



**TRANSPARENCY INTERNATIONAL
VANUATU**

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**Individual Stakeholder submission
Vanuatu 4th Universal Periodic Review Report.
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About Transparency International Vanuatu

Corruption remains a challenge in Vanuatu and prevalent across most sectors. Transparency International Vanuatu, registered as an NGO under the Charitable Associations (Incorporation) Act [Cap 140], was established in 2001, TIV has succeeded in raising awareness about people's rights, the issue of corruption, the value of a corruption-free environment and their role in achieving it. We continue to drive for political integrity and accountability amongst our elected leaders and engage or empower our citizens to demand transparency and hold those in power accountable through Vanuatu's Right to Information Legislation.

Mission

The main mission for Transparency International Vanuatu is to stop corruption and promote transparency, accountability and integrity at all levels and across all sectors within Vanuatu.

Corruption is a human rights issue because maladministration of funds in health, education and other public related benefit sections can deprive the public's right to enjoy these benefits.

Therefore, Transparency International Vanuatu has undertaken certain activities connected with human rights issues and the findings from these activities are hereby put together to contribute to this report.

This report focuses on the progress, gaps and recommendations that Vanuatu has acted upon since the UPR 3rd Cycle to comply with human rights laws, treaties and conventions.



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A. Introduction

1. International indicators and national surveys suggest that Vanuatu has, to a degree, maintained its good governance credentials. Vanuatu's score on Transparency International's Corruption Perceptions Indexⁱ (CPI) has improved from 43 out of 100 in 2017 to 48 out of 100 in 2022 (with 100 equating to clean and 0 to very corrupt).
2. Corruption in Vanuatu will be properly addressed when accepted standards such as the United Nations Convention against Corruptionⁱⁱ (UNCAC) the Sustainable Development Goalsⁱⁱⁱ (SDGs) and the National Sustainable Development Plan^{iv} (NSDP) are fully enforced, implemented and monitored in our national laws, institutions and practices, which would strengthen and allow good governance to be truly advanced.
3. There are many human rights issues in Vanuatu. Transparency International Vanuatu has identified three (3) human rights issues that are relevant to its core programs and brings to the United Nation Human Rights Council these three key issues to be deliberated under the Universal Periodic Review The issues are:
 - i. Bill for the Political Parties Registration Act No. of 2019
 - ii. Right To Information Act
 - iii. Anti-Corruption Authority Bill

B. KEY ISSUES AND RECOMMENDATIONS

Bill for the Political Parties Registration Act No. of 2019

4. Motions of no confidence in the Prime Minister are frequent with the latest currently unfolding in the country – driven usually by opportunity rather than policy. The political system in Vanuatu is generally described as unstable and fragmentary, with political competition based on patronage rather than competing policy platform, driving corruption and undermines any sustain approach to development^v. The challenges of small scale political parties and the formation of newly political parties at any given time, characterized by fierce infighting within unstable coalitions from the 2004 elections to date^{vi} is a concern.
5. There are no checks on political party financing and no other external mechanisms to ensure accountability or integrity. Political parties often rely on support for individual leaders, rather than a shared philosophy or commitment to a particular policy platform.



6. The failure of the functioning of the legislature and executive to play their role in maintaining accountability and to maintain a stable policy direction stems from lack of political integrity. Unless lack of political integrity is addressed, it will be impossible to consistently develop laws, policies and practices that support national integrity. In 2019, the Government introduced the Bill for the Political Parties Registration Act. The Bill provides for the registration of political parties and for related matters applicable only to elections after 2020 under the Representation of the People Act [Cap 146]. The Political Parties Registration Bill was again scheduled to be tabled in May 2023, but withdrawn. These delays in passing the Bill continue to encourage corruption as there are no national legislation to address accountability for political parties.
7. One of the provisions of the Bill is to ensure a strong sustainable political party system by requiring political parties to be properly established according to criteria that support political integrity, good governance, development and nation-building and financial transparency.

RECOMMENDATIONS

8. Transparency International Vanuatu recommend that the Vanuatu Government:
 - i. Pass the Bill for the Political Parties Registration Act No. of 2019 to regulate political parties and independent candidates for election, and in particular party finances and campaign finances.
 - ii. Implement an accurate electoral roll and voting system which is not subject to abuse and revise the Standing orders of Parliament, regulations of members' allocations and rules about the use of the motion of no confidence.
 - iii. Amend the Ombudsman Act and Leadership Code Act to expand the Ombudsman's powers and ensure that there are consequences for breaches of the Leadership Code.

Right To Information Act

9. Transparency International Vanuatu commends the Government of Vanuatu for adopting the Right to Information Policy in 2014 and passing the legislation^{viii} in 2016. The Right to Information (RTI) Unit sits within the Office of the Prime Minister and the legislation provides a legal basis for any person to request and access information. The Act enhances transparency of public sector activities and decision making whereby citizens of Vanuatu can have access to information and makes it easier for investigative journalists to access information.
10. Transparency International Vanuatu since 2016 has been collaborating in partnership with the RTI Unit in making awareness throughout most of the Islands in Vanuatu about the purpose of the legislation. Part 6 of the Act provides for the appointment of an Information Commissioner whose function is to hear, investigate and make a decision on appeal filed under the Act and to monitor compliance by government agencies of the Act amongst other functions. Currently, the RTI Unit only has 3 staff and does not have its own budget as a statutory institution, which has limited its work, and an Information Commissioner is yet to be appointed since the Law was



adopted in 2016.

RECOMMENDATIONS

11. Transparency International Vanuatu recommend that the Vanuatu Government:
 - i. Take appropriate measures to strengthen efforts of the RTI Units work in promoting the right to information especially in the rural areas by allocating adequate resources to the RTI Unit
 - ii. Appoint an Information Commissioner to ensure that the Right to Information Act can be implemented.

Anti-Corruption Authority Bill

12. Transparency International Vanuatu commends the Government of Vanuatu for looking at ways to better address corruption. On 19 December 2019, the Council of Ministers decided to establish an Anti-Corruption Authority^{viii} and assign functions and powers of the Authority between the Office of the Public Prosecutor and the Ombudsman's Office and approved the enactment of a Bribery and Corruption Bill, and a whistle Blower Bill as well.
13. Such measures are in line with its obligations under Chapter III Article 33 of the United Nations Convention Against Corruption (UNCAC) and part of Vanuatu's National Sustainable Development Plan 2016 - 2023^{ix}. The Whistleblower Protection Bill is reinforced by offences that is set out in the Bribery and Corruption legislation. The proposed Corruption Bill will criminalized UNCAC offences, corruptions offences already existing in Vanuatu's Penal Code, Proceeds of Crime Act 2003 and the Leadership Code Act 1998.

RECOMMENDATIONS

14. Transparency International Vanuatu recommend that the Vanuatu Government:
 - i. Take all necessary measures to make sure a thorough consultation with stakeholders across the country so that they can understand the Corruption Bill and provide comments on the proposal prior to any legislative drafting occurring.
 - ii. Adopt Corruption Bill as legislation.



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ⁱⁱ United Nation Convention Against Corruption (UNCAC) (Ratified by Vanuatu 12 July 2011). Retrieved from <https://www.unodc.org/unodc/en/corruption/ratification-status.html>.

ⁱⁱⁱ Sustainable Development Goals 2030 – Goal 16. Retrieved from <https://sdgs.un.org/goals/goal16>

^{iv} Vanuatu National Sustainable Development Plan, 2016 – 2030. Retrieved <https://www.gov.vu/images/publications/Vanuatu2030-EN-FINAL-sf.pdf>.

^v The unfinished state, drivers of change in Vanuatu. Retrieved from https://www.dfat.gov.au/sites/default/files/vanuatu_change.pdf.

^{vi} Ibid

^{vii} ^{vii} Right to Information Act No.13 of 2016. Retrieved from <https://rti.gov.vu/images/docs/Right%20to%20Information%20Act%20No%2013%20of%202016.pdf>.

^{viii} Transparency International (TI) 2022 Corruption Perceptions Index (CPI)