

ASIA PACIFIC CENTRE - RESPONSIBILITY TO PROTECT

# ATROCITY CRIMES RISK ASSESSMENT SERIES

VANUATU

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# INTRODUCTION

In 2005, the United Nations member states unanimously made a commitment to protect populations from atrocity crimes, namely genocide, war crimes, ethnic cleansing, and crimes against humanity. In 2014 the United Nations Special Adviser on the Prevention of Genocide and the Responsibility to Protect presented an updated Framework of Analysis for Atrocity Crimes (henceforth referred to as ‘the Framework’)<sup>1</sup> which serves as a tool to evaluate the type and degree of Risk Factors present in a given state, at a specific point, as well as the likelihood of such Risk Factors increasing or decreasing in the near future. This report identifies which Risk Factors and Indicators exist in the Republic of Vanuatu (hereafter referred to as ‘Vanuatu’).

This report only addresses the Risk Factors and Indicators deemed most relevant to the current situation within Vanuatu. There are overlaps between some Risk Factors and Indicators and where possible these have been noted. The absence of some Risk Factors and Indicators does not suggest that they are less important nor does it ensure that atrocity crimes will or will not occur in the future.

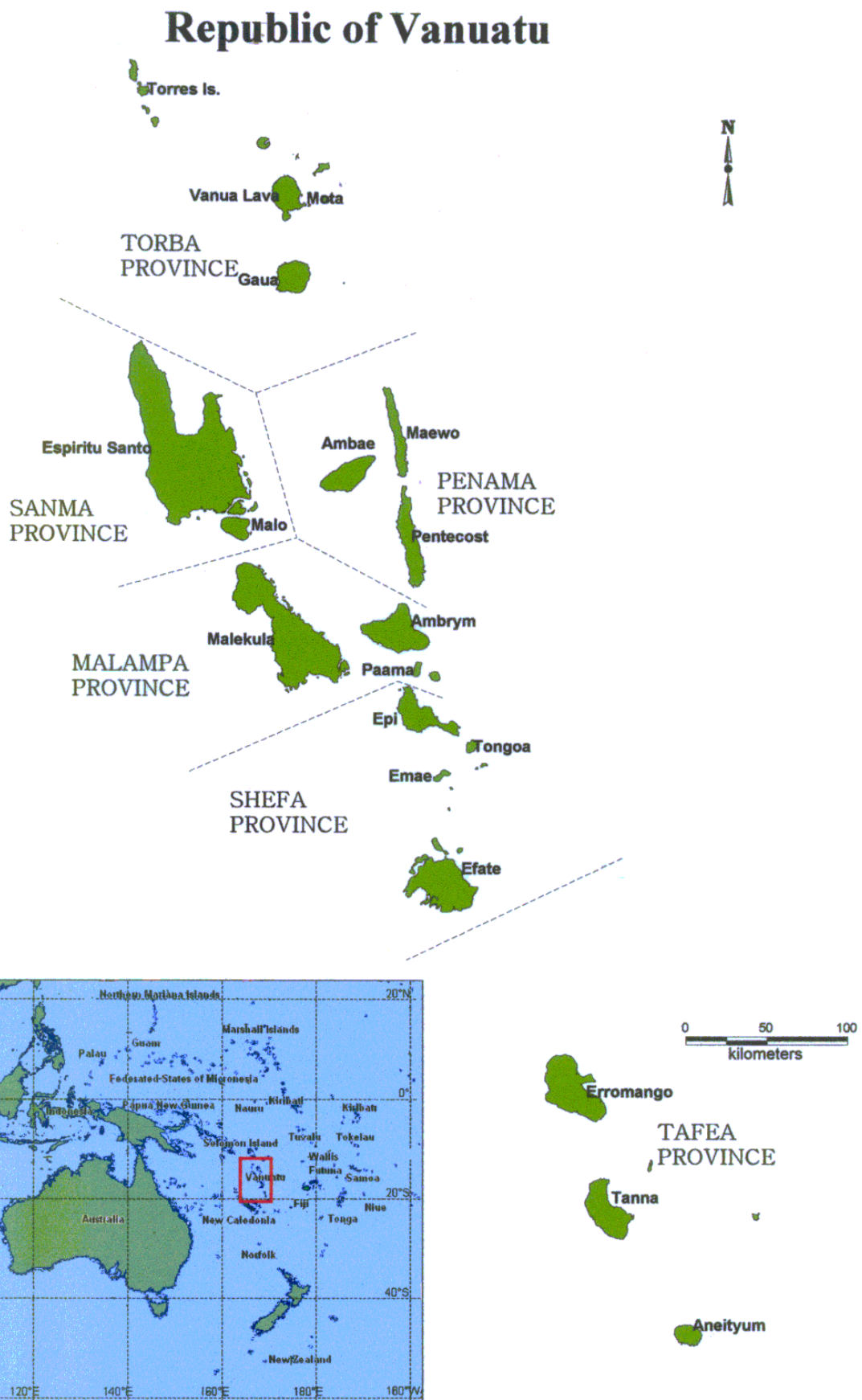
## SUMMARY OVERVIEW OF ASSESSMENT

This report finds that the current risk of mass atrocity crimes occurring in Vanuatu is **low**. Each of the **Common Risk Factors** outlined within the Framework, with the exception of **Risk Factor 4** meets at least three indicators. **Risk Factor 1** (situations of armed conflict or instability), **2** (record of violations of international human rights) and **3** (weakness of state structures) are of the greatest concern. There is no occurrence of indicators present under **Risk Factor 4** (Motives or Incentives). **Risk Factors 5** (Capacity to commit atrocity crimes), **6** (Absence of Mitigating Factors), **7** (Enabling Circumstances or Preparatory Actions) and **8** (Triggering factors) are considered low. None of the **Specific Risk Factors** featured in the Framework are applicable.

Important factors that may contribute to the atrocity risk environment in Vanuatu include: the prevalence of sexual and gender-based violence (SGBV); corruption and a lack of transparency; abrupt political change including unstable coalition governments; frequent votes of no-confidence and subsequent leadership changes; underlying poverty and economic instability exacerbated by natural disasters and humanitarian crises; food and resource shortages; inadequate services such as health and sanitation; and an acute youth bulge accompanied by socio-economic problems affecting young people.



# MAP:THE REPUBLIC OF VANUATU



Source: Vanuatu National Statistics Office

# FRAMEWORK OF ANALYSIS

The Framework of Analysis consists of fourteen (14) Risk Factors of atrocity crimes, with each Risk Factor associated with between 6 to 18 Indicators that are used to determine the degree of risk present. Combined, these Risk Factors and associated Indicators guide the collection and analysis of data to determine the degree and kinds of atrocity crime risk present in Vanuatu. It is important to highlight that Risk Factors and Indicators need to be understood within a broader context that acknowledges a state's history, politics and culture. In the case of Vanuatu, this means acknowledging the important role played by non-state actors and institutions, such as Chiefs, churches and other civil society actors (from local village-level leaders and groups to national and international non-government organizations), in providing many of the services typically associated with the state.

The Risk Factors are delineated into two different groups: **Common Risk Factors**, which are the conditions that increase the probability of atrocity crimes occurring; and **Specific Risk Factors**, which are divided into the risks associated with genocide, crimes against humanity, and war crimes (ethnic cleansing is incorporated into the other atrocity crimes). A greater number of Risk Factors and Indicators denote a higher risk of atrocity crimes. The Risk Factors are not ranked by importance. In some cases, the Risk Factors assessed in this report relate to events and conditions that occurred in the past. Nevertheless, how such events were dealt with can help identify what Risk Factors are more likely to be present in the future. The presence or absence of risk factors does not mean that atrocity crimes will or will not occur.

COMMON RISK FACTORS		
Risk Factor	1	Situations of armed conflict or other forms of instability
Risk Factor	2	Record of serious violations of international human rights and humanitarian
Risk Factor	3	Weakness of State structures
Risk Factor	4	Motives or incentives
Risk Factor	5	Capacity to commit atrocity crimes
Risk Factor	6	Absence of mitigating factors
Risk Factor	7	Enabling circumstances or preparatory action
Risk Factor	8	Triggering factors
SPECIFIC RISK FACTORS		
<b>Genocide</b>		
Risk Factor	9	Inter group tensions or patterns of discrimination against protected groups
Risk Factor	10	Signs of an intent to destroy in whole or in part a protected group
<b>Crimes Against Humanity</b>		
Risk Factor	11	Signs of a widespread or systematic attack against any civilian population
Risk Factor	12	Signs of a plan or policy to attack any civilian population
<b>War Crimes</b>		
Risk Factor	13	Serious threats to those protected under international humanitarian law
Risk Factor	14	Serious threats to humanitarian or peacekeeping operations

Each of these Risk Factors are accompanied by 6-18 more specific Indicators, which can be used to more precisely identify and analyse the risks of atrocity crimes. These Indicators and further information on the full UN Framework of Analysis for Atrocity Crimes can be found by visiting the UN website at [www.un.org](http://www.un.org).

# COMMON RISK FACTORS

## RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

**Risk Factor 1** refers to “situations that place a State under such level of stress that it becomes more prone to serious human rights violations and, eventually, to atrocity crimes”. Such an environment is usually generated in situations of armed conflict with a high level of violence but can also evolve in times of peace, through political, economic or social instability. Several Indicators under Risk Factor 1 have been identified as relevant to Vanuatu.

### Armed Conflict

**Indicator 1.1** concerns ‘international or non-international armed conflict’ and **Indicator 1.2** refers to ‘security crisis caused by ... armed conflict in neighbouring countries.’

Vanuatu has never experienced nation-wide or significant armed conflict, though the 1980 Santo Rebellion which occurred prior to independence marked a significant event.<sup>2</sup> Vanuatu does not have an army, but the Vanuatu Mobile Force (VMF) assists the police force to maintain law and order, and other internal duties.<sup>3</sup> The Strengthening the Convention on the Rights of the Child: Optional Protocols (a convention that Vanuatu has ratified) identify a need for a strong legislative environment to address the issue of children in armed conflict situations, including age restrictions for recruitment to armed forces. Vanuatu has declared that the minimum age for voluntary recruitment is 18 years of age (as provided under Section 3 (2) of the Police Rules).<sup>4</sup>

Vanuatu’s neighbouring states of New Caledonia and Fiji are free from large-scale armed violence (though Fiji has experienced violence associated with political coups in the past). Violence, riots, conflict, political instability and displacement are a feature of neighbouring Solomon Islands, however that has not spilt out of its borders even at the height of ‘the Tensions’. The current broader geopolitical situation in Melanesia and the increasing influence of China on Pacific Island Nations is relevant to Vanuatu, and this is discussed later in this report.

### Humanitarian crisis or emergency

**Indicator 1.3** addresses the risk of ‘humanitarian crisis or emergency, including those caused by natural disasters or epidemics.’

Vanuatu is prone to natural disasters including tsunamis, earthquakes, cyclones, flooding and volcanic eruptions. According to the Vanuatu Recovery Strategy 2020-2023, the combination of cyclones and the Covid-19 pandemic created a unique and ongoing compounded disaster, amplifying human, social, economic, and environmental impacts.<sup>5</sup> The pandemic necessitated a swift lockdown of borders, which, while crucial for public health protection, severely impacted the economy and restricted humanitarian aid.<sup>6</sup> In the 2023 edition of the World Risk Report, which assesses the disaster risk for 193 countries, Vanuatu ranked 48<sup>th</sup>.<sup>7</sup>

The impacts of climate change are also connected with human rights, including access to food, clean water, health services, and culture.<sup>8</sup> Saltwater contamination, crop failures, undrinkable water, and marine life loss due to warmer, more acidic oceans are some of the climate-related effects that may impinge on the human rights of the population of Vanuatu. About 25.56% of the population, which amounts to nearly 65,000 people, are at risk due to sea-level rise,<sup>9</sup> and this is expected to continue throughout this century. Combined with local tectonic movements, this poses a significant threat to coastal livelihoods and infrastructure.<sup>10</sup>

Damage caused by natural disasters is both costly and long-term, and Vanuatu’s ongoing political instability (discussed later) may reduce effectiveness of government services and humanitarian response. In

## RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

October 2023, Cyclone Lola, a Category 5 storm, caused extensive damage in Northern Vanuatu. This cyclone, the third in seven months following Judy and Kevin, severely impacted thousands of people, leaving a trail of destruction that included homes, schools, infrastructure, plantations, and roads.<sup>11</sup> The damage was particularly severe in the northern provinces of Vanuatu, with some areas cut off from outside assistance and communications.<sup>12</sup> Nearly 80% of Vanuatu's population, around 251,319 people, required humanitarian assistance following these cyclones. Shefa and Tafea provinces were the worst affected, with an estimated 123,288 people impacted in these regions alone.<sup>13</sup> The Vanuatu government leads the recovery coordination but requires collaboration with local authorities, communities, chiefs, churches, the private sector, civil society, and development partners for sustainable, people-focused programs.<sup>14</sup>

In addition to inadequate government services and humanitarian response, some natural disasters can lead to large-scale displacement, for example, the 2017 eruption of the Manearo Voui volcano on Ambae island, and climate-related displacement (rising seas, worsening cyclones and flooding) is likely to escalate in the future.<sup>15</sup> Sea level rise and the increased intensity of extreme weather events could lead to changes in agricultural productivity and water availability, which could in turn lead to resource shortages, pressure on housing and employment, loss of livelihoods, and increased community tensions.

Geography and environment also intersect with indicators 1.3 and 1.8: Weather, the small size of some islands, mountainous terrain, fringing reefs and the distance between islands, can complicate transport infrastructure, humanitarian assistance, and access to basic health services. The vulnerability of Vanuatu to natural hazards, and the state's limited resources and capacity to mitigate risk and respond to disasters, also impacts economic performance. **Indicator 1.8** relates to 'Economic instability caused by severe crisis in the national economy'. Tropical cyclones, especially, cause extensive damage to infrastructure, agriculture, and more broadly to local and national economies, and this has cumulative effects.<sup>16</sup> The government's Post-Disaster Needs Assessment (PDNA) reported Tropical Cyclones Judy and Kevin in March 2023 had total effects of approximately 51.2 billion VUV (USD 433 million) and recovery needs of about VUV 91.6 billion (USD 773 million).<sup>17</sup> Vanuatu relies heavily on international assistance with the provision of humanitarian assistance.

The government of Vanuatu has led a global coalition of UN State parties to ask the International Court of Justice to provide an advisory opinion on State obligations under international law to protect the rights of present and future generations against the adverse effects of climate change. The court's process is at submission stage at the time of writing.<sup>18</sup> Research has found that climate change may significantly affect the human rights of the people of Vanuatu, especially their right to a healthy environment and their ability to own, use, develop, and control their lands.<sup>19</sup>

### Government Instability

**Indicator 1.4** concerns 'political instability caused by abrupt or irregular regime change'.

The Vanuatu government is historically unstable, partly due to shifting coalitions, fragmented political parties, and positions being influenced by personal networks. Since the 1990s, Vanuatu's politics have been characterized by instability, with frequent changes in government and prime ministers, often driven by coalition shifts and no-confidence votes.<sup>20</sup> A significant factor contributing to the political instability in Vanuatu is the ability to table a no-confidence motion at any time without mandating new elections, resulting in the average government term being less than a year.<sup>21</sup>

In October 2023, Charlot Salwai, who had been Vanuatu's Prime Minister from 2016 to 2020, was re-elected to the role following the ouster of Sato Kilman through a no-confidence vote, marking the third Prime Ministerial change in a month.<sup>22</sup> This latest round of changes began with the unseating of former Prime Minister Ishmael Kalsakau in August 2023. This has affected Vanuatu's participation in international events like the United Nations General Assembly, and Pacific Islands leaders meetings.<sup>23</sup> In addition, it has adverse ramifications for service delivery, legislation, and for overall confidence in

## RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

Vanuatu's leadership among the public.<sup>24</sup> In November 2023, almost 2000 people signed a petition raising concerns about ongoing instability and urging action to address political integrity.<sup>25</sup> The petition said: "Political instability is disrupting Vanuatu's development and service delivery to our communities across all islands. It fuels policy inconsistencies, interrupts development projects, hinders economic development and planning, discourages foreign investment, affects employment opportunities, and wastes the Vanuatu Government's limited funds."

It continued, "Political instability reduces confidence in national leadership, divides communities, and diverts resources away from essential services: healthcare, education, infrastructure, social welfare and emergency relief efforts. Political instability harms Vanuatu's international reputation and credibility."<sup>26</sup>

Given the fragmentation of political parties and the need for clear operating guidelines, the government has announced a process for legal and constitutional changes to the political system. In December, following the passing of the Constitutional Amendment Bill (and relatedly, the Political Parties Registration Bill and the Electoral Act), the government announced a national referendum to be held within six months.<sup>27</sup> These changes are intended to better regulate the registration of political parties and to place limits on motions of no confidence.

Corruption remains a significant problem in Vanuatu. According to Transparency International's Corruption Perceptions Index (CPI) 2022, Vanuatu is ranked 60th out of 180 countries, scoring 48 out of 100 in 2022.<sup>28</sup> In terms of the Global Corruption Barometer (GCB), 73% of people in Vanuatu think that corruption in government is a major problem, 21% of public service users reported paying a bribe in the past 12 months, and 25% were offered a bribe in exchange for their vote in the last five years.<sup>29</sup>

### Resource scarcity

**Indicator 1.7** concerns the 'Economic instability caused by scarcity of resources.'

The traditional economy is rooted in Melanesian values in two main ways.<sup>30</sup> While the first focuses on traditional resource management, production, and exchange practices over GDP metrics, the second revolves around free access to and use of customary land and natural resources.<sup>31</sup> While the Vanuatu government recognizes the traditional economy as crucial for livelihoods, reducing landlessness, hunger, homelessness, and unemployment, the traditional economy faces threats from land loss, COVID-19, climate change, and modern development approaches.<sup>32</sup>

According to the Vanuatu National Population and Housing Census 2020, Vanuatu's population has almost quadrupled from 1967, to just over 300,000 people. The majority live in rural areas, though Shefa and Sanma provinces (where the urban centres of Port Vila and Luganville are located) had the fastest increases.<sup>33</sup>

The reliance on agriculture makes the economy highly vulnerable to shocks from natural disasters. Food insecurity is a significant concern in Pacific Island nations, including Vanuatu.<sup>34</sup> The growing reliance on imported food has heightened the vulnerability to global market price fluctuations and additionally, smallholder agricultural production, a critical food source in these regions, is threatened by climate change and natural disasters.<sup>35</sup>

### Acute poverty potential and limited employment opportunities

**Indicator 1.9** refers to 'economic instability caused by acute poverty, mass unemployment or deep horizontal inequalities.'

The World Bank has indicated that Vanuatu's GDP growth was 1.8% in 2022, an increase from 0.6% in 2021.<sup>36</sup> The World Bank also found Vanuatu has a 10% poverty rate at \$2.15 a day (2017 PPP) as of 2019, a life expectancy of 70 years as of 2021, an annual population growth rate of 2.4% in 2022, a net migration of -197 people in 2021, and a Human Capital Index score of 0.5 out of 1 in 2020.<sup>37</sup>



## RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

Socio-economic conditions are low, and exacerbated by factors like rapidly growing populations, urbanization and migration, remote populations, poverty, shifting economies, and limited human resources. Natural disasters add a further dimension to the lack of employment opportunities.<sup>38</sup> Financial difficulty can also have an effect on housing, leading to issues like overcrowding and poor sanitation.

According to the United Nations Development Programme (UNDP), Vanuatu's economic growth was expected to accelerate significantly between 2023 and 2025, however the negative impacts of Tropical Cyclones Pam, Harold, Judy, and Kevin have hindered progress in reducing poverty. The national poverty rate stands at 15.9% based on Vanuatu's poverty line.<sup>39</sup>

Natural disasters combined with dependence on agriculture and limited employment opportunities, along with displacement, can heighten the vulnerability of the population to human trafficking.<sup>40</sup> The 2023 Trafficking in Persons Report for Vanuatu found that while the Vanuatu government reported no investigations or convictions of officials involved in human trafficking, funding deficiencies precluded anti-trafficking efforts for the Vanuatu Police Force's National Intelligence Unit (NIU).<sup>41</sup>

Through Vanuatu's citizenship by investment scheme, foreign citizens can obtain a Vanuatu passport with US \$130,000, contributing up to 50% of government revenue in 2022.<sup>42</sup> Around half of successful applicants are from China. There have been concerns about citizenship being granted to people involved in criminal activity.<sup>43</sup>

In August 2023, while Singapore police arrested ten foreigners in a \$S one billion money-laundering case, many of the detained individuals had multiple passports issued by countries including Vanuatu, and the suspects utilized citizenship through investment programs in various countries, which allow individuals to obtain citizenship through financial contributions.<sup>44</sup> While the golden passport scheme is a significant revenue earner in Vanuatu's economy, the Vanuatu government announced a commission of inquiry into the scheme in March 2023.<sup>45</sup> The golden passport could pose security risks, such as facilitating money laundering, tax evasion, terrorist financing, and infiltration by organized crime.

## RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

**The second risk factor concerns any “past or current serious violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct, and including those amounting to atrocity crimes, that have not been prevented, punished or adequately addressed and, as a result, create a risk of further violations.”**

Vanuatu does not have a history of serious violations of international human rights and humanitarian law. There are, however, some human rights related issues that could be considered structural risk factors.

### Youth

60% of Vanuatu’s population is under 30, and young people are pivotal in shaping the future of the country. One study for example, found that youth are influencing land use practices crucial for Indigenous food sovereignty, preserving social relationships, and promoting wellbeing.<sup>46</sup> However, youth face a number of challenges, including alcohol and drug use, poverty and crime, sexual and reproductive health issues, sexual exploitation, and high rates of suicide.<sup>47</sup> The 2016 Global School Health Survey found that 18.0% of boys aged 13-17, and 11.5% of girls, considered suicide in the previous 12 months, while the percentage of students aged 13-17 who drink alcohol was over 17%.<sup>48</sup>

### Prisoners rights

**Indicator 2.4** refers to ‘inaction, reluctance or refusal to use all possible means to stop planned, predictable or ongoing serious violations of international human rights and humanitarian law...’.

Historically, prisoners’ rights in Vanuatu were a concern, though conditions reportedly improved with external inspections.<sup>49</sup> Although the government allows media and independent human rights observers to visit prisons, the Covid-19 pandemic disrupted visits by the International Committee of the Red Cross.<sup>50</sup> The 2023 Vanuatu Country Report by Freedom House indicates that the country’s prisons face significant issues, including overcrowding, violence, and poor living conditions. Weak management has also led to a high rate of prison escapes.<sup>51</sup>

### Gender equality and violence against women

**Indicator 2.1** refers to ‘Past or present serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals.’ Gender inequality and high rates of GBV combined with weak protections for the physical integrity rights of women, are risk factors for atrocity crimes.

The Vanuatu 2022 Human Rights Report indicates that 60% of women in intimate relationships have experienced physical or sexual violence by a partner, including during pregnancy.<sup>52</sup> Although rape is a crime punishable by up to life imprisonment, spousal rape is not criminalized.<sup>53</sup> SGBV rates remain high in Vanuatu despite national commitments regarding gender equality and protection of vulnerable groups, which are discussed further under Risk Factor 3.1: National legal framework and protection.

Obstacles to accountability and justice for SGBV include a widespread belief in Vanuatu that domestic violence is a private matter.<sup>54</sup> Despite investment over recent years in policies and programs to reduce GBV, tolerance for domestic violence remains high and reporting is often discouraged, with barriers for women living in rural or remote locations even greater. Domestic violence cases surged during the Covid-19 lockdowns,<sup>55</sup> and it is known to increase substantially in the aftermath of natural disasters. A standard operating procedure for addressing gender-based violence in emergencies has been established, including a guide for accessing referral systems specifically designed for women and girls displaced by climate-related disasters.<sup>56</sup>

## RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

Other programs for women's empowerment in the wake of a natural disaster have been implemented in Vanuatu, such as a UNDP project to support 400 women market vendors, including training in food safety and financial literacy aimed at helping women supplement their income.<sup>57</sup> In addition, the Community Disaster and Climate Change Committees (CDCCCs) in Vanuatu, established by the Vanuatu Meteorology and Geo-Hazards Department and the National Disaster Management Office, and which plays a crucial role in coordinating local responses to natural hazards, mandated that women hold at least one-third of leadership positions to promote gender equality.<sup>58</sup> Women are largely underrepresented in positions of authority and decision-making, at both the national and village levels. In October 2022, Gloria Julia King was elected to Vanuatu's Parliament, becoming the first woman MP in the country in 14 years, ending a long period of exclusively male representation in Vanuatu's 52-member legislature.<sup>59</sup>

## RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

**Risk Factor 3 concerns "Circumstances that negatively affect the capacity of a State to prevent or halt atrocity crimes". A state protects its populations by establishing institutions and mechanisms that ensure the rule of law and good governance. The lack or inadequacy of such structures significantly reduces a state's ability to prevent or halt atrocity crimes. A number of indicators are relevant to Vanuatu.**

### National legal framework and protection

**Indicator 3.1** relates to 'National legal framework that does not offer ample and effective protection, including through ratification and domestication of relevant international human rights and humanitarian law treaties.'

Vanuatu's legal framework remains weak, from the non-ratification of core human rights treaties to the lack of a National Human Rights Institution (NHRI).<sup>60</sup> Currently, complaints against the Vanuatu Police Force (VPF) and prison officials are handled internally, without independent oversight.<sup>61</sup> Vanuatu does not have hate crime laws or mechanisms to deal with hate-motivated crimes against particular groups. There is an independent and impartial judiciary for civil matters, including for human rights violations, but national institutions, particularly judicial, law enforcement and human rights institutions, typically lack sufficient resources, representation or training (**Indicator 3.2**).

There have been some developments over recent years, including the Family Protection Act 2008, Child Protection Policy 2016-2026, National Sustainable Development Plan 2016 to 2030, Reviewed Gender Equity in Education Policy 2018, National Disability Inclusive Development Policy 2018-2025, National Gender Equality Policy 2020-2030 and Implementation Plan and Monitoring and Evaluation Strategy 2020-2025.<sup>62</sup>

In October 2023, six Vanuatu Civil Society Organizations submitted their reports for the Universal Periodic Review, a UN process assessing member states' human rights records, including two joint and four individual submissions.<sup>63</sup> In December 2023, Vanuatu presented its advancements in women's, children's, and disability rights at the UN Human Rights Panel in Fiji, focusing on implementing recommendations from the UN Committee on the Elimination of All Forms of Discrimination against Women, the UN Committee on the Rights of the Child, and the UN Committee on the Rights of Persons with Disabilities.<sup>64</sup>

### Security services

Civilian authorities generally maintain effective control over the security forces. The VPF is responsible for internal security whilst the Vanuatu Mobile Force (VMF), a paramilitary police unit, makes up the country's defence force. Complaints against security forces are internally investigated and there are no

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effective mechanisms for oversight or independent review. This contributes to a perception of impunity for police. In its 2019 UPR review, Vanuatu was encouraged to address the lack of accountability for police abuse and corruption through investigations and prosecutions.<sup>65</sup> The VPF has launched a new structure for 2022-2032, which encompasses over 1,500 personnel, including the Police, the Vanuatu Mobile Force (VMF), and the Police Maritime Wing (PMW), and aims to extend police services to the most remote islands.<sup>66</sup>

### Corruption

**Indicator 3.5** addresses ‘High Levels of corruption or poor governance’.

Vanuatu has a history of corruption, such as the 2014 bribery events that resulted in the conviction of 14 MPs including two former Prime Ministers,<sup>67</sup> and the more recent 2023 Commission of Inquiry into VT1 billion allocated for road paving in Ambae during the 12th Legislature and accusations of personal use.<sup>68</sup> MP Andrew Napuat, representing Tanna, emphasized during the 2023 National Summit in Port Vila that financial support from the government to organizations like the Vanuatu Christian Council (VCC) and the Malvatumauri National Council of Chiefs are not ‘bribes’, but rather support for these entities to fulfil their constitutional functions.

### Poor Governance

Poor governance is an issue in Vanuatu (**indicator 3.5**) partly due to instability within government, as mentioned previously. Due to the ‘weak’ or ‘fragile’ character of the state, non-state actors (churches, civil society etc) have sometimes stepped in to fill the gaps in service provision. While an active civil society is a mitigating factor for atrocities, they should not replace state services.

### Mechanisms of Oversight and Accountability:

**Indicator 3.6** relates to the ‘Absence or inadequate external or internal mechanisms of oversight and accountability...’.

The widespread dispersion of political power, combined with frequent political gridlock, has empowered other institutions like chiefs, the judiciary, and the media to become more effective in oversight and accountability.<sup>69</sup> The government said in 2019 that it planned to carry out a scoping study for the establishment of a national human rights institution (NHRI).<sup>70</sup> As of 2023, despite initial steps being taken in 2021 for its creation, Vanuatu has yet to establish an NHRI.<sup>71</sup> There are calls for Vanuatu to accelerate this process in line with international human rights standards.

## RISK FACTOR 4: MOTIVES OR INCENTIVES

**Risk Factor 4 focuses on the ‘Reasons, aims or drivers that justify the use of violence against protected groups, populations or individuals, including by actors outside of State borders.’**

The indicators of this risk factor are generally not present in Vanuatu, however prejudices against particular groups do exist. There continues to be societal prejudice against LGBTQ communities, for example, and the law does not recognise same-sex relationships.<sup>72</sup> There is a perception among LGBTQ communities that law enforcement agencies tolerate violence and discrimination, leading to a reluctance to report harassment, discrimination or hate crimes.<sup>73</sup> Lack of legal protection against discrimination, and absence of hate crime laws reflect a gap in the rights and protections for minorities in Vanuatu.<sup>74</sup> The Vanuatu Christian Council (VCC) notes that religious differences are generally respected in Vanuatu.<sup>75</sup>



## RISK FACTOR 5: CAPACITY TO COMMIT ATROCITY CRIMES

**The commission of atrocity crimes requires the capacities to do so. Risk Factor 5 focuses on the ‘conditions that indicate the ability of actors to commit atrocities, namely the substantial resources at their disposal as well as any internal or external support.**

**Indicator 5.5 is Presence of or links with other armed forces or with non-State armed groups.**

In 2018, China pursued the opportunity to set up a lasting military base in Vanuatu.<sup>76</sup> In 2023, amid the ongoing struggle for influence in the Pacific between Western nations and China, Vanuatu’s Prime Minister, Sato Kilman, insisted on Vanuatu’s non-aligned policy, stating, “We are not pro-West, we are not pro-Chinese.”<sup>77</sup> However, China does have a strong diplomatic presence, and has provided Vanuatu with financial aid including constructing Vanuatu’s Parliament House and a large convention centre in Port Vila using imported labour.<sup>78</sup> China also built a deep-water wharf in Espiritu Santo, though discussions of dual-use as a military base did not eventuate.<sup>79</sup> The broader geo-politics of the region, including China’s growing influence, have the potential to affect Vanuatu in the longer-term.<sup>80</sup>

In 2022, Vanuatu experienced a cyber-attack that disrupted state-run computer systems on the first official day of a new government. Australia assisted with a specialist cybersecurity team in line with its bilateral trade agreement with Vanuatu.<sup>81</sup>

## RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

**The presence of certain elements, such as a strong engagement of national and international civil society and media, diplomatic relations to other states, and close cooperation with international and regional arrangements, can contribute to mitigating the risk of serious acts of violence. Of the indicators under this Risk Factor, aspects of 6.2 and 6.7 are relevant in Vanuatu.**

### **Civil Society and Independent Media**

**Indicator 6.2** refers to a ‘lack of a strong, organized and representative national civil society and of a free, diverse and independent national media’.

Vanuatu reportedly has a total of 144 television channels, serving its population of 334,506.<sup>82</sup> The media environment in Vanuatu consists of both state-owned and independent entities offering content in multiple languages across various platforms.<sup>83</sup> In 2023, Parliament passed the Broadcasting and Television Amendment Act, which aims to enhance the independence and efficiency of the Vanuatu Broadcasting Corporation (VBTC).<sup>84</sup> The 2023 Vanuatu Country Report by Freedom House classified Vanuatu as “Free,” with an overall score of 82 out of 100. It also rated Vanuatu’s Political Rights with a score of 33 out of 40, and Civil Liberties as 49 out of 60.<sup>85</sup>

Technological advancements can significantly contribute to developing a strong, organized, and representative national civil society and support a free, diverse, and independent media. For example, Google, under a joint U.S.-Australian deal, will run undersea cables to provide internet access to eight Pacific Ocean nations, including Vanuatu.<sup>86</sup> Furthermore, ten satellite connectivity terminals loaned by Starlink to the Vanuatu government have reportedly improved communications during recent emergency responses.<sup>87</sup> The Starlink satellite data terminal installation at Penama Provincial Emergency Operations Centre (PEOC) on Ambae Island in April 2023, facilitated communication with the National Emergency Operations Centre in Port Vila.<sup>88</sup> Growth in the use of Facebook and other social media has been significant in Vanuatu, and it has emerged as an essential tool for sharing information about issues from seasonal work opportunities to information about natural disasters.<sup>89</sup>

Vanuatu has a number of civil society organizations, but many of these are under-resourced. The Vanuatu Association of NGOs (VANGO) is the umbrella group for NGOs in the country, and the Vanuatu Human Rights Coalition is an active network with many members.

## RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

### Human Rights Mechanisms

**Indicator 6.7** concerns ‘limited cooperation of the State with international and regional human rights mechanisms.’ Vanuatu has ratified several core human rights treaties under the United Nations including: The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT). It also ratified the Rome Statute of the International Criminal Court (the Rome Statute) on 2 December 2011. However, Vanuatu has not fully domesticated these into its national laws. Vanuatu is leading the call for the Rome Statute to include the crime of ecocide.<sup>90</sup>

## RISK FACTOR 8: TRIGGERING FACTORS

**Certain events or circumstances, although seemingly unrelated to atrocity crimes, can aggravate conditions that enable the commission of atrocity crimes. From an early warning perspective, it is essential to identify such circumstances and assess their potential impact. The incidents identified under this risk factor mainly complement or overlap with Risk Factors already discussed.**

### Tensions in Neighbouring Countries

**Indicator 8.2** refers to the spill over of armed conflicts or serious tensions in neighbouring countries. Currently, there are regional neighbours experiencing conflict or social tensions, including Papua New Guinea, the Solomon Islands, and West Papua. Vanuatu supports the West Papuan movement for independence from Indonesia, and several West Papuan independence leaders have sought and received asylum in Vanuatu.<sup>91</sup> However, in 2023, Melanesian leaders decided against granting membership for the United Liberation Movement for West Papua (ULMWP) to the Melanesian Spearhead Group (MSG).<sup>92</sup>

Increasing geopolitical tensions could escalate with effects in Vanuatu. The United States will open an embassy in Vanuatu to boost its diplomatic presence in the Pacific and counter China’s growing influence.<sup>93</sup> Establishing the embassy in Vanuatu’s proximity to the Solomon Islands, which recently entered into a security pact with China, signifies a critical step in the U.S.’s efforts.<sup>94</sup>

### Abrupt Political Changes

**Indicator 8.4** refers to abrupt or irregular regime changes, transfers of power, or changes in political power of groups.

As discussed previously, Vanuatu is prone to political instability, with 2023-24 being a period of intense changes within the government. Despite this, Vanuatu remains “free” and democratic, and the government has announced measures to address these concerns.

### Sudden Changes Affecting the Economy

**Indicator 8.9** refers to sudden changes that affect the economy or the workforce, including as a result of financial crises, natural disasters or epidemics (see also **Indicators 1.7** and **1.9**). As mentioned previously, Vanuatu is severely affected by natural disasters, often leading to humanitarian crises with accompanying economic ramifications, including unemployment and resource shortages.

## SPECIFIC RISK FACTORS

As of January 2024, none of the indicators featured under the ‘Specific Risk Factors for Genocide, Crimes Against Humanity and War Crimes’ are present in Vanuatu. This is an indication that Vanuatu will likely remain a low-risk country with regards to the likelihood of atrocity crimes in the foreseeable future. However, there are numerous common risk factors which, according to the Framework, ‘manifest sooner than specific risk factors’ and it is sometimes more difficult to obtain ‘information that confirms the presence of specific risk factors’.<sup>95</sup> Additionally, it would be impossible to entirely rule out the idea that such indicators may appear in the future, especially when taking into account the common risk factors that are present within this risk assessment.

## CONCLUSION AND RECOMMENDATIONS

The Framework states that the more Risk Factors and Indicators present, the more likely the risk of atrocities occurring. Assessing these factors must, however, take place within a broader understanding of the political, historical and cultural context of a given state. The above analysis has identified the presence of a number of indicators in all eight **Common Risk Factors**, but none in the **Specific Risk Factors** category. This risk assessment concludes that the current risk of mass atrocity crimes occurring in Vanuatu is **low**, with at least three indicators being met – to varying degrees – in all of the **Common Risk Factors** except for **Risk Factor 4** (Motives of Incentives). **Risk Factor 1** (situations of armed conflict or instability), **Risk Factor 2** (record of violations of international human rights) and **Risk Factor 3** (weakness of state structures) are of the highest concern, with many of the indicators being met. There is only a moderate presence of indicators under **Risk Factor 5** (Capacity to commit atrocity crimes), **Risk Factor 6** (Absence of Mitigating Factors) and **Risk Factor 7** (Enabling Circumstances or Preparatory Actions). Under **Risk Factor 8** (triggering factors) only a few of the indicators were met, while the assessment identified an even lower presence of motives and incentives associated with **Risk Factor 4**.

The limited Indicators present in **Risk Factor 4**, and the moderate number of indicators found under **Risk Factors 5, 6, 7 and 8**, demonstrate the **low** risk status for the occurrence of atrocity crimes in Vanuatu. There is no indication of significant motives, active plans or policies to commit atrocity crimes or violence against the population. The Risk Factors which have been met are those that are associated with broader human rights issues and/or the capacity of the state to prevent atrocity crimes (namely, **Risk Factors 1, 2, 3, 6, and 8**). The most substantive issues of concern are political instability and its impact on governance and service delivery, corruption and lack of transparency, poverty and related socio-economic issues such as youth substance abuse, and high rates of gender-based violence along with entrenched gender inequality. All of these are exacerbated by frequent natural disasters, likely to increase with climate change, the humanitarian crises these generate, and the longer-term effects of sea level rise such as resource scarcity and displacement. However, there is an absence of the most significant indicators featured within **Risk Factors 4, 5, 7 and 8** (motives, capacity, enabling circumstances and triggering factors), which further explicates the low-risk status of atrocity crimes within Vanuatu. Lastly, it is important to note that no indicators were met under the **Specific Factors** criteria, further emphasising the **low-risk** weighting.

## CONCLUSION AND RECOMMENDATIONS

	RECOMMENDATIONS FOR THE GOVERNMENT OF VANUATU
1	Continue efforts to incorporate the provisions of international human rights instruments into domestic law and develop and implement effective legislation and policy to foster respect for human rights;
2	Continue the process to establish an independent national human rights institution;
3	Strengthen the development and implementation of policies and programs to reduce gender-based violence and lead systemic and cultural shifts on attitudes towards domestic violence;
4	Consider mechanisms to increase women's representation in Parliament;
5	Create the necessary domestic legislation to address human trafficking;
6	Support training and other mechanisms for government agencies and the security sector to build awareness of human rights and gender equality, and address gaps in law enforcement and legal processes to reduce obstacles for reporting;
7	Enact legislation to address human trafficking and major socio-economic issues affecting young people;
8	Ensure the process for a referendum progresses in a timely manner, and continue to address issues of political instability within the government;
9	Take further steps to address corruption through the adoption and effective implementation of anti-corruption laws and transparency in the structures and procedures of state institutions;
10	Address the impunity gap within the security services by strengthening accountability for police abuse and corruption by the Vanuatu Mobile Force and the Vanuatu Police Force through investigations and prosecutions;
11	Consider atrocity prevention in developing broader policies on climate change, natural disasters and humanitarian response;
12	Address the lack of hate crime laws and review how existing legislation and practices may discriminate against vulnerable minorities;
13	Ensure that the right to freedom of expression and a free media are protected;
14	Support regional efforts for atrocity prevention through participation in relevant regional forums;
15	Apply an atrocity prevention lens to regional security policy development;
16	Support a healthy and strong civil society and non-governmental sector, and ensure the protection of human rights defenders;
17	Meet obligations under the Responsibility to Protect and continue to support the R2P principle at the UN and related forums;
18	Consider the appointment of an R2P Focal Point within government.
	RECOMMENDATIONS FOR THE INTERNATIONAL COMMUNITY
1	Support Vanuatu in disaster preparedness and humanitarian response;
2	Support efforts to reduce gender-based violence and to improve gender equality;
3	Raise awareness and build capacity on the Responsibility to Protect and atrocity prevention via direct engagement with the Vanuatu Government and continued engagement with regional bodies.
	RECOMMENDATIONS FOR CIVIL SOCIETY
1	Continue to advocate for the protection of human rights in Vanuatu and to provide input and advice on legislative processes and policy development;
2	Continue to hold government accountable on issues of transparency and stability;
3	Monitor risk factors and early warning signs of atrocity crimes, including increases in human rights violations, and develop systems for reporting and advocacy.



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