

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 the most serious atrocity crimes, namely genocide, war crimes, ethnic cleansing, and crimes against humanity. In 2014 the United Nations Special Advisers on the Prevention of Genocide and the Responsibility to Protect presented an updated Framework of Analysis for Mass Atrocity Crimes (henceforth referred to as ‘the Framework’)¹ 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 categorises which Risk Factors and Indicators are prevalent in the Republic of Vanuatu (hereafter referred to as ‘Vanuatu’).

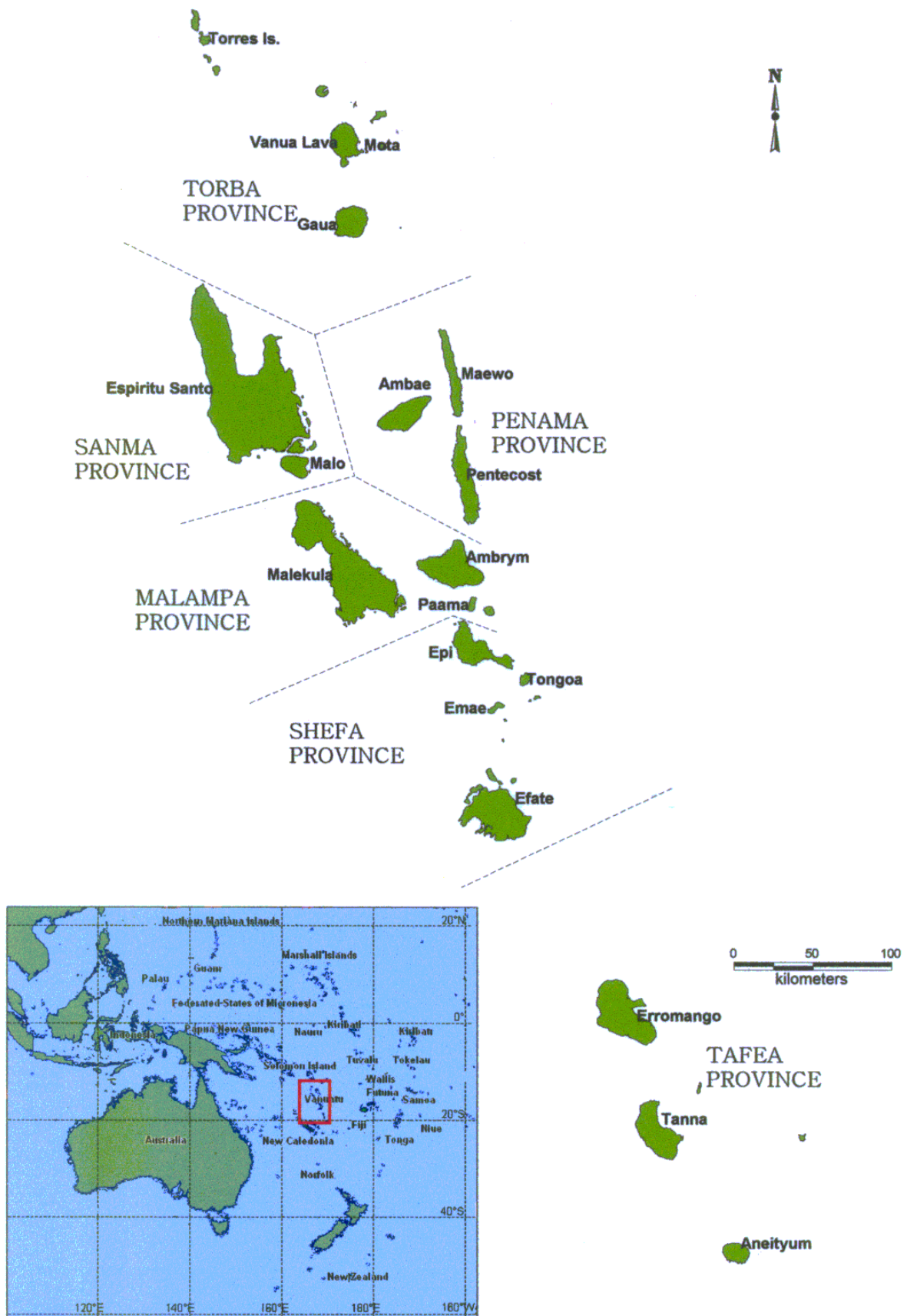
This report only addresses the Risk Factors and Indicators deemed most relevant to the current situation within Vanuatu. Overlaps between some risk factors and indicators are inescapable, and where possible these have been identified with a note on where else in the report these risks factors have been identified. Moreover, the absence of some Risk Factors and Indicators does suggest that they are less important nor does it guarantee that atrocity crimes will or will not occur in the future. It demonstrates that when considered with the broader context of a particular country, the type and number of risk factors can support the prevention of atrocity crimes

Summary overview of assessment

This report finds that the current risks of mass atrocity crimes occurring in Vanuatu are low to very low. Each of the Common Risk Factors outlined within the Framework, with the exception of Risk Factor 4 (Motives of Incentives), meet 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 highest concern, with almost all the indicators being met. There is a lower occurrence of indicators present under Risk Factor 4. Risk Factors 5 (Capacity to commit atrocity crimes), 6 (Absence of Mitigating Factors), 7 (Enabling Circumstances or Preparatory Actions) and 8 (Triggering factors) display a moderate level of correlation, meeting a number of the indicators. None of the Specific Risk Factors featured in the Framework are met with regards to Vanuatu.

Important factors of note that contribute to the atrocity risk environment in Vanuatu include: the prevalence of sexual and domestic violence against women and children; a political environment characterised by patronage, corruption, impunity and abrupt political change (related to fragmented, dynamic and unstable coalition governments typically governing with a slim majority, as well as problems surrounding ministerial discretion and the allocation and distribution of constituency development funds by members of parliament); poverty, economic instability, food shortages, poor health services and water and sanitation issues; an acute youth bulge; urban drift and substantive growth in informal settlements in the two main urban centres; land disputes and – in some cases – land shortages (such as on Efate where over 50% of coastal land has been leased to expatriates); and, the high frequency of natural hazards experienced in the country, with Vanuatu classified as the most ‘at-risk’ country in the world for natural hazards (most recently evidenced by the displacement of Ambaen peoples from their home island to Santo and Maewo due to a volcanic eruption).

MAP 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, church and other civil society actors (from local village-level leaders and groups to national and international non-government organisations) - 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 an enhanced 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 still help identify what Risk Factors are more likely to be present in the future. The presence or absence of risks 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		
Genocide		
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
Crimes Against Humanity		
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
War Crimes		
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.

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. Of the 11 Indicators subsumed under Risk Factor I, only five have been identified as especially relevant to Vanuatu.

Armed Conflict

Indicator 1.1 concerns ‘international or non-international armed conflict’ whilst **indicator 1.2** refers to ‘security crisis caused by ... armed conflict in neighbouring countries’. Vanuatu has never experienced nation-wide or significant armed conflict. However, in the lead-up to Independence in 1980 there was a brief rebellion on the island of Espiritu Santo (northern Vanuatu). The rebellion was led by Jimmy Stevens from Fanafo village on Santo, under the mantle of the Nagriamel movement. Nagriamel was an anti-clerical/pro-*kastom*² movement rather than an Independence movement as such. Nagriamel focused on protecting “*dak bus*” [virgin forest] from settler intrusion and returning alienated land back to ni-Vanuatu.³ Stevens believed that the *Vanua'aku Pati* (the prime independence movement led by ni-Vanuatu Anglican and Presbyterian clerics) would turn the country into a ‘theocracy’.⁴ The movement was opportunely manipulated by French anti-Independence factions and the American-based Phoenix Foundation; a ‘shadowy’ organisation that attempted to create an independent sovereign enclave based on libertarian principles and tax haven status.⁵ However, casualties were few and the rebellion was promptly quelled by soldiers brought in from Papua New Guinea.⁶

Vanuatu’s neighbouring states (New Caledonia, Fiji and the Solomon Islands) are, and have been, relatively free from large-scale armed violence. Even during the height of ‘the tension’ in neighbouring Solomon Islands (1999-2003), it did not have any ‘spill-over’ impact on Vanuatu.

Humanitarian crisis or emergency

Indicator 1.3 addresses the risk of ‘humanitarian crisis or emergency, including those caused by natural disasters or epidemics’. Comprised of over 80 islands, Vanuatu is typically regarded as the world’s most disaster-prone country, due the relevance and frequency of tsunamis, earthquakes, cyclones, flooding and volcanic eruptions.⁷ The World Risk Report for 2016 classified Vanuatu’s government as largely incapable of protecting and assisting its citizens in times of humanitarian crises,⁸ and the same index consistently rates Vanuatu as ‘high’ in regards to a “lack of coping strategies” and “lack of adaptive capacity”.⁹ That said, in 2013 Vanuatu established a Ministry of Climate Change – one of the first in the world – in an effort to streamline Vanuatu’s climate change response.¹⁰

In 2015, Tropical Cyclone (TC) Pam, a category 5 tropical cyclone, killed 11 ni-Vanuatu and injured many more. It caused extensive damage and a third of the population (approximately 100,000 people) were left homeless - resulting in a humanitarian crisis or emergency.¹¹ TC Pam is the most powerful on record to have impacted Vanuatu and is considered to be the worst natural disaster in the country’s history. Damage from Cyclone Pam was still visible in Port Vila more than a year later, including the need for some government departments to be relocated, such as MFEM.¹² Three years later TC Cyclone Hola hit the country, affecting many people who had not yet recovered from cyclone Pam. The damage from both cyclones resulted in food shortages.¹³ Reconstruction from such disasters is timely and costly, and there is limited state capacity to boost preparedness for natural disasters into the future, making Vanuatu a high-risk country for humanitarian crises or emergencies. Volcanic eruptions also pose a high risk in Vanuatu, as evident by the 2017 eruption of the Monoro Voui volcano on Ambea island, which resulted in the relocation of the entire island.¹⁵ Lastly, climate related displacement – from rising seas, worsening cyclones and flooding – are also an issue, with sea level rise and the increased intensity of extreme weather events leading to changes in agricultural productivity and water availability¹⁷.

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

The state has relied heavily on outside agencies (foreign states and civil society organisations) to assist with the provision of humanitarian assistance in the wake of both cyclones and the relocation of Ambae islanders. Both the effectiveness and accountability of aid by the Vanuatu government has attracted criticism,¹⁸ especially the governments state of emergency (SOE) and relocation process of Ambae residents.¹⁹ However, high-profile international humanitarian agencies also attracted considerable criticism in the wake of TC Pam related humanitarian assistance.²⁰ Benjamin Shing, deputy chair of Vanuatu's National Disaster Committee, was quoted in media reports stating that while international assistance was valuable, many international responders, including NGOs, worked independently of the government in order to increase their visibility.²¹

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 and also impact exports (mainly beef and cash crops), impinging on both national and village-level economic performance.²² Tropical cyclone Pam resulted in \$450 million worth of damage to the country's infrastructure, which is approximately 64% of the nation's GDP.²³ It has been estimated that, on average, Vanuatu loses \$48 million per year due to natural disasters (equivalent to 6.6% of its GDP).²⁴

Geography and environment

Geography and environment also intersects with indicators 1.3 and 1.8: Weather, the small size of some islands, the mountainous terrain and fringing reefs and the distance between islands, all complicate transport infrastructure. Roads are expensive to maintain, and while inter-island shipping is well-established it is not always reliable and nor does it service everywhere equally, leaving some farmers more peripheral to market opportunities than others. This challenges not only livelihood but also access to basic health services.²⁵ The government is currently trialling drone services to deliver vaccines and vital health supplies.²⁶ Geography and environment also hinder emergency response efforts.²⁷

Government Instability

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

In 2017, the World Bank political stability index ranked Vanuatu as 55 (out of 195 countries), in 2018 it had risen to 45; this is higher than many of its near neighbours: Fiji (53), Solomon Islands (79) and Papua New Guinea (150) [note: in 2018 the United Kingdom was ranked 96, the United States of America 69].²⁸ As with Melanesia generally, corruption and bribery are seen as dominating the political system in Vanuatu. The land minister and his department have long been characterised as especially corrupt, given their power to facilitate land leases to expatriates at their discretion;²⁹ however, this 'loophole' has now been closed.³⁰

Politicians have been convicted of accepting bribes from local businessmen to prop-up weak governments. For example, in 2014, the opposition leader Moana Carcasses Kalosil offered representatives 35 million Vatu (USD\$355,000) to support his no-confidence motion, ultimately resulting in 14 MPs being convicted, including two former Prime Ministers.³¹ This caused an abrupt regime change and political instability as nearly half of the government were ultimately imprisoned (for more information on corruption and poor governance, see **Risk Factor 3**).³²

The Vanuatu government is – by liberal-democratic standards – relatively unstable because it is typically made-up of frequently shifting coalitions between smaller parties (Indicator 1.4). Political parties are fragmented, and the government is comprised of party leaders whose position is dependent on networks of personal (familial, ethnic, island and business) and political alliances.³³ Government by coalition is more susceptible to challenge and change. It is common for parties and members of parliament (MP's) to cross the floor on an issue-by-issue basis, or Prime Ministers to be subject to numerous

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

motions of ‘no confidence’. These trends restrict the capacity of the government to govern effectively, impacting basic service delivery (such as education and health).³⁴

Resource scarcity

Indicator 1.7 concerns the ‘Economic instability caused by scarcity of resources’. Whilst resource rich in terms of agricultural productivity, the country is not – relative to some of its neighbours – as rich in minerals or forestry. The mainstays of the economy are tourism, agriculture (mainly copra and cacao), off-shore financial services, and cattle, with 70% of the population residing in rural areas.³⁵ As already noted (**Indicator 1.3**), such reliance on agriculture makes the economy (national and local) highly vulnerable to shocks from natural disasters such as cyclones. The World Bank estimates Vanuatu to hold the highest economic losses from natural disasters out of all the Pacific Island countries, and ranks it third-highest in the world.³⁶

Population growth is currently around 2.4% per annum [2.97% (1980); 2.4% (2020)], which is comparatively high and places increased pressure on land for subsistence and agriculture and on seascapes for fishing and reef gleaning. Combined with cash-cropping practices – mainly coconut and cacao but since the mid-1990s now also kava (*Piper methysticum*) – this is putting increased pressure on not just access to land but also on the customary land governance systems which have, thus far, managed to ensure that most people have access to some land for basic subsistence and/or income generating purposes (79% of the total population), which has certainly limited absolute poverty.³⁷ A complicating factor has been the expatriate-led land grab that has beset the country since the mid-1990s. For example, by 2013, 56.5% of the Efate coast had been leased to foreigners, as have significant parts of southern Santo.³⁸ This ‘land-grab’ is locally perceived as threatening to livelihoods and local sovereignty.³⁹ Post cyclone Pam, more land has reportedly been leased on the west-coast of Efate as people were desperate for money.⁴⁰ This ‘land-grab’ is, in part, connected to Vanuatu’s tax-haven status⁴¹ and is paradoxically a driver of both economic stability and instability; a balancing act that the government have largely failed to juggle.

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 paucity of waged employment opportunities in Vanuatu’s two main urban areas (Port Vila and Luganville), combined with an acute youth-bulge (nearly 50% of the population are 25 years or younger), significant rural-urban drift and uneven access to economic opportunities in different parts of the country,⁴² are challenges for national economic stability and may signal growing horizontal inequalities in the future. The lack of employment opportunities force some people to live in informal settlements, which are overcrowded and have limited to no access to clean water and sanitation, as well as sub-standard housing conditions.⁴³ People have been known to scavenge through rubbish bins outside Port Vila for food and building materials.⁴⁴ However, in 2017, Seaside Tongoa, Seaside Paama and Seaside Futuna saw the opening of brand new sanitation facilities which will improve the lives of over 950 citizens.⁴⁵

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.”

Gender and Social Inclusion – violence against women and children

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’.

As with Melanesia more widely, gendered and inter-generational asymmetry are characteristic social norms. Social inclusion centres on the ability of an individual to participate in decision-making that affects their life, and includes access to leadership, to social goods and security, and is understood relative to social exclusion and the factors that prevent individuals from full participation in social, economic and political life.⁴⁶ In Vanuatu, women are largely underrepresented at all levels of decision-making, at both the state and village-level. Currently, there are no women members of parliament.⁴⁷ Moreover, inter-generational norms of asymmetry delimit the voice and agency of young people. Youth suicide is high⁴⁸ and teenage pregnancy and prostitution rising.⁴⁹ Crime and social violence more generally are increasing, with young people bearing a significant impact as both victims and agents.

Rates of violence against women are high, especially amongst young and working women,⁵⁰ and are unevenly spread across the country.⁵¹ Research by the NGO ‘ActionAid’ suggests that rates of violence against women increased in the aftermath of cyclone Pam,⁵² whilst anecdotal evidence from Church workers in Santo suggests that Ambae women evacuees in have similarly suffered an increase in domestic violence.⁵³ In 2017 it was reported that 60% of women in a relationship had experienced sexual or physical violence by a partner and most cases, including rape, were not reported to the police.⁵⁴ UNICEF reports that sexual abuse and incest is an issue, with female children from a previous relationship and adopted children at particular high risk, especially by a grandfather or stepfather.⁵⁵

Indicator 2.3 refers to a ‘Policy or practice of impunity for, or tolerance of, serious violations of international human rights...’, whilst **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...’. Aspects of both of these indicators are evident in Vanuatu in relation to gender and social inclusion issues.

The state has made considerable efforts to implement international and domestic policies designed to bolster social inclusion and improve protection for women and children. In 1992, the Government ratified the United Nation’s Convention on the *Rights of the Child* (CRC), in 1995 the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), and in 2009 it introduced the *Family Protection Act* (2009), which criminalises domestic violence and can introduce family protection orders (and was the first legislation on gender-based violence in the Pacific Islands). The Vanuatu Ministry of Education has developed and implemented numerous policies to promote and implement the CRC, whilst the Department of Women’s Affairs (DWA) has also formulated policies in consideration of implementing the state’s commitments to CEDAW. The DWA have also developed a *National Disability Policy and Plan of Action* as well as a *National Children’s Policy*.⁵⁶

However, these international and domestic actions are difficult to implement in practice at the local – especially rural – level. This is due to a mix resource constraints and socio-cultural and economic factors. Although women have equal rights under the law, as elsewhere in the region women often experience

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

discrimination in terms of pay equity, access to employment and credit.⁵⁷ Despite the *Family Protection Act* obliging police to intervene if violence is suspected, historically perpetrators are rarely brought to justice,⁵⁸ and between 2012 and 2014 police laid just 380 charges (less than 2%).⁵⁹ In part, this is due to the fact that domestic violence is perceived as a private family issue,⁶⁰ with community members reluctant to intervene to protect a woman from an abusive husband.⁶¹ Domestic violence is also prevalent amongst the Vanuatu Police Force (VPF), which reportedly further discourages reporting by victims.⁶² Many women living in rural areas cannot seek formal state assistance due to lack of access to town centres, health facilities and cultural norms.⁶³ All of these factors coalesce to fuel a mistrust in state institutions.⁶⁴

Progress for reducing levels of domestic violence are hindered by a variety of actors. First, there is a lack of community understanding about the rights of both women and children, as most local vernaculars do not have a direct translation for “rights” and “freedoms”.⁶⁵ Moreover, cultural norms (throughout Melanesia) prioritise the group over the individual, and don’t see rights as important as respect. Numerous researchers – including female ni-Vanuatu – assert that women’s roles and societal value has diminished over time, as a complex consequence of missionisation, economic change and – especially post-independence – the adoption of Westminster government systems.⁶⁶ ‘Custom’ (*kastom*) today has become, for many, the assertion and upholding of ‘tradition’ as a form of resistance to colonisation, globalisation and Westernisation.⁶⁷ This reification of *kastom* [custom] creates the conditions for some potent forms of structural and social violence – in particular, of heightened forms of control of women.⁶⁸ Women’s desires for greater equality and self-determination are often seen as pitted against *kastom*, with the adoption of rights legislation (e.g. CEDAW, CRC) rendering questions of gender and inter-generational inclusivity fraught insofar as they are experienced as a battle between competing values.⁶⁹ The issue of gender and social inclusion in contexts such as Vanuatu, then, are not usefully characterised as a consequence of custom or culture but rather as the result of a suite of complex and dynamic factors that require informed and sophisticated policies and approaches.

A more nuanced understanding of the multiple factors shaping gender and social inclusion is important in the context of undertaking risk assessments, as otherwise recommendations or actions designed to mitigate risk factors can be ineffective or, worse, unintentionally fuel the very factors they are trying to address. Whilst gender equality must be based on a rights framework and work to change societal attitudes,⁷⁰ it is increasingly recognised that care must be taken to broaden, not limit, dialogue when seeking transformative social change.

Human Rights of Prisoners in Vanuatu

There is some – especially historical evidence⁷² – suggesting that the human rights of some of Vanuatu’s prisoners have not been respected, with reports of poor conditions and suggestions of government inaction, reluctance or refusal to use all possible means to improve these measures (**Indicator 2.4**). However, through external funding and training, conditions have reportedly improved⁷³ and the government have established an external inspection team to inspect and report on conditions and treatment in correctional centres.⁷⁴

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 the inadequacy of such structures significantly reduces a state’s ability to prevent or halt atrocity crimes. A number of indicators are relevant to Vanuatu. Although a weak state will not necessarily be a cause for atrocities, it does decrease the level of protection to its people.

Context is crucial to understanding this Risk Factor in Vanuatu as the ‘weak’ or ‘fragile’ character of the state is somewhat balanced by the active and productive role played by non-state actors and institutions – such as chiefs, church and other community leaders and groups, as well as by socio-cultural norms that prioritise the collective over the individual – which ensures that many of the services conventionally associated with the state (from jurisprudence and wider social order to service provisions such as water and sanitation) are, to varying degrees, provided for outside of state actors .

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’. As discussed in Risk Factor 2, violence against women is a substantive issue and there are numerous reports that police do not promptly enforce court orders related to domestic violence. Moreover, whilst the practice of paying in cash bride price has been discouraged (since 2006) by the Malvatu-mauri National Council of Chiefs (MNCC), it remains deeply entrenched and is used, by some men, as a justification for beating their wives.⁷⁵ But so too has the Bible.⁷⁶ There have been few nationwide information programs issued by the government to address issues of domestic violence. For example, the law currently does not offer ample and effective protection regarding sexual harassment, in the workplace in Vanuatu.⁷⁷ There are currently no antidiscrimination laws to protect members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community.⁷⁸ Lastly, there are no mechanisms to appeal adverse domestic decisions to a regional human rights body.

However, there have been some recent progressive developments. With regard to the rights of women, children and persons with disabilities, the Department of Women’s Affairs had developed the key gender policies with due consideration to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Persons with Disabilities. Those policies included the Vanuatu National Gender Equality Policy, 2015–2019; the National Disability-Inclusive Development Policy, 2018–2025; the Vanuatu Child Online Protection National Strategy Framework, 2014–2021; the Vanuatu National Child Protection Policy, 2016–2026; and the Strategy for the Justice and Community Services Sector, 2018–2021.⁷⁹ Further accomplishments include the establishment of a Gender Officer in the Department of Women’s Affairs and the Ministry of Health and the endorsement of the National Child Protection Policy, 2016–2026, and the Child Safeguarding Policy, 2017–2020⁸⁰ . Lastly, amendments to the Penal Code (Amendment) Act No. 15 of 2016, increased sentencing penalties for abduction and sexual offences and established the offence of abduction of persons under that age of 18 years, whilst changes to the Custom Land Management Act No. 33 of 2013, introduced in 2014, enabled women to participate in decision-making processes in cultural settings (nakamal), which gives women more rights to participate in discussions around land.⁸¹

Insufficient Resources

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). Although the *Family Protection Act* was passed in 2008, there have been limited resources provided for its implementation, including provisions of support for establishing registered councillors.⁸² The police are also not provided sufficient training on domestic violence or a standard protocol for dealing with domestic or sexual violence.⁸³

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

There are reports that the police do not properly enforce court orders and no mechanism has been created in order to appeal adverse court decisions on domestic violence to a regional human rights body.⁸⁴

Security services

Civilian authorities generally maintained effective control over the security forces. The Vanuatu Police Force (VPF) maintains internal security whilst the Vanuatu Mobile Force (VMF), a paramilitary police unit, makes up the country's defence force. The commissioner of police heads the police force, including the Police Maritime Wing, Immigration Department, National Disaster Management Office, and National Fire Service. Civilian authorities did not have effective mechanisms to punish police abuse or corruption but exercised overall control of the force. Allegations of police impunity, particularly in the VMF, have been recurrent.⁸⁵ Political instability and a series of legal cases in previous years exacerbated divisions between the VPF and VMF, which led to a tense stand-off between the VPF and VMF in 2002 (notably, the stand-off was resolved through the intervention of customary chiefs).⁸⁶ Despite this, it ought to be emphasised that there have been no further overt tensions between the security services.

Corruption

Indicator 3.5 addresses 'High Levels of corruption or poor governance'. Corruption scandals are a familiar issue in Vanuatu (see **Indicator 1.4** and **2.8**). In recent years, there have been various issues with officials involved in corrupt practices with impunity. In 2014, the opposition leader Moana Carcasses Kalosil offered legislators 35million vatu (approx.. U.S\$35,000) to support a no-confidence motion, which ultimately resulted in the conviction and jailing of 14 MPs (including two former Prime Ministers).⁸⁷ This amounted to half of the Government's MP's. This created a degree of instability and a sense of uncertainty amongst the citizens of Vanuatu as the government fell in June 2015 in the aftermath of this political scandal.⁸⁸ Additionally, although civil service members are (ideally) appointed on merit, political interference is common-place and hinders the effective function of the civil service.⁸⁹ As the comprehensive Drivers of Change report has noted (funded by the Australian Government):

Corruption in Vanuatu should be viewed through the lens of the patrimonial system, as a systemic problem, rather than simply individual misconduct. The dispensing of largesse is seen as a legitimate means of obtaining status and influence. While some forms of corruption in Vanuatu carry heavy costs for the public, and have even brought the state close to bankruptcy, most ni-Vanuatu do not recognise it as affecting their personal interests.⁹⁰

In 2019, former civil servant Victor Rory – the government's former principal aid negotiator – was found guilty in the Supreme Court on 40 counts of money laundering, stolen from European Union funds designed to support development projects in the country⁹¹. He was ultimately sentenced to eight years imprisonment⁹².

Poor Governance

Poor governance is an issue in Vanuatu (**Indicator 3.5**). The strong factionalism and political culture of clientelism delimits good administration and service delivery. MPs are elected based (largely) on their ability to bring resources to communities, rather than based on debates or issues of national policy.⁹⁴ The fragmented political landscape also fuels governmental instability as party leaders create personal and political alliances, with governments formed of coalitions ruling with only a small margin.⁹⁵ 'State institutions are captured by social forces which make use of them not in the interest of the state and its citizenry, but in the interest of traditional kinship-based entities'.⁹⁶

Mechanisms of Oversight and Accountability:

Indicator 3.6 relates to the 'Absence or inadequate external or internal mechanisms of oversight and accountability...'. There are no mechanism for appealing adverse domestic decisions to a regional human

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

rights body,⁹⁷ and the formal accountability institutions – parliament, the Auditor General, the Ombudsman – have proved to be largely ineffective, and there is debate as to whether accountability processes of the adversarial type favored in Western democracies are workable in Vanuatu.⁹⁸ That said, the government reported to the United Nations Human Rights Commission in 2019 that Ministry of Justice and Community Services planned to carry out a scoping study for the establishment of a national human rights institution.⁹⁹

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 almost entirely absent in Vanuatu. Despite the socio-cultural, ethnic and linguistic diversity in Vanuatu, generally speaking one island or ethnic group have not dominated or captured power and/or resources at the expense of other groups. As analysts have identified,¹⁰⁰ unlike neighbouring Solomon Islands – where Honiara (especially) experienced civil unrest as the result of inter-group tensions between Malaitan and Guadalcanal ethnic groups during the 'Tension' period (1999-2003) – the social and ethnic diversity extant in urban locales such as Port Vila has meant that there are no duel 'dominant' groups competing over resources (e.g. land, employment, access to services) to fuel a polarised identity politics that can lead to conflict. Rather, the sheer diversity of island groups resident in Port Vila works to delimit, rather than fuel, ethnic or place-based tensions.¹⁰¹

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. There are only a few indicators relevant to Vanuatu.

Foreign Military Interest

Talks between China and Vanuatu regarding the establishment of a Chinese military presence in the Pacific nation caused great concern for Australia and implies a potential to meet aspects of **Indicator 5.5**, which refer to 'links with other armed forces or other non-state armed groups'. The existence of such talks were later denied by both parties, but there remains considerable concern within Australia over the potential and likelihood for the creation of a Chinese military base in Vanuatu.¹⁰²

Financial and Political support

Indicator 5.7 addresses 'Financial, political or other support of influential or wealthy national actors'. As previously noted, Vanuatu has a turbulent political history and context (see **Indicator 3.5**).¹⁰³ Investors with readily accessible cash have had considerable leverage over the formation of the government in the past,¹⁰⁴ and real estate transactions have been used "as a means to launder money received in offshore bank accounts."¹⁰⁵

External Support

Indicator 5.8 refers to 'Armed, financial, logistic, training or other support of external actors, including States, international or regional organizations, private companies, or others'. Vanuatu's political landscape revolves more around the distribution of resources than ideology, making it susceptible to monetary influence from neighbouring states. Reports of a Chinese military presence in Vanuatu has already been noted,¹⁰⁶ resulting in reactive and increased engagement by 'traditional' development partners, especially Australia.¹⁰⁷

RISK FACTOR 5: CAPACITY TO COMMIT ATROCITY CRIMES

The countries tax-haven status¹⁰⁸ also lays the government and its members open to manipulation and compromise by powerful external actors, and France has recently placed Vanuatu to its 'backlist' of non-cooperative countries and territories in fiscal matters¹⁰⁹. Additionally, Vanuatu's 'citizenship by investment' scheme – where foreign nationals can purchase citizenship for around \$US150,000 for a single application, more for couples and families – has proved popular and controversial. Under the scheme, successful applicants can become citizens within a matter of months, with no requirement to reside in the country or even set foot on Vanuatu soil at all. In June, 2018, a parliamentary committee told local media that more than 4,000 passports had been sold under the scheme. Most have been sold to people from mainland China, even though it's technically illegal to hold dual citizenship under Chinese law.¹¹⁰ Since it was launched in 2016, the citizenship programme has generated more than \$200m in government revenue for Vanuatu, mostly from Chinese applicants eager to obtain a passport that provides visa-free access to 129 countries, including the European Union (EU). The deportation of six Chinese nationals in July, 2019, at the request of Beijing (four of whom held Vanuatu passports) has led the EU to express its concerns about the programme's controls and prompted a review by the Vanuatu Government on the schemes oversight and regulation.¹¹¹

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 preventing or reducing serious acts of violence or their further escalation. None of the indicators under this Risk Factor are relevant in Vanuatu, except aspects of 6.2 and 6.7.

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'. Freedom House and the Commonwealth of Nations have report Vanuatu's media as "free".¹¹² However, Freedom House did note that journalists have been censored or intimidated by police members in isolated incidents, resulting in apologies by the Police Commissioner.¹¹³ Vanuatu currently has two television channels: 'Blong Vanuatu' is state-owned and broadcasts in French and English and was established with the help from Radio France Overseas;¹¹⁴ the second, 'Komuniti Akses Media' (KAM), is a free open public channel working under a not-for-profit structure.¹¹⁵ The government also own the 'Vanuatu Weekly' newspaper and 'Radio Vanuatu', but there are several privately owned daily and weekly newspapers and radio stations.¹¹⁶ Although the Vanuatu Daily Post is private, its independence from the government can be questioned given that in 2001 its British born publisher, Marc Neil Jones, was deported from Vanuatu for attempting to publish an article in the newspaper criticising the government.¹¹⁷ More recently, the subsequent editor of the Daily Post, Dan McGarry, had his visa cancelled and refused entry to the country. McGarry, along with other commentators, argue that this is related to the papers criticism of the government and is a worrisome development.¹¹⁸

Digital communications have grown exponentially over the last decade, transforming the public sphere. In 2014, there were nearly 30,000 internet users in the country.¹¹⁹ By 2017, there were 82,800 internet uses (30% of population) and 69,000 active social media uses¹²⁰ and in 2018 this had grown further to 90,000 internet users (32% of population) and 90,000 active social media users.¹²¹ Recent scholarly research has demonstrated how citizens and activists have used the democratic potential of the internet to bring about social and democratic change. Finau et al. (2015) have demonstrated how political Facebook groups – such as like Yumi Tok Tok Stret in Vanuatu – is facilitating e-democracy, thereby transforming political processes by developing new forms of accountability and transparency.¹²² Additionally, digital technologies are also providing a space for Pacific Islanders' voices to be heard in times of natural disasters. Using Tropical Cyclone Pam in Vanuatu and Tropical Cyclone Winston in Fiji as examples, scholars

RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

have argued that digital technologies are enabling NGOs and citizens to document the impact of the cyclone for its international advocacy, acting to fill a global news gap for reporting from the Pacific region.¹²³ However, not all Pacific island governments have welcomed the growth of social media. The previous Kilman government in Vanuatu, for example, was critical of discussions on both traditional and social media, warned of introducing a law to curb ‘excessive liberty’, including unwarranted allegations and abusive comments made on radio talkback shows and social media.¹²⁴ In 2015, the then Kilman government singled out the Yumi Toktok Stret Facebook group, accusing it of ‘inciting social anarchy, instability and social disorder’. The wrong use of media, argued Kilman, could ‘easily destabilise’ the social peace and order in a country like Vanuatu.¹²⁵

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) demonstrating further cooperation of the state with international human rights mechanisms.¹²⁶ However, although Vanuatu’s ratified the Rome Statute of the International Criminal Court (the Rome Statute) on 2 December 2011, it has been criticised on the basis that its national legislation does not adequately provide for universal jurisdiction over other crimes under international law, including genocide¹²⁷. Whilst it has some overdue Universal Periodic Review (UPR) reports, Vanuatu is generally an active and responsible contributor.

In terms of civil society, in 2017 there are at least 126 organisations registered with the Vanuatu Association of NGOs (VANGO), which facilitates the actions of international and regional NGOs like Oxfam, Save The Children Fund and the Foundation for the Peoples of the South Pacific, ideally working to support increased engagement, commitment and cooperation by the state to human rights mechanisms.¹²⁸ However, VANGO’s effectiveness has been patchy: It suffered a sharp decline in its work from 2010 due to malpractice and bad governance, and was temporarily revived in December 2013. A new board was elected in late 2017, but its current effectiveness is unknown¹³⁰.

RISK FACTOR 7: ENABLING CIRCUMSTANCES OR PREPARATORY ACTION

Risk Factor 7 concerns “Events or measures, whether gradual or sudden, which provide an environment conducive to the commission of atrocity crimes, or which suggest a trajectory towards their perpetration.” Vanuatu has little to no Risk Factors relevant to this criteria. Regardless, a few potential factors are worth noting.

Bribery

Indicator 7.2 concerns the ‘suspension of or interference with vital State institutions, or measures that result in changes in their composition or balance of power, particularly if this results in the exclusion or lack of representation of protected groups’. Politics and state institutions within Vanuatu are susceptible to bribery and corruption, threatening the composition and balance of power. As already noted, in the past investors have proven to have a high degree of leverage over the government, compromising the balance of power and good governance¹³¹ (for further information on this see **Risk Factor 2** and **3**). However, such interference has not directly or indirectly been at the expense of marginal or protected groups.

Security Apparatus

Indicator 7.3 Refers to ‘Strengthening of the security apparatus, its reorganization or mobilization against protected groups, populations or individuals’. This indicator is largely irrelevant for Vanuatu, except for the already noted concerns held by some states of the potential for a Chinese military presence to materialise in the country in the future. Aside from this, the only strengthening of the security apparatus in

RISK FACTOR 7: ENABLING CIRCUMSTANCES OR PREPARATORY ACTION

recent years has been the solidification of Vanuatu's cyber security capabilities.¹³² Vanuatu and Australia have been negotiating a security treaty to improve cyber security in the region, largely in response China's rising influence.¹³³

Media and Communications control

Indicator 7.6 concerns the 'Imposition of strict control on the use of communication channels or banning access to them'. Although there is no imposition of strict control over the use of communication channels, or banning access to them, there is evidence of some mild levels of control and/or interference in regards to press independence (see further **Indicator 6.2**).

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 (especially Factors 1, 2, 3 and 7).

Tensions in Neighbouring Countries

Indicator 8.2 refers to the spill over of armed conflicts or serious tensions in neighbouring countries. Currently, the closest regional neighbour experiencing state-related armed conflict is West Papua. Vanuatu has long been the regions strongest supporter of the rights of West Papuans in their movement for independence from Indonesia, and several West Papuan independence leaders have sought and received asylum in Vanuatu.¹³⁴ Vanuatu's position has attracted strong criticism from Indonesia.¹³⁵ However, these tensions have little likelihood of aggravating or enabling atrocity crimes in Vanuatu.

Although not yet a serious threat, Australia's concern at reports of China's ambitions to establish a military presence in Vanuatu, despite the denial of both states, does coalesce to place Vanuatu (and the region) in a potentially escalating security bind that raises geo-political tensions.¹³⁶ Australia has promised to negotiate a treaty with Vanuatu and bolster its cyber security to combat Chinese influence.¹³⁷ This factor potentially also relates to **indicator 8.3**, which refers to measures taken by the international community perceived as threatening to a states' sovereignty.

Abrupt Political Changes

Indicator 8.4 refers to abrupt or irregular regime changes, transfers of power, or changes in political power of groups. The snap election in January 2016 following from the allegations of corruptions outlined in previous Risk Factors, failed to deliver a clear mandate for any single party to govern, further demonstrating the turbulence of Vanuatu's political context (see further **Risk Factors 1, 2 and 3**).¹³⁸ The power of any political group can be influenced by rich investors who have considerable leverage over the formation of government.¹³⁹

Sudden Changes Affecting the Economy

Risk factor 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). Being a poor country, the economy of Vanuatu is severely affected by natural disasters with the World Bank estimating it as having the highest economic losses from natural disasters of all the Pacific island nations at an equivalent of 6.6% of GDP per year.¹⁴⁰ As most citizens do not live in urban areas and are strung along a 65 island archipelago, food shortages triggered by cyclones and drought have a great impact on the workforce.¹⁴¹ Cyclones

RISK FACTOR 8: TRIGGERING FACTORS

regularly pass through the area with Cyclone Hola in March 2018 causing widespread flooding to some of the islands of Vanuatu.¹⁴² Cyclone Pam, in 2015, destroyed over 90% of the buildings on Vanuatu's main island and most of the recent development on that island causing widespread problems which could take years to overcome.¹⁴³

The eruption of Ambae discussed at length within previous Risk Factors caused pollution to the island's water supply, leaving thousands of people without safe drinking water.¹⁴⁴ The inhabitants of the island criticised the Vanuatu government for the extended evacuations which followed.¹⁴⁵ Climate displacement is also becoming a sharper issue as rising seas and worsening cyclones negatively impinge on the ecosystem services crucial to local livelihoods,¹⁴⁶ as well as impacting on people's ancestral lands (and by extension their self-identity and ability to maintain some cultural practices, e.g. traditional gardening and fishing techniques).

The remote nature of many villages and inaccessibility mean that in times of epidemics, medical intervention is difficult to obtain. In a partnership between the Vanuatu government and UNICEF, new technological methods like the use of drones are being explored as a method to ensure vital supplies are consistently available across Vanuatu's many islands and that healthcare can be logistically provided for remote villages.¹⁴⁷

Exploitation Projects

Indicator 8.10 refers to the discovery of natural resources or launching of exploitation projects that have a serious impact on the livelihoods and the sustainability of groups or civilian populations. The evacuation of families from Ambae discussed in Risk Factor 6 was seen by some as akin to exploitation though the Vanuatu government's enforcement of a State of Emergency (SOE), which prevented them from returning to their home island.¹⁴⁸ In an open letter to the 'Daily Post', some evacuees complained that their living conditions were giving rise to illness and depression, with an accusation that although the volcano had not caused any casualties, the imposed SOE had caused death. The evacuees also accused the Vanuatu government of misappropriation of international relief funds.¹⁴⁹

SPECIFIC RISK FACTORS

As of February 2020, 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'.¹⁵⁰ 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 amount of 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 are 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 are low to very 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, whilst 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 to very 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 violations and/or impact 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 human rights abuses, including gender-based violence and child abuse, the treatment of prisoners and the displacement of the Ambaen people. A culture of patronage politics and corruption, combined with political and economic instability and poverty – especially in the informal settlements in the urban areas – are all exacerbated by the frequent occurrence of natural disasters, and are the most recurrent and substantive issues of note. 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 occurring within Vanuatu. Lastly, it is important to note that no indicators were met under the Specific Factors criteria, further emphasising the low risk weighting elucidated in this risk assessment.

Although there are many challenges for Vanuatu –primarily around gender-based violence, climate change, political instability and economic shocks and natural disasters – it is reasonable to assume that Vanuatu will remain at low to very low risk into the future. Regardless, there are still salient issues to address, namely: human rights abuses (particularly regarding domestic violence, child abuse, and the treatment of prisoners); impunity and corruption (which fuels political instability); improved transport and health services and infrastructure (which can assist in faster disaster relief, as well as improved access to clean water and sanitation, especially in remote islands and informal urban settlements).

CONCLUSION AND RECOMMENDATIONS

RECOMMENDATIONS FOR THE GOVERNMENT OF VANUATU	
1	Continue efforts to incorporate the provisions of international human rights instruments into domestic law, especially with regards to child protection, disability-inclusivity and sexual and gender-based violence. Implementing the <i>Family Protection Act</i> 2008 in its entirety, through improving access to resources and support services for women suffering from domestic violence, is critical. Ongoing monitoring and evaluation of such provisions would enhance implementation. For example, review the outcome of the Vanuatu National Gender Equality Policy, 2015–2019 to strengthen measures to mainstream gender equality across government agencies.
2	Take further measures to strengthen capacities and training of the judiciary and security services with regards to human rights, especially child protection, disability-inclusivity and sexual and gender-based violence.
3	Continue to support and strengthen the Human Rights Resource Team (RRRT) at the Pacific Community (SPC).
4	Establish an independent national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)
5	Create the necessary domestic legislation to address human trafficking.
6	Include women in the National Advisory Board on Climate Change and Disaster Risk Reduction and in related committees to ensure greater participation in the planning, decision-making and implementation processes of the National Policy on Climate Change and Disaster Risk Reduction.
7	Promote a cohesive approach to human rights and the Sustainable Development Goals (SDGs) through establishing mechanisms for reporting, follow-up and coordination for the enhanced integration of the SDGs and human rights.
8	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.
9	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.
10	Continued to be a regional leader in climate change response, advocacy and adaptation.
11	Ensure that the rights to freedom of expression and the press , founded on the principles of pluralism, transparency and accountability, are respected and protected. This requires that civil society and media are allowed to exercise their right to openly debate and discuss political affairs without prosecution, discrimination or violence.
12	Review the government's response to natural disasters – especially Tropical Cyclone Pam and the Ambae volcanic eruption and subsequent islander relocation – and adjust policies and practices accordingly.
13	Support the strengthening of regional early warning systems for atrocity prevention.
RECOMMENDATIONS FOR FOR THE INTERNATIONAL COMMUNITY	
1	Learn from the international response following Tropical Cyclone Pam to ensure more coordinated, balanced and effective humanitarian assistance in the future.
2	Support national and local initiatives to combat climate change. This includes taking meaningful and direct domestic mitigation action to reduce international carbon emissions levels, not just supporting adaptation responses in Pacific island countries
RECOMMENDATIONS FOR CIVIL SOCIETY	
1	Continue to support the protection of human rights in Vanuatu and to provide input and advice in legislative processes to ensure the conformity of legal amendments with international human rights law.
2	Learn from the international response following Tropical Cyclone Pam to ensure more coordinated, balanced and effective humanitarian assistance in the future.

END NOTES

- 1 United Nations Office on Genocide Prevention and the Responsibility to Protect. 2014. Framework of Analysis for Atrocity Crimes. New York: United Nations.
- 2 *Kastom* is a complex and much discussed term in the anthropological literature, the details of which are beyond this assessments scope. For the purposes of this report, the translation of *kastom* as simply 'custom' or 'tradition' will suffice. For a select overview of some of the academic debates on *kastom*, see: Keesing, R.M. and R. Tonkinson (eds.) 1982. Reinventing traditional culture: The politics of *kastom* in island Melanesia. (Special Issue) *Mankind* 13(4); Larcom, J 1982, 'The Invention of Convention', *Mankind*, vol. 13, no. 4, pp. 330-37; Tonkinson, R 1993, 'Understanding Tradition' -Ten years on,' *Anthropological Forum: A Journal of Social Anthropology and Comparative Sociology*, vol. 6, no. 4, pp. 597-606.
- 3 Ni-Vanuatu is the term used to refer to the Indigenous people of Vanuatu, literally meaning 'of' or 'from' Vanuatu.
- 4 Stevens, J 1977, 'Nagriamel', in Plant, C. (ed.) *New Hebrides: the road to independence*, Institute of Pacific Studies, University of the South Pacific, Suva, Fiji. See also: Abong, M 2008, *La pirogue du dark bush: aperçus critiques sur le mouvement Nagriamel au temps des Nouvelles-Hébrides (Vanuatu)*, Edition du Centre Culturel du Vanuatu, Port Vila, Vanuatu; Kolig, E 1981b, 'The Paradox of Santo, Vanuatu', *Pacific Perspective*, vol. 10, pp. 57-61; Kolig, E 1987a, 'Kastom, Cargo and the Construction of Utopia on Santo, Vanuatu', *Journal de la Société des océanistes*, vol. 85, no. 2, pp. 81-204.
- 5 Beasant, J 1984. *The Santo Rebellion: An Imperial Reckoning*, Hawaii University Press, Honolulu; Parsons, M 1981, 'Phoenix: ashes to ashes', *New Internationalist Magazine*, 101 (July). Accessed 21 September, 2018. Available at <http://newint.org/features/1981/07/01/phoenix/>
- 6 Beasant, J 1984. *The Santo Rebellion: An Imperial Reckoning*, Hawaii University Press, Honolulu; Shears, R. 1980. *The Coconut War: The Crisis on Espiritu Santo*. Cassel: North Ryde, NSW.
- 7 Global Faculty for Disaster Reduction and Recovery (GFDRR). 2018. Vanuatu Country Profile. Accessed 20 September 2018. Available at <https://www.gfdrr.org/vanuatu> ; See also: Das Bündnis Entwicklung Hilft (the Alliance Development Help for People in need) and United Nations University's Institute for Environment and Human Security World Risk Index, which ranks Vanuatu as the highest risk country in the world for consecutive years (e.g. 2018-2019). Available at <https://weltrisikobericht.de/english-2/#weltrisikoindex>
- 8 Das Bündnis Entwicklung Hilft (the Alliance Development Help for People in need) and United Nations University's Institute for Environment and Human Security. 2017. *World Risk Report: Analysis and Prospects for 2017*. P. 36.
- 9 Das Bündnis Entwicklung Hilft (the Alliance Development Help for People in need) and United Nations University's Institute for Environment and Human Security. 2017. *World Risk Report: Analysis and Prospects for 2019*. P. 56. Accessed 20 January 2020. Available at https://reliefweb.int/sites/reliefweb.int/files/resources/WorldRiskReport-2019-Online_english.pdf
- 10 CCTN, n.d. The Ministry of Climate Change Adaptation, Meteorology, Geo-Hazards, Environment, Energy and Disaster Management. Climate Technology Centre & Network, United Nations Framework Convention on Climate Change (UNFCCC) Available at <https://www.ctc-n.org/about-ctcn/national-designated-entities/ministry-climate-change-adaptation-meteorology-geo-hazards>
- 11 BBC. 2015. Cyclone devastates South Pacific islands of Vanuatu. Accessed 14 November 2018. Available at <https://www.bbc.com/news/world-asia-31883712>; Coates, Stephen. 2015. Rescue teams reach cyclone-hit Vanuatu islands, official toll lowered. Reuters. Accessed 14 November 2018. Available at <https://www.reuters.com/article/us-weather-vanuatu-cyclone/rescue-teams-reach-cyclone-hit-vanuatu-islands-official-toll-lowered-idUSKBN0MC1ZY20150317>
- 12 Hardly, S. and H. Tilley, 2017. *Governance for Growth*. Overseas Development Institute, London, ft, 10, p. 17. Accessed 20 January 2020. Available at <https://www.odi.org/sites/odi.org.uk/files/resource-documents/11702.pdf>
- 13 The Economist. 2015. Pardon Me. Accessed 15 November 2018. Available at <https://www.economist.com/asia/2015/11/07/pardon-me>; The Economist. 2015. Destitute and Devasted. Accessed 15 November 2018. Available at <https://www.economist.com/graphic-detail/2015/03/17/destitute-and-devastated>
- 14 The Economist. 2015. Destitute and Devasted. Accessed 15 November 2018. Available at <https://www.economist.com/blogs/graphicdetail/2015/03/daily-chart-8>
- 15 ACT Alliance. 2018. Concept Note: Ambae Volcano Evacuation Relief and Resettlement Support. Accessed January 20, 2020. Available at <https://reliefweb.int/report/vanuatu/concept-note-ambae-volcano-evacuation-relief-and-resettlement-support> ; Bevege, Alison. 2017. Dunkirk-Style Evacuation as Vanuatu Volcano Pollutes Drinking Water. Accessed 10 October 2018. Available at <https://www.reuters.com/article/us-vanuatu-volcano/dunkirk-style-evacuation-as-vanuatu-volcano-pollutes-drinking-water-idUSKCN1C6141>; DW, 2018. Manaro volcano in Vanuatu prompts full evacuation of island. DW News, 27 July, 2018. Accessed January 20, 2020. Available at <https://www.dw.com/en/manaro-volcano-in-vanuatu-prompts-full-evacuation-of-island/a-44846709> ; GoV. 2018. Vanuatu: Response & Early Recovery Humanitarian

END NOTES

- Action Plan Tropical Cyclone Hola & Ambae Volcano (6 April 2018). Government of Vanuatu, 6 April, 2018. Accessed January 20, 2020. Available at <https://ndmo.gov.vu/bi/resources/downloads/category/67-reports>
- 16 Taylor, Lin. 2017. Where is the Justice? Ask climate change 'refugees', side-lined from global deal. Reuters UK. Accessed 12 October 2018. Available at: <https://uk.reuters.com/article/fiji-climatechange-migration/update-1-where-is-the-justice-ask-climate-refugees-sidelined-from-global-deal-idUKL8N1O64EA> ; Wallace, A. 2016. Sea level rise mapping reaches Vanuatu. Spatial Source. Accessed 20 January 2020. Available at <https://www.spatialsource.com.au/gis-data/sea-level-rise-mapping-reaches-vanuatu>
- 17 Gornall, J., Betts, R., Burke, E., Clark, R., Camp, J., Willett, K., & Wiltshire, A. 2010. Implications of climate change for agricultural productivity in the early twenty-first century. Philosophical transactions of the Royal Society of London. Series B, Biological sciences, 365(1554), 2973–2989; Global Facility for Disaster Reduction and Recovery (GFDRR), 2019. Vanuatu. Accessed January 20, 2020. Available at <https://www.gfdrr.org/en/vanuatu>
- 18 Anon., 2018. 'Letters to the Editor - Re: State of emergency on Ambae. The Vanuatu Daily Post, 21 September, 2018. Accessed January 20, 2020. Available at https://dailypost.vu/opinion/letters_to_editor/re-state-of-emergency-on-ambae/article_2e5296b0-7a66-522c-a3d1-284fc926e9cd.html ; McGarry, Dan. 2018. Ambae is in crisis. The Vanuatu Daily Post, 28 July, 2018. Accessed January 20, 2020. Available at https://dailypost.vu/news/ambae-is-in-crisis/article_b73e37dd-213c-5510-8b7e-1d6217961505.html
- 19 Ibid.; Bani, Thomson. 2018. An Open Letter to the Government. The Vanuatu Daily Post. Accessed 4 November 2018. Available at http://dailypost.vu/opinion/letters_to_editor/an-open-letter-to-the-government/article_01f06116-cf87-5e44-b4b2-9653e4d8d025.html
- 20 DFAT. 2017. Humanitarian Assistance in the Pacific: An Evaluation of the Effectiveness Of Australia's Response to Cyclone Pam. Department of Foreign Affairs and Trade, Canberra, February 2017. Accessed January 20, 2020, p. 23. Available at <https://dfat.gov.au/aid/how-we-measure-performance/ode/Documents/cyclone-pam-evaluation.pdf>
- 21 ABC News, 2015. 'Tropical Cyclone Pam: Vanuatu's government criticises aid groups over poor coordination of disaster relief,' 19 March 2015. Accessed January 20, 2020. Available at <http://www.abc.net.au/news/2015-03-19/vanuatu-criticises-lack-of-aid-coordination-after-cyclone-pam/6333676>
- 22 Dornan, Mathew. 2015. Vanuatu after Cyclone Pam: the economic impact. DevPolicy Blog. Development Policy Centre, Australian National University. 10 April, 2015. Accessed January 20, 2020. Available at <https://devpolicy.org/vanuatu-after-cyclone-pam-the-economic-impact-20150410/>
- 23 Global Facility for Disaster Reduction and Recovery (GFDRR), 2019. Vanuatu. Accessed January 20, 2020. Available at <https://www.gfdrr.org/en/vanuatu>
- 24 Ibid.
- 25 Murray-Atfield, Yara. 2018. Drones to Deliver Vaccines to remote Vanuatu in World-First Commercial Contracts. ABC News. Accessed 10 November. Available at <https://www.abc.net.au/news/2018-10-30/drones-to-deliver-vaccines-to-remote-vanuatu/10440782>
- 26 Chute, Jason. 2018. Drone Contracts For Vaccine Delivery. The Vanuatu Daily Post. Accessed 15 October 2018. Available at http://dailypost.vu/news/drone-contracts-for-vaccine-delivery/article_f96aa114-6c1d-5d04-bb73-863cf7b-0fba.html
- 27 Cf. Radio New Zealand (RNZ). 2018. Supplies for Ambaeans in Vanuatu capital run dry Accessed 10 November. Available at <https://www.radionz.co.nz/international/pacific-news/375307/supplies-for-ambaeans-in-vanuatu-capital-run-dry>
- 28 The Global Economy.com. 2020. Vanuatu: Political stability. Accessed 20 January, 2020. Available at https://www.theglobaleconomy.com/Vanuatu/wb_political_stability/
- 29 The Land Reform Act [CAP 123, Sect. 6] allowed the Minister for Lands to sign-off on land leases as the 'authorized representative of the customary owner' in cases where there was dispute over land ownership. This was originally intended to be used with respect to land alienated prior to Independence, but in practice it has allowed the Land Minister to intervene in any case where there is a dispute. See: Steffanova, M, Porter, R and Nixon, R. 2012. Towards more equitable land governance in Vanuatu: Ensuring fair dealings for customary groups, Justice for the Poor Discussion Note, World Bank, Washington. p. 2-8.
- 30 In 2014, the then Minister for lands -Honourable Ralph Regenvanu – spearheaded a series of amendments that closed this loophole and instigated a number of other reforms that – whilst controversial – have (somewhat) halted the expatriate-led 'land grab' and removed disputes about land from the court system. See McDonnell, Siobhan. 2014, 'Better protection for custom owners: Key changes in Vanuatu's new land legislation', Outrigger: Blog of the Pacific Institute [Online]. Accessed April 30 2014. Available at <http://pacificinstitute.anu.edu.au/outrigger/2014/03/04/better-protection-for-custom-owners-key-changes-in-vanuatues-new-land-legislation/>
- 31 The Economist. 2015. Pardon Me. Accessed 15 November 2018. Available at <https://www.economist.com/asia/2015/11/07/pardon-me>
- 32 McDonnell, Siobhan. 2015. 'Dirty Politics In Vanuatu'. The Australian National University College of Asia and The Pa-

END NOTES

- cific. Accessed 1 November 2018. Available at <http://asiapacific.anu.edu.au/news-events/all-stories/dirty-politics-vanuatu> ; The Economist. 2015. For the First Time, Vanuatu Jails Corrupt Legislators . Accessed 15 November 2018. Available at <https://www.economist.com/asia/2015/10/26/for-the-first-time-vanuatu-jails-corrupt-legislators>.
- 33 McDonnell, Siobhan. 2015. 'Dirty Politics In Vanuatu'. The Australian National University College of Asia and The Pacific. Accessed 1 November 2018. Available at <http://asiapacific.anu.edu.au/news-events/all-stories/dirty-politics-vanuatu> ; Van Trease, Howard (ed.) 1995, Melanesian politics: stael blong Vanuatu, Institute of Pacific Studies, University of the South Pacific, Suva, Fiji.
- 34 Ibid.; See also: Cox, M, Alato, H, Linda, K, Nuapa, A, Rawlings, G, Soni, N & Vatu, C 2007, 'The Unfinished State: Drivers of change in Vanuatu', AusAID, Canberra. p. iii.
- 35 Vanuatu National Statistics Office (VNSO). 2009. Vanuatu - National Population and Housing Census, Vol. 1-2, Vanuatu Government..
- 36 The Economist. 2015. Destitute and Devasted. Accessed 15 November 2018. Available at <https://www.economist.com/blogs/graphicdetail/2015/03/daily-chart-8>.
- 37 Vanuatu National Statistics Office/Malvatumarui National Council of Chiefs (VNSO/MNCC). 2012. 'Alternative Indicators of Well-being for Melanesia: Vanuatu pilot survey,' Malvatumarui National Council of Chiefs and Vanuatu National Statistics Office, Port Vila, Vanuatu.
- 38 Scott, S, Stefanova, M, Naupa, A and Vuribaravu, K. 2012. Vanuatu National Leasing Profile: A Preliminary Analysis. World Bank, Washington, DC., Available at <https://www.wdronline.worldbank.org/handle/10986/10839>
- 39 Regenvanu, R. 2008. Issues with land reform in Vanuatu, Journal of South Pacific Law, vol. 12, pp. 63-67 ; Scott, S, Stefanova, M, Naupa, A and Vuribaravu, K 2012, Vanuatu National Leasing Profile: A Preliminary Analysis, World Bank, Washington, DC., Available at <https://www.wdronline.worldbank.org/handle/10986/10839>
- 40 McDonnell, S 2015, "'The Land will eat you": Land and Sorcery in North Efate, Vanuatu, in Forsyth, M and Eves, R (eds.) Talking it through: responses to Sorcery and Witchcraft Beliefs and Practices in Melanesia, ANU Press, [ebook], Australian National University, Canberra, pp. 137-60.
- 41 Slatter, C 2006, The Con/Dominion of Vanuatu? Paying the Price of Investment and Land Liberalisation - a case study of Vanuatu's Tourism Industry. Oxfam, New Zealand.
- 42 See for example: Asian Development Bank (ADB) .2009. Vanuatu economic report 2009: accelerating reform, Development Bank, Mandaluyong City, Philippines ; Bowman, CC, Jozefina, EA and Manuel, C. 2009. Women in Vanuatu: Analyzing Challenges to Economic Participation,' The World Bank, Washington, D.C.; Cox, M, Alato, H, Linda, K, Nuapa, A, Rawlings, G, Soni, N & Vatu, C 2007. The Unfinished State: Drivers of change in Vanuatu, AusAID, Canberra.; Jowitt, A. 2001, Unemployment in Vanuatu, Development Bulletin, 56: 55-57 ; Ware, H 2004, Pacific instability and youth bulges: the devil in the demography and the Economy. Paper presented at Australian Population Association 12th Biennial Conference, Canberra, 15–17 September 2004. Available: http://acsr.anu.edu.au/APA2004/papers/3E_Ware.pdf
- 43 Amnesty International. 2018. Country profile on Vanuatu. Accessed 30 August 2018. Available at <https://www.amnestyusa.org/countries/vanuatu/>; Blackett, Isabel et al. 2015. Delivering Water and Sanitation To Melanesian Informal Settlements. Water (Australia). 40. Available at https://www.researchgate.net/publication/277666454_Delivering_Water_and_Sanitation_To_Melanesian_Informal_Settlements
- 44 Amnesty International. 2018. Country profile on Vanuatu. Accessed 30 August 2018. Available at <https://www.amnestyusa.org/countries/vanuatu/>
- 45 Vanuatu Independent. 2017. New sanitation facilities to improve health and hygiene in Seaside. Accessed 9 September 2018. Available at <https://vanuatuindependent.com/2017/06/04/new-sanitation-facilities-to-improve-health-and-hygiene-in-seaside/>
- 46 Beall, J. and Piron, L.H., 2005. DFID social exclusion review. London: Overseas Development Institute, 32, p.37
- 47 Pacific Islands Forum Secretariat. 2016. Pacific Leaders Gender Equality Declaration Trend Assessment Report 2012-2016. Suva, Fiji: Pacific Islands Forum Secretariat. P. 75.
- 48 UNICEF/Government of Vanuatu. 2005. Vanuatu. A Situation Analysis of Children, Women and Youth. UNICEF Pacific Office, Fiji. 2005
- 49 ABC 2012, 'Vanuatu: Anecdotal evidence points to prostitution increase', (Interview with M. Tahi and M. Neil-Jones), Radio Australia - Pacific Beat - Stories – Available at: <http://www.abc.net.au/ra/pacbeat/stories/s1579037.htm>
- ; UNICEF 2011, Children in Vanuatu: An atlas of social indicators, United Nations Children's Fund Fiji, UNICEF.
- 50 Mason, M., 2000. 'Domestic violence in Vanuatu', in Sinclair Dinnen and Ley Allison (eds), Reflections on Violence in Melanesia, pp. 119-138, Leichardt, NSW: Hawkins Press; Canberra: Asia Pacific Press.; Mitchell, J.,. 'Violence as continuity: violence as rupture – narratives from an urban settlement in Vanuatu', in Dinnen & Ley (eds) Reflections on Violence in Melanesia, Hawkins Press / Asia Pacific Press, NSW/ Canberra, 2000.

END NOTES

- 51 VWC 2011, Vanuatu National Survey of Women's lives and Family relationships, Vanuatu Women's Centre and Vanuatu National Statistics Office. Port Vila.
- 52 Action Aid. 2018. Gender Equality and Women's Rights in Vanuatu after Cyclone Pam. Accessed 10 November. Available at <http://www.actionaid.org/climate-impacts-Vanuatu>.
- 53 Anonymous staff member, Anglican Church of Melanesia, Diocese of Vanautu and New Caledonia, pers. comm. (to Mark Love), September, 2018.
- 54 United States Department of State Bureau of Democracy, Human Rights and Labor. 2017. 'Vanuatu 2017 Human Rights Report'. Country Reports on Human Rights Practices for 2017. Washington DC: DRL. P. 8; Australian Aid, 2018. 'Vanuatu'. Pacific Women. Accessed 9 November 2018. Available at <https://pacificwomen.org/our-work/locations/vanuatu/>.
- 55 UN Women. 2011. Ending Violence Against Women and Girls Evidence, Data and Knowledge in Pacific Island Countries Literature Review and Annotated Bibliography. 2nd ed. UN Women Pacific 2011: Fiji. P. 11.
- 56 Vanuatu UPR National Report 2013: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/185/08/PDF/G1318508.pdf?OpenElement>
- 57 The United Nations General Assembly Human Rights Council working group on the Universal Periodic Review-Fifth Session. February 2009. Universal Periodic Review: Stakeholders Submissions: Vanuatu (A/HRC/WG.6/5/VUT/3) The United Nations: Geneva. P. 4-5.
- 58 UN Women. 2011. Ending Violence Against Women and Girls Evidence, Data and Knowledge in Pacific Island Countries Literature Review and Annotated Bibliography. 2nd ed. UN Women Pacific 2011: Fiji. P.38; United States Department of State Bureau of Democracy, Human Rights and Labor. 2017. 'Vanuatu 2017 Human Rights Report'. Country Reports on Human Rights Practices for 2017. Washington DC: DRL p. 8.
- 59 United States Department of State Bureau of Democracy, Human Rights and Labor. 2017. 'Vanuatu 2017 Human Rights Report'. Country Reports on Human Rights Practices for 2017. Washington DC: DRL p.8.
- 60 Department of Women's Affairs. 2008. Family Protection Act. DWA: Vanuatu. ;UN Women. 2011. Ending Violence Against Women and Girls Evidence, Data and Knowledge in Pacific Island Countries Literature Review and Annotated Bibliography. 2nd ed. UN Women Pacific 2011: Fiji. P. 38.
- 61 UN Women. 2011. Ending Violence Against Women and Girls Evidence, Data and Knowledge in Pacific Island Countries Literature Review and Annotated Bibliography. 2nd ed. UN Women Pacific 2011: Fiji. P.11.
- 62 UN Women. 2011. Ending Violence Against Women and Girls Evidence, Data and Knowledge in Pacific Island Countries Literature Review and Annotated Bibliography. 2nd ed. UN Women Pacific 2011: Fiji. P. 38.
- 63 The United Nations General Assembly Human Rights Council working group on the Universal Periodic Review-Fifth Session. February 2009. Universal Periodic Review: Stakeholders Submissions: Vanuatu (A/HRC/WG.6/5/VUT/3) The United Nations: Geneva. P. 4-5
- 64 Radio new Zealand (RNZ). 2016. Vanuatu Justice System Fails Women. Accessed 20 September 2018. Available at <https://www.radionz.co.nz/international/programmes/datelinepacific/audio/201810921/vanuatu-justice-system-fails-women>.
- 65 Government of Vanuatu and UNICEF. 2005. A Situation Analysis of Children, Women and Youth in Vanuatu. UNICEF Pacific Office: Fiji. p. 42; UN Women. 2011. Ending Violence Against Women and Girls Evidence, Data and Knowledge in Pacific Island Countries Literature Review and Annotated Bibliography. 2nd ed. UN Women Pacific 2011: Fiji. P 42.
- 66 See: Thomas, AKL 2013, 'Empowering ni-Vanuatu women: amplifying wantok authority and achieving fair market access', PhD Thesis, The University of Waikato ; Tor, R and Toka, A 2004, 'Gender, Kastom and domestic Violence: A research on the historical trend, extent and impact of domestic violence in Vanuatu,' VanGov and CUSO, Port Vila, Vanuatu.
- 67 Jolly, M.1992. 'Custom and the way of the land: past and present in Vanuatu and Fiji', Oceania, Vol 62, No 4, pp.330-354 ; Jolly, M. 1994. Women of the Place: Kastom, Colonialism and Gender in Vanuatu, Harwood Academic Publishers, Melbourne.
- 68 Jolly, M. 1994. Women of the Place: Kastom, Colonialism and Gender in Vanuatu, Harwood Academic Publishers, Melbourne.
- 69 See: Brown, M.A., 2008, Custom and Identity: Reflections on the Representations of Violence in Melanesia In Promoting Conflict or Peace Through Identity, Slocum-Bradley, Nikki (ed), pp. 183-208, Ashgate, Burlington/Hampshire; Jolly, M 2000, 'Woman ikat raet long human raet o no? Women's rights, human rights and domestic violence in Vanuatu', in A.-M. Hilsdon, M. Macintyre, V. Mackie and M. Stevens (eds), Human Rights and Gender Politics: Asia-Pacific Perspectives, Routledge, Taylor & Francis Group, London and New York, pp. 124-146 [Updated and expanded version of article first published in Feminist Review 52:169-90 (1996)]; Taylor, J 2008b, 'The Social Life of Rights: gender antagonism, modernity and raet in Vanuatu', in John P. Taylor (ed) The Australian Journal of Anthro-

END NOTES

pology (special issue, Changing Pacific Masculinities), vol. 19, no. 2, pp. 165-178.

70 VWC 2011, 'Vanuatu National Survey of Women's lives and Family relationships,' Vanuatu Women's Centre and Vanuatu National Statistics Office. Port Vila.

71 Bamberger, M. and Podems, D.R., 2002. Feminist evaluation in the international development context. *New Directions for evaluation*, 2002(96), pp.83-9 ; Brown, MA 2009, *Human Rights and the Borders of Suffering: the Promotion of Human Rights in International Politics*, Manchester University Press, Conflict Resolution Series, Manchester.

72 Amnesty International, 1998. Vanuatu: No Safe Place For Prisoners. AI Index: ASA 44/01/98

<https://www.amnesty.org/download/Documents/152000/asa440011998en.pdf> ; Trinh, Cindy. 2009. After Years of Poor Prison Conditions, the UN Human Rights Council Reports that Vanuatu is Finally Taking Steps to Improve the Situation. Impunity Watch, 29 September, 2009. Accessed January 20, 2020. Available at <https://impunitywatch.com/after-years-of-poor-prison-conditions-the-un-human-rights-council-reports-that-vanuatu-is-finally-taking-steps-to-improve-the-situation/>

73 Braunstein, Adam. 2017. 'Human Rights in Vanuatu'. The Borgen Project. Accessed 12 October 2018. Online Blog. Available at <https://borgenproject.org/human-rights-in-vanuatu/> ; United States Department of State. 2017. 'Vanuatu 2017 Human Rights Report'. Country Reports on Human Rights Practices for 2017. Bureau of Democracy, Human Rights and Labor, p. 2. But see: Penfold, Paula, 2018. Inside the grim prisons of Vanuatu. NZ Stuff, 22 May, 2018. Accessed January 20, 2020. Available at

<https://www.stuff.co.nz/world/south-pacific/104018732/inside-the-grim-prisons-of-vanuatu>

74 United Nations Human Rights Council. 2019. 'Report of the Working Group on the Universal Periodic Review Vanuatu'. Universal periodic review. A/HRC/41/10. Human Rights Council Forty-first session, 24 June–12 July 2019. Agenda item 6, para. 19.

75 Tor, R and Toka, A 2004, 'Gender, Kastom and domestic Violence: A research on the historical trend, extent and impact of domestic violence in Vanuatu,' VanGov and CUSO, Port Vila, Vanuatu, p. 9.

76 Ibid., p. 39. See further: Forsyth, M 2009, *A bird that flies with two wings: kastom and state justice systems in Vanuatu*, ANU E Press, Canberra, chpt. 7.

77 United States Department of State Bureau of Democracy, Human Rights and Labor. 2017. 'Vanuatu 2017 Human Rights Report'. Country Reports on Human Rights Practices for 2017. Washington DC: DRL p. 8.

78 Ibid, p.12.

79 United Nations Human Rights Council. 2019. 'Report of the Working Group on the Universal Periodic Review Vanuatu'. Universal periodic review. A/HRC/41/10. Human Rights Council Forty-first session, 24 June–12 July 2019. Agenda item 6, para. 11.

80 Ibid., para 19.

81 Ibid., para 10.

82 Australian Aid, 2018. 'Vanuatu'. Pacific Women. Accessed 9 November 2018. Available at <https://pacificwomen.org/our-work/locations/vanuatu/>.

83 Amnesty International. 2018. Country profile on Vanuatu. Accessed 30 August 2018. Available at <https://www.amnestyusa.org/countries/vanuatu/>; Australian Department of Foreign Affairs and Trade (DFAT) with AusAid. 2017. Vanuatu Country Report. DFAT: Canberra. P. 94.

84 UN Women. 2011. *Ending Violence Against Women and Girls Evidence, Data and Knowledge in Pacific Island Countries Literature Review and Annotated Bibliography*. 2nd ed. UN Women Pacific 2011: Fiji. P.38.

85 United States Department of State Bureau of Democracy, Human Rights and Labor. 2017. 'Vanuatu 2017 Human Rights Report'. Country Reports on Human Rights Practices for 2017. Washington DC: DRL. p. 2

86 Boege, Volker, and Miranda Forsyth. "Customary conflict resolution in a state environment—cases from Vanuatu." Unpublished paper presented at the 10th Pacific Islands Political Studies Association (PIPSA) Conference, Port Vila. 2007

87 David Baker, B.. 2015. Trouble in paradise: Intrigue and Corruption in Vanuatu. *The Diplomat*. Accessed 20 November 2018. Available at <https://thediplomat.com/2015/10/trouble-in-paradise-intrigue-and-corruption-in-vanuatu/> ; Forsyth, M & Batley, J 2016, 'What the Political Corruption Scandal of 2015 Reveals about Checks and Balances in Vanuatu Governance', *Journal of Pacific History*, vol. 51, no. 3, pp. 255-277pp.; Forsyth, M 2015, IB2015/65 'Fourteen Jailed': Politics and Justice in Vanuatu, pp. 1-2pp.

88 The Economist. 2015. For the First Time, Vanuatu Jails Corrupt Legislators. Accessed 15 November 2018. Available at <https://www.economist.com/asia/2015/10/26/for-the-first-time-vanuatu-jails-corrupt-legislators>.

89 The Economist. 2015. Pardon Me. Accessed 15 November 2018. Available at <https://www.economist.com/asia/2015/11/07/pardon-me>.

90 Cox, M, Alato, H, Linda, K, Nuapa, A, Rawlings, G, Soni, N & Vatu, C 2007, 'The Unfinished State: Drivers of change in Vanuatu', AusAID, Canberra. p. iii.

END NOTES

- 91 VBTC, 2019. Victor Rory guilty of money laundering. VBTC, 1 April, 2019. Accessed 20 January 2020. Available at <https://www.vbtc.vu/en/latest-news/3404-victor-rory-guilty-of-money-laundering>
- 92 RNZ, 2019. Vanuatu aid fraudster jailed for 8 years. Radio New Zealand, 9 July, 2019. Accessed 21 January 2020. Available at <https://www.rnz.co.nz/international/pacific-news/393956/vanuatu-aid-fraudster-jailed-for-8-years>
- 93 The Economist Intelligence Unit. 2018. Vanuatu Country Profile. Accessed 30 August 2018. Available at <http://country.eiu.com/vanuatu>. 2017. Corruption Perceptions Index. Accessed 10 November 2018. Available at <https://knoema.com/CPI2014/corruption-perceptions-index-2017-by-transparency-international?country=1000700-vanuatu>
- 94 Knoema. 2017. Corruption Perceptions Index. Accessed 10 November 2018. Available at <https://knoema.com/CPI2014/corruption-perceptions-index-2017-by-transparency-international?country=1000700-vanuatu> ; Van Trease, H (ed.) 1995, *Melanesian politics: stael blong Vanuatu*, Institute of Pacific Studies, University of the South Pacific, Suva, Fiji.
- 95 McDonnell, S. 2015. 'Dirty Politics In Vanuatu'. The Australian National University College of Asia and The Pacific. Accessed 1 November 2018. Available at <http://asiapacific.anu.edu.au/news-events/all-stories/dirty-politics-vanuatu>.; Morgan, M., 2004. Political fragmentation and the policy environment in Vanuatu, 1980-2004. *Pacific Economic Bulletin* Volume 19 Number 3, pp. 40-48 ; Morgan, Mi. 2005. *Cultures of dominance: institutional and cultural influences on parliamentary politics in Melanesia*, Discussion Paper 2005/2, State, Society and Governance in Melanesia Research Paper Series, The Australian National University, <http://rspas.anu.edu.au/melanesia/research.php> ; Van Trease, H (ed.) 1995, *Melanesian politics: stael blong Vanuatu*, Institute of Pacific Studies, University of the South Pacific, Suva, Fiji.
- 96 Boege, V. et al. 2007. "Towards Effective and Legitimate Governance: States Emerging from Hybrid Orders", unpublished paper, Australian Centre for Peace and Conflict Studies, Brisbane, p. 4.
- 97 United States Department of State Bureau of Democracy, Human Rights and Labor. 2017. 'Vanuatu 2017 Human Rights Report'. Country Reports on Human Rights Practices for 2017. Washington DC: DRL. P.4.
- 98 Cox, M, Alato, H, Linda, K, Nuapa, A, Rawlings, G, Soni, N & Vatu, C 2007, 'The Unfinished State: Drivers of change in Vanuatu', AusAID, Canberra. p. iii.
- 99 United Nations Human Rights Council. 2019. 'Report of the Working Group on the Universal Periodic Review Vanuatu'. Universal periodic review. A/HRC/41/10. Human Rights Council Forty-first session, 24 June–12 July 2019. Agenda item 6, para. 23.
- 100 McLeod, A and Morgan, M. 2007, 'An Incomplete Arc: Analyzing the Potential for Violent Conflict in the Republic of Vanuatu', *Pacific Affairs*, vol. 80, pp. 67-86.
- 101 Ibid.
- 102 Reuters. 2018. Australia Works on Security Deal with Vanuatu in Bid to Counter China's Influence. Accessed 18 September 2018. Available at <https://www.reuters.com/article/us-australia-vanuatu-politics/australia-works-on-security-deal-with-vanuatu-in-bid-to-counter-chinas-influence-idUSKBN1JLOBE>.
- 103 The Economist. 2015. For the First Time, Vanuatu Jails Corrupt Legislators . Accessed 15 November 2018. Available at <https://www.economist.com/asia/2015/10/26/for-the-first-time-vanuatu-jails-corrupt-legislators>.
- 104 McDonnell, S. 2018. Understanding Foreign Influence in the Pacific. ABC News. Accessed 1 November 2018. Available at <https://www.abc.net.au/news/2018-06-23/understanding-foreign-influence-in-the-pacific/9895622>; McDonnell, Siobhan. 2015. 'Dirty Politics In Vanuatu'. The Australian National University College of Asia and The Pacific. Accessed 1 November 2018. Available at <http://asiapacific.anu.edu.au/news-events/all-stories/dirty-politics-vanuatu>.
- 105 The Economist Intelligence Unit. 2018. Vanuatu Country Profile. Accessed 30 August 2018. Available at <http://country.eiu.com/vanuatu>.
- 106 BBC. 2018. Vanuatu denies it will host China Military Base. Accessed 18 September 2018. Available at <https://www.bbc.com/news/world-australia-43707975>.
- 107 Reuters. 2018. Australia Works on Security Deal with Vanuatu in Bid to Counter China's Influence. Accessed 18 September 2018. Available at <https://www.reuters.com/article/us-australia-vanuatu-politics/australia-works-on-security-deal-with-vanuatu-in-bid-to-counter-chinas-influence-idUSKBN1JLOBE>.
- 108 Cf. Rawlings, G 2010, 'Villages, Islands and Tax Havens: The global/local implications of a financial entrepot in Vanuatu', *Canberra Anthropology*, vol. 22, no. 2, pp. 37-50.
- 109 Anon. 2020. France adds Fiji, Vanuatu, Guam and two Samoas to 'blacklist', Daily Post. 13 January, 2020. Accessed January 20, 2020. Available at https://dailypost.vu/news/france-adds-fiji-vanuatu-guam-and-two-samoas-to-blacklist/article_41f17296-3584-11ea-bb6d-cf7b4ab0c4ff.html
- 110 ABC News. 2019. Why Vanuatu's lucrative 'passports for sale' scheme is popular among Chinese nationals. Pa-

END NOTES

- cific Beat, 7 August, 2019. Accessed January 20, 2020. Available at <https://www.abc.net.au/news/2019-08-07/vanua-tu-passports-for-sale-scheme-to-chinese-nationals/11387292>
- 111 Smyth, Jamie, 2019. Vanuatu reviews 'passports for sale' scheme over EU worries. Financial Times, 23 October, 2019. Accessed January 20, 2020. Available at <https://www.ft.com/content/2f7744ea-f490-11e9-b018-3ef8794b17c6>
- 112 Freedom House, 2019. Vanuatu. Freedom in the World 2019. Accessed 21 January 2020. Available at <https://freedomhouse.org/report/freedom-world/2019/vanuatu> ; The Commonwealth Network. 2018. Find Media and Broadcasting expertise in Vanuatu. Accessed 7 September 2018. Available at http://www.commonwealthofnations.org/sectors-vanuatu/business/media_and_broadcasting/
- 113 The Commonwealth Network. 2018. Find Media and Broadcasting expertise in Vanuatu. Accessed 7 September 2018. Available at http://www.commonwealthofnations.org/sectors-vanuatu/business/media_and_broadcasting/; BBC. 2015. Vanuatu Media Profile. Accessed 7 September 2018. Available at <https://www.bbc.com/news/world-asia-16426202>.
- 114 BBC. 2015. Vanuatu Media Profile. Accessed 7 September 2018. Available at <https://www.bbc.com/news/world-asia-16426202>.
- 115 The Commonwealth Network. 2018. Find Media and Broadcasting expertise in Vanuatu. Accessed 7 September 2018. Available at http://www.commonwealthofnations.org/sectors-vanuatu/business/media_and_broadcasting/.
- 116 BBC. 2015. Vanuatu Media Profile. Accessed 7 September 2018. Available at <https://www.bbc.com/news/world-asia-16426202>.
- 117 The Commonwealth Network. 2018. Find Media and Broadcasting expertise in Vanuatu. Accessed 7 September 2018. Available at http://www.commonwealthofnations.org/sectors-vanuatu/business/media_and_broadcasting/; BBC. 2015. Vanuatu Media Profile. Accessed 7 September 2018. Available at <https://www.bbc.com/news/world-asia-16426202>
- 118 Amnesty International, 2019. Vanuatu: Media Director Barred From Reuniting with his Family. 28 November, 2019. ASA 44/1489/2019. Accessed 21 January 2020. Available at <https://www.amnesty.org/en/documents/asa44/1489/2019/en/> ; McGarry, Dan. 2019. Vanuatu has cancelled my work permit; it's a dark day for media freedom. The Guardian, 11 November, 2019. Accessed 20 January 2020. Available at <https://www.theguardian.com/world/commentisfree/2019/nov/11/vanuatu-has-cancelled-my-work-permit-its-a-dark-day-for-media-freedom>
- 119 BBC. 2015. Vanuatu Media Profile. Accessed 7 September 2018. Available at <https://www.bbc.com/news/world-asia-16426202>.
- 120 We Are Social. 2018. Digital 2018: Vanuatu. 1 February, 2018. Available at <https://datareportal.com/reports/digital-2018-vanuatu?rq=Vanuatu>
- 121 We Are Social. 2019. Digital 2019: Vanuatu.. 31 January, 2019. Available at <https://datareportal.com/reports/digital-2019-vanuata?rq=Vanuatu>
- 122 Finau, G., Kant, R., Logan, S., Prasad, A., Tarai, J. and Cox, J., 2014. Social media and e-democracy in Fiji, Solomon Islands and Vanuatu. Association for Information Systems. Available at https://openresearch-repository.anu.edu.au/bitstream/1885/75381/2/01_Finau_Social_Media_and_e-Democracy_2014.pdf
- 123 Finau, G., Cox, J., Tarai, J., Kant, R., Varea, R., Titifanue, J. 2018. Social media and disaster communication: A case study of Cyclone Winston. Pacific Journalism Re-view, 24(1), 123-137.
- 124 Shing, G. 2015, July 4. Kilman plans media law to curb 'excessive liberty'. Pacific Media Watch. July 4, 2015. Available at <https://pmc.aut.ac.nz/pacific-media-watch/vanuatu-kilman-plans-media-law-curb-excessive-liberty-9335>
- 125 Kant, R., Titifanue, J., Tarai, J. and Finau, G., 2018. Internet under threat?: The politics of online censorship in the Pacific Islands. Pacific Journalism Review: Te Koakoa, 24(2), p. 73; see also: Shing, G. 2015, July 4. Kilman plans media law to curb 'excessive liberty'. Pacific Media Watch. July 4, 2015.
- 126 The United Nations General Assembly Human Rights Council working group on the Universal Periodic Review-Fifth Session. June 2009. Universal Periodic Review: Stakeholders Submissions: Vanuatu (A/HRC/12/14) The United Nations: Geneva. P. 38.
- 127 Amnesty International, 2012. Vanuatu: End Impunity Through Universal Jurisdiction [No Safe Haven Series 8]. 18 December 2012. Accessed 21 January 2020. Available at <https://www.amnesty.org/en/documents/ASA44/001/2012/en/>
- 128 The Commonwealth Network. 2018. Find International NGO Expertise in Vanuatu. Accessed 7 September 2018. http://www.commonwealthofnations.org/sectors-vanuatu/civil_society/international_ngos/
- 129 PIR, 2017. Vanuatu Non-Government Organization (VANGO) Has A New Board Of Directors. Pacific Islands Report, East-west Centre, 29 September, 2017. Accessed 21 January, 2020. Available at <http://www.pireport.org/articles/2017/09/29/vanuatu-non-government-organization-vango-has-new-board-directors>
- 130 Ibid.
- 131 McDonnell, Siobhan. 2018. Understanding Foreign Influence in the Pacific. ABC News. Accessed 1 Novem-

ber 2018. Available at <https://www.abc.net.au/news/2018-06-23/understanding-foreign-influence-in-the-pacific/9895622> ; The Economist. 2015. Pardon Me. Accessed 15 November 2018. Available at <https://www.economist.com/asia/2015/11/07/pardon-me>

132 Reuters. 2018. Australia Works on Security Deal with Vanuatu in Bid to Counter China's Influence. Accessed 18 September 2018. Available at <https://www.reuters.com/article/us-australia-vanuatu-politics/australia-works-on-security-deal-with-vanuatu-in-bid-to-counter-chinas-influence-idUSKBN1JL0BE>

133 Ibid.

124 Blades, Johnny, 2019. Pacific islands stand ground on West Papua push. The Interpreter, The Lowy Institute. 7 August, 2019. Accessed 21 January, 2020. Available at <https://www.loyyinstitute.org/the-interpreter/pacific-islands-stand-ground-west-papua-push>

135 Davidson, Helen. 2018. Indonesia accuses Vanuatu of 'inexcusable' support for West Papua. The Guardian, 3 October, 2018. Accessed 21 January, 2020. Available at <https://www.theguardian.com/world/2018/oct/03/indonesia-accuses-vanuatu-of-inexcusable-support-for-west-papua>

136 Reuters. 2018. Australia Works on Security Deal with Vanuatu in Bid to Counter China's Influence. Accessed 18 September 2018. Available at <https://www.reuters.com/article/us-australia-vanuatu-politics/australia-works-on-security-deal-with-vanuatu-in-bid-to-counter-chinas-influence-idUSKBN1JL0BE>

137 Ibid.

138 The Economist Intelligence Unit. 2018. Vanuatu Country Profile. Accessed 30 August 2018. Available at <http://country.eiu.com/vanuatu>.

139 McDonnell, Siobhan. 2018. Understanding Foreign Influence in the Pacific. ABC News. Accessed 1 November 2018. Available at <https://www.abc.net.au/news/2018-06-23/understanding-foreign-influence-in-the-pacific/9895622>.

140 The Economist. 2015. Destitute and Devasted. Accessed 15 November 2018. Available at <https://www.economist.com/blogs/graphicdetail/2015/03/daily-chart-8>.

141 The Economist. 2015. Pardon Me. Accessed 15 November 2018. Available at <https://www.economist.com/asia/2015/11/07/pardon-me>.

142 Stuff.Co. 2018. Strengthened Tropical Cyclone Hola batters Vanuatu, likely to hit New Zealand. Accessed 10 September 2018. Available at <https://www.stuff.co.nz/world/south-pacific/102041257/strengthened>.

143 The Economist. 2015. Destitute and Devasted. Accessed 15 November 2018. Available at <https://www.economist.com/blogs/graphicdetail/2015/03/daily-chart-8>.

144 Bevege, Alison. 2017. Dunkirk-Style Evacuation as Vanuatu Volcano Pollutes Drinking Water. Accessed 10 October 2018. Available at <https://www.reuters.com/article/us-vanuatu-volcano/dunkirk-style-evacuation-as-vanuatu-volcano-pollutes-drinking-water-idUSKCN1C6141>

145 Bani, Thomson. 2018. An Open Letter to the Government. The Vanuatu Daily Post. Accessed 4 November 2018. Available at http://dailypost.vu/opinion/letters_to_editor/an-open-letter-to-the-government/article_01f06116-cf87-5e44-b4b2-9653e4d8d025.html

146 Taylor, Lin. 2017. Where is the Justice? Ask climate change 'refugees', side-lined from global deal. Reuters UK. Accessed 12 October 2018. Available at: <https://uk.reuters.com/article/fiji-climatechange-migration/update-1-where-is-the-justice-ask-climate-refugees-sidelined-from-global-deal-idUKL8N1O64EA>

147 Chute, Jason. 2018. Drone Contracts For Vaccine Delivery. The Vanuatu Daily Post. Accessed 15 October 2018. Available at http://dailypost.vu/news/drone-contracts-for-vaccine-delivery/article_f96aa114-6c1d-5d04-bb73-863cf7b0fbae.html.

148 Bani, Thomson. 2018. An Open Letter to the Government. The Vanuatu Daily Post. Accessed 4 November 2018. Available at http://dailypost.vu/opinion/letters_to_editor/an-open-letter-to-the-government/article_01f06116-cf87-5e44-b4b2-9653e4d8d025.html

149 Ibid.

150 United Nations Office on Genocide Prevention and the Responsibility to Protect. 2014. Framework of Analysis for Atrocity Crimes. New York: United Nations, pp. 6-7.