted the President, commandeered a civil airplane and pilot, made a surprise pre-dawn visit to the acting Prime Minister, then in the north, and finally wrung from him an inquiry into their claims and impunity for their actions! Thus emboldened, the VMF Stand-down Group was able thereafter to force the replacement of their COs and veto the appointments of unacceptable replacements. They then abducted and physically abused an expatriate officer of the finance department for dilatoriness in resolving their grievances.

Vohor, absent again from a domestic crisis, delegated Father Lini to deal with the mutinous VMF which he did, in early November, with a bold, brave and decisive police operation to arrest 100 plus rebellious soldiery.

At the end of 1996, while the country had survived two probable coups attempts, and the dismissal of its Chief Justice, the New Year was gravid with further political insecurity carried forward by the detention and indictment of the VMF mutineers, the impending prosecution of Peter Swanson in the bank guarantee scheme, the hearing of the Chief Justice's claim for wrongful dismissal and revived rumours of a reconciliation between Vohor and Carlot-Korman which would necessarily involve dumping one of the anglophone coalition parties from government.

In January this year, the government began public consultations on a Strategic Review of Vanuatu's security situation, designed to reassess the country's security outlook and the appropriateness of resource allocations to future foreseeable threats. In the aftermath of the VMF insurrection, and pending committal and trial of the 'Stand-Down Group', the review was widely seen as a device by which to abolish the Mobile Force. In fact, the review had been agreed during bilateral Defence Cooperation Program (DCP) consultations with Australia before the crisis began to unfold. Father Lini, and his first Secretary, Peter Taurokoto who chaired the Committee, strongly backed the process and ultimately pushed it through to completion and to final acceptance of its major recommendations by the Council of Ministers.

With similar boldness, Prime Minister Vohor announced in February the government's decision to undertake a comprehensive program of economic and public sector reform, with the assistance of the ADB and other donor countries. He established a senior Ministerial task force to oversee the process and a Secretariat chaired by former SPF deputy Secretary-General Nikenike Vurobaravu who not only conducted public hearings, but a weekly press interview of question and answer on the principal issues and the implications of change.

No progress was meanwhile being made with the trial of the VMF, who while in detention fomented unrest and disobedience among prisoners; the Chief of Justice's claim remained in limbo and although the trial of Peter Swanson was concluded, no sentence had been handed down, a year after his arrest. Rumours of and some realignments in political affiliation continued within the UMP and as Vohor's parliamentary majority grew, so did pressure for a more equitable

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reallocation of portfolios (and other public offices), unsettling to coalition partners.

In May, Prime Minister Vohor, in a surprise move, reunited the fractured UMP and shuffled the VP, his major coalition partner, out of government, rather than Father Lini's NUP which had been weakened by the return of five of its eight MPs to the VP. Carlot-Korman, although back on the government benches, declined a place in the Council of Ministers, preferring appointment as the Chairman of UNELCO, the Vanuatu power company, with emoluments four times those of his parliamentary stipend. Barak Sope again became Deputy Prime Minister.

Trends

Two things are striking about this chronicle, most obviously, the extreme instability in governing coalitions and the total irrelevance of reputation or past performance as criteria for fitness for public office; and a new process of public consultations and open discussion in seeking public understanding of and support for carrying out fundamental reforms.

The two phenomena are contradictory and almost antithetical—strong action from weak government.

Much of the credit could be attributed to two strong men: Father Lini who took responsibility for resolving the problems of the rebellious VMF and also pushed the strategic Review to a conclusion; and Prime Minister Vohor who has strongly backed the CRP against misgivings among many of his political allies.

What does it portend for overall good governance in Vanuatu? Can we look forward to more purposeful and decisive direction in the affairs of state? The omens, at executive government level, are equivocal

€ Lini has already been relieved of his temporary responsibility for Police and VMF, although his preferred candidate for Commissioner, Peter Bong, has been confirmed in the position.

- The first court action against the rebellious VMF, for the kidnap of the VanAir pilot, failed and the charges were dismissed. The failure was primarily a failure by the state law officers to make good their case.
- A second set of charges, associated with the abduction of the President, was successful and the offenders sentenced to 18–24 months in prison. But in handing down suspended sentences, the Court may well be seen to have damaged the credibility of the 'rule of law', while seeming to satisfy Melanesian cultural norms in not punishing severely where no actual harm was done. It may also, in the minds of the perpetrators, have tended to validate the justness of their cause and action.

Despite the strength of his declared commitment to the CRP, Vohor has not exerted any corresponding strength of purpose over the affairs of government as a whole: indeed he has associated himself, despite prevarications, with an unapologetic frontal attack on the office of the Ombudsman, whose vigilance and fearlessness have united some powerful Ministers to seek not simply to get rid of her but to repeal and redefine the powers of that office.

Contradiction is still the prevailing mode, as the following items from recent news reports fully reveal.

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The Comprehensive Reform Program

Interviewed by *Trading Post* (28 June) about the prospects of the program achieving its goals, Prime Minister Vohor said

I am very confident...I would not be confident if the program was spearheaded by politicians or just my Minister.

Implementation of the CRP will not take one day, it will take 15 to 20 years to complete...

CRP has several fundamental factors to successfully achieving its goals and one is the immediate passing of a Leadership Code. However, we have to ensure that the proposed law...is understood by...all sectors of the community. Ministers down to chiefs or different community leaders should be consulted.

Deputy Prime Minister Sope speaking at the same forum had this to say

Bad management and political interferences in the public service is the downfall of the government today (sic) (*Vanuatu Weekly* 28 June).

Len Garae, Chairman of the Vanuatu Press Club, writing in the *Trading Post* after attending the national CRP summit

I watched the cabinet...nodding their heads every time an example of government wrongdoing was mentioned by a speaker...when they applauded the Director General of Finance for his precise explanation of examples of malpractice and his pleas for good governance, I wanted to believe that...they were saying 'so now they know what I did wrong...I must repent.'

A second observer commented, however, of the same scene, that one senior Minister

rebuked his colleagues and checked their applause saying 'they are talking about us!'

The Ombudsman

Since her appointment as Vanuatu's first Ombudsman, Marie-Noelle Ferrieux-Patterson has crusaded fearlessly against malpractice in positions of public trust. Her actions while infuriating some have won admiration from the public. They have also encouraged other representative elements of civil society to more robust and vocal signs of life.

About the same time as the CRP in June, the redoubtable Ombudsman initiated court action against 23 serving and former MPs, seeking to recover *ex gratia* payments of VT1.5 million each made by the previous UMP government.

Soon after initiating the court proceedings, rumours began to emerge of a secret plan by the government to dismiss the Ombudsman.

On 12 July, *Trading Post* ran a story under the headline 'Government allegedly declares war on Ombudsman' and, though short on details, established a few facts

...secretary to the council of Ministers...confirmed the Government was moving in on the Ombudsman....reliable sources say deputy Prime Minister had backed the paper presented last week in the Council of Ministers....The Director of the Public Service...confirmed his department had stopped the Ombudsman's rent.

The article concluded by noting

...with the Ombudsman out, the implementation of the Comprehensive Reform Program will forever be delayed and the

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proposed Leadership Code will be further shelved (*Trading Post* 12 July).

Publication of the story brought swift and powerful reactions in defence of Mrs Ferrieux-Patterson, the strongest coming from the chairman of Father Lini's NUP, a member of the governing coalition, whom *Trading Post* reported (23 July) as saying that NUP would leave the government if any 'attempts were made to either change the Ombudsman's Act or sack Patterson.'

The same issue of *Trading Post* also reported on its front page a statement by the Chairman of Vanuatu Press Club

PKBV is shocked to learn...that the Council of Ministers decided two weeks ago to repeal the Ombudsman's Act. In PKBV's view, it is totally contradictory to the complete implementation of the CRP, especially since a major component of the reform is hinged to the proposed Leadership Code which is part of the Ombudsman's Act.

With a touch of good humour, the Ombudsman herself 'welcomed' the endorsement by Deputy Prime Minister Sope, at the South Pacific Forum Economic Ministers' meeting in Cairns, of the decision

to promote the adoption of principle of best practice of public accountability, based on concepts of openness with government information and public scrutiny of performance of government and public officials. One of the decisions endorsed by all Ministers present was that the Auditor-General and Ombudsman have adequate resources and independent reporting to Parliament (*Trading Post* 23 July).

She said wryly, 'this affirmation of support is greatly appreciated by the office

of the Ombudsman and reinforces the principle of accountability of public officials, already strongly endorsed by the CRP' (*Trading Post* 23 July).

The issue grew in public importance as more statements of support for the independence of the office were made by the VP, which continued to link the role of the Ombudsman to the process of reform launched by the Prime Minister, and by VANGO whose coordinator publicly declared that 'the existence of the office of the Ombudsman has so far been one of the only means whereby people in the country have been kept informed about what the government is doing...The government must now come to realise they are not running a private enterprise' (*Trading Post* 26 July).

Ultimately Vohor was forced to clarify his position. He did so in a TV interview but, while asserting that the government had no intention of abolishing the office, he questioned the correctness of procedures followed in appointing Mrs Patterson and added

I will not allow people with colonial ideas to come and dictate to ni-Vanuatu on what is right and what is wrong (*Trading Post* 9 August).

The Ombudsman reacted by demanding an apology for the slur against her office.

PINA, the Pacific Islands News Association, at its annual convention held in Port Vila at the beginning of August, was accused by government officials of 'clear interference in Vanuatu's internal politics', when it awarded Mrs Ferrieux-Patterson its Pacific Freedom of Information award as the best investigative reporter in the Pacific Islands. Father Lini, by contrast, commended 'the diligence and

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energy of the present office-holder has won her universal respect.’

When the government announced that nine Bills would be presented to the Parliament, at an extraordinary session on 26 August, the draft Bill to repeal the Ombudsman Act was omitted. A temporary retreat, maybe, but a victory for public information as a curb on government.

The unreconstructed

That inveterate inclination among politicians to wish to exercise unfettered and arbitrary power was given unusual but important expression by former Prime Minister Carlot-Korman at a news conference he called after the CRP national summit.

In commenting on some of the proposed reforms, Carlot-Korman declared that ‘it would not be democratic’ to have an independent commission to recruit qualified people to work in the government and to insulate public sector performance from direct political interference in appointments and promotions (*Trading Post* 28 July).

A report in the *Trading Post* (18 June) eloquently revealed that the incumbent government, no matter what its public profession, in practice is guilty of egregious double-standards (and double-dipping) in its decision: ‘to appoint a total of 15 (coalition) MPs, to the Boards of Vanair and Air Vanuatu’. According to TP’s report, the chairman of Air Vanuatu, who already receives VT120,000 per month as an MP, will be getting around VT460,000 monthly as Chairman. Carlot-Korman who declined a Ministerial portfolio under Vohor but accepted chairmanship of UNELCO, reportedly receives around VT500,000 monthly, plus a free car, free

water and free electricity in addition to his parliamentary salary.

Vanuatu Weekly (14 June), revealed that the cost to the public purse of the three changes of government between December 95 and May 97 in severance pay to 401 political staffers (from political advisers down to cleaners and drivers) had been VT73 million, a figure swollen later by VT31 million in further claims of those terminated when the VP was shuffled out of power in May—all unbudgeted and contributing to the VT1 billion being sought by the government in its Supplementary Appropriation Bill.

Following his remarks in defence of the Ombudsman, as chairman of the NUP, Dinh Van Than was dismissed as Chairman of the National Provident Fund and replaced by the Finance Minister’s Secretary. Being a man of means, Dinh (who had already successfully repelled a purported earlier dismissal) sought a Court order invalidating the Minister’s decision and won.

Conclusion

Despite the Vohor government’s commitment to the CRP, the practice of its Ministers across government suggests habituation to (and even conscious preference for) the arbitrary and uncontrolled exercise of patronage of friends and oppression of enemies, without regard to the cost to the public in needless expenditure or declining services.

Happily, however, the Ombudsman, the Supreme Court and the media, while all to some degree beleaguered and under pressure, continue to fight for higher standards of accountability and seem mutually to reinforce each other’s efforts. None are absolutely proof against the machinations of governments, now

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increasingly galled by the restraints they represent, but a respect ultimately for the rule of law has somehow continued so far to withstand all attempts by politicians to subvert, by-pass or emasculate the legal framework of the constitutional state.

It seems appropriate to let the Ombudsman have the last word. In a Message to the People, prefacing her Second Annual General Report to Parliament, submitted in November 1996, she writes

- 1.2 In this last year, the welfare of this country has taken second place to prolonged political maneuvering by leaders. Our leaders have jockeyed for position and power at the expense of the legitimate interests of the people they are expected to represent.
- 1.4 I find myself caught in the hard position of whether the public's interests will be better served at this moment by expressing exaggerated confidence in future improvement, or by emphasising the very grave dangers into which the country has been led by much irresponsible and incapable leadership.

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Adapted in part from David Ambrose, *The Contemporary Pacific*, Fall 1997.

Reference

Office of the Ombudsman, 1996. *Second Annual General Report*, 25 November, Port Vila.