

# **VANUATU**

COMMONWEALTH PARLIAMENTARY ASSOCIATION BENCHMARKS FOR DEMOCRATIC LEGISLATURES

**FINAL REPORT** 







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## CPA BENCHMARKS SELF-ASSESSMENT REPORT

## PARLIAMENT OF VANUATU

"I am honoured to indicate the Parliament of Vanuatu's commitment to the Commonwealth Parliamentary Association's benchmarking programme. This is a timely moment for self-examination and institutional improvement rooted in the Commonwealth's shared principles of good governance. In this dialogue, we reiterate our commitment to fortifying the House as a transparent, accountable, and free-standing edifice of our democracy. This benchmarking exercise allows us to see how our practices compare against international standards, learn from other parts of the world, ask difficult questions, and resolve to implement meaningful change. We are confident that this partnership with the CPA will guide us towards a more modern and resilient institution, better equipped to meet the needs of our people and to uphold the principles of good governance, inclusivity, and the rule of law. This is a defining moment for the Parliament of Vanuatu and the work we do today will shape the

Hon. Stephen Dorrick Felix

(Speaker, Parliament of Vanuatu)



Parliament of Vanuatu Coat of Arms

#### **Background**

The **Commonwealth Parliamentary Association (CPA¹)** is an international community of 180 Parliaments and Legislatures working together to deepen the Commonwealth's commitment to the highest standards of democratic governance. Founded in 1911, the CPA brings together Members of Parliament and parliamentary staff to identify benchmarks of good governance and implement the enduring values of the Commonwealth. It offers vast opportunity for both parliamentarians and officials to collabourate on issues of mutual interest and to share best practice across many fields.

In 2025, the CPA undertook a consultation and review process that resulted in the adoption of **Updated Benchmarks for Democratic Legislatures<sup>2</sup>**. Not only do the Benchmarks provide a set of minimum standards for how a Parliament should be constituted and a comprehensive guide on how it should function, but they also seek to support Legislatures in overcoming current and future challenges by enabling them to strive for aspirational excellence through meeting a range of additional measures that comprise international best practice and underpin the central principles of model good governance. Together the Benchmarks play an important role in developing the effectiveness of parliamentary institutions across the 180 Parliaments and Legislatures of the CPA, support wider values expressed in the Commonwealth Charter<sup>3</sup>, and contribute to effective implementation of the UN's Sustainable Development Goals<sup>4</sup>.

In July 2025, the Parliament of Vanuatu became the 41st Commonwealth Legislature to use this framework to conduct a Self-Assessment against the Benchmarks. The Self-Assessment exercise was approved by the Speaker of Parliament, **Hon. Stephen Dorrick Felix**, and organised by parliamentary staff. CPA International Secretariat Headquarters appointed **Fraser McIntosh** (Good Governance Project Manager, CPA Headquarters) and **Kate Reilly** (First Clerk Assistant and Manager of Education Services, Parliament of Queensland) to undertake this Self-Assessment from 14-18 July. The Self-Assessment took place as part of the CPA's Good Governance Project – an initiative part-funded by the UK's Foreign, Commonwealth and Development Office.

During their time in Vanuatu, the CPA delegation met with the Parliament of Vanuatu's Clerk, **Mr. Maxime Banga**, as well as wider Members and staff. The CPA team also held discussions with a range of other stakeholders including the Australian and British High Commissions, as well as representatives of Vanuatu's Attorney-General, Elections, and Ombudsman offices, in addition to Vanuatu's national broadcaster.

These meetings took place in conjunction with a review of certain key documents including: the Constitution of Vanuatu<sup>5</sup> and the Parliament of Vanuatu's Standing Orders<sup>6</sup>, as well as other related parliamentary materials.

The Report below is a summary of the main findings of the Self-Assessment.

#### Acknowledgements

The Parliament of Vanuatu proactively chose to assess itself against the CPA Benchmarks. As such, Hon. Speaker Felix, the Clerk, and other parliamentary staff should be praised for their willingness and enthusiasm to undertake this important piece of work.

The CPA would also like to place on record its appreciation to all stakeholders who participated in this Self-Assessment and draw particular attention to the efforts of **Mr. Steeve Ayong Nirua** (Programmes and Communications Officer, Parliament of Vanuatu) for helping coordinate the team's meeting schedule, facilitating important logistical arrangements, and extending such warm hospitality throughout Fraser and Kate's visit to Port Vila. Various other officials with whom the CPA team met are a credit to the Parliament and its continued efforts to improve parliamentary democracy for the people of Vanuatu.

#### Support and Follow-Up

Following the publication and consideration of the findings of this Report, and within financial constraints, the CPA is committed to supporting the Parliament of Vanuatu in further strengthening its democratic processes. As such, the CPA stands ready to potentially enable the Parliament to take forward these Recommendations – where requested and appropriate – through its Technical Assistance Programme<sup>7</sup> scheme and wider efforts linked to institutional parliamentary strengthening<sup>8</sup>.

- 1 Commonwealth Parliamentary Association Homepage. [online]. Available at: https://www.cpahg.org/.
- 2 Commonwealth Parliamentary Association Updated Benchmarks for Democratic Legislatures. [online]. Available at: <a href="https://www.cpahq.org/what-we-do/benchmarking/">www.cpahq.org/what-we-do/benchmarking/</a>.
- 3 The Commonwealth Commonwealth Charter. [online]. Available at: www.thecommonwealth.org/charter.
- 4 United Nations Sustainable Development Goals. [online]. Available at: www.sdgs.un.org/goals.
- 5 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="https://www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 6 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing Orders">www.parliament.gov.vu/images/Standing%20Order/Standing Orders</a> of <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing.">www.parliament.gov.vu/images/Standing%20Order/Standing.</a> Standing Orders of <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing.">www.parliament.gov.vu/images/Standing%20Order/Standing.</a> Standing Orders of <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing.">www.parliament.gov.vu/images/Standing%20Order/Standing.gov.vu/images/Standing%20Order/Standing.gov.vu/images/Standing.gov.vu/
- 7 Commonwealth Parliamentary Association How the CPA supports Commonwealth Parliaments. [online]. Available at: <a href="https://www.cpahq.org/what-we-do/institutional-parliamentary-strengthening/">https://www.cpahq.org/what-we-do/institutional-parliamentary-strengthening/</a>.
- 8 Commonwealth Parliamentary Association What the CPA Does. [online]. Available at: www.cpahq.org/what-we-do/.

#### Political, Economic, and Social Context

Vanuatu, officially the Republic of Vanuatu, is an island country in Melanesia. Located in the South Pacific Ocean, the archipelago lies roughly 1,750 kilometres east of northern Australia and shares maritime borders with Fiji, New Caledonia, and the Solomon Islands<sup>9</sup>. According to most recent official estimates (2024), the population of Vanuatu is approximately 325,000<sup>10</sup>. The vast majority of citizens are ethnically Melanesian with a remaining small proportion of residents being of Asian, European, or other Pacific Islander descent.

The national language of Vanuatu is Bislama albeit both English and French are widely used for political, commercial, educational, and touristic purposes. Religion is central to the lives of many Vanuatuan citizens with over 80% of the population actively following Christianity<sup>11</sup>.

Vanuatu is currently classified by the United Nations as a lower-middle-income country, having graduated from least-developed country status in December 2020<sup>12</sup>. The country's economy is largely based on agriculture with the majority of its population engaged in subsistence and small-hold farming. Historically, Vanuatu has relied on the exporting of copra, coconut oil, cocoa, coffee, kava root, and timber, albeit in recent years has sought to develop its blue economy, particularly in fisheries and maritime affairs. Its main trading partners today are Australia, Fiji, and China<sup>13</sup>.

In the 1880s, both the United Kingdom and France claimed parts of Vanuatu before, in 1906, agreeing a framework for join management of the country (known then as the New Hebrides) through an Anglo-French condominium<sup>14</sup>. These arrangements saw resident British and French commissioners based in the capital of Port Vila retain responsibility over their own nationals and jointly rule the indigenous population (Ni-Vanuatu). During the 1970s, nationalist movements grew and led to an independent Republic of Vanuatu being founded in 1980. Since independence, Vanuatu has become a member of the Commonwealth, United Nations, Organisation Internationale de la Francophonie, and Pacific Islands Forum.

The contemporary politics of Vanuatu takes place within the framework of a democratic republic state alongside key elements of Westminster-based parliamentary democracy. The Constitution (which can be amended by way of a national referendum following approval by Parliament) provides for the President of Vanuatu being the country's Head of State.

As is common in many Commonwealth democracies, Vanuatu has three branches of Government:

- **Executive**: the Constitution created a republican political system headed by a President who primarily has ceremonial powers and is elected by a two-thirds majority in an electoral college comprising Members of Parliament and the Presidents of Vanuatu's six Provincial and three Municipal Councils. The President serves a five-year term and may be removed by the electoral college for gross misconduct or incapacity. The Prime Minister, who is the Head of Government, is elected by an absolute majority of Members of Parliament and, in turn, appoints the Council of Ministers, whose size may not exceed a quarter of the number of parliamentary representatives. The Prime Minister and the Council of Ministers together constitute the Executive Government<sup>15</sup>.
- **Legislature**: the Parliament of Vanuatu<sup>16</sup> is a unicameral 52-member Legislature whose Members are elected for four-year terms by universal suffrage in multi-seat constituencies using single non-transferable voting. The Parliament can sit for as long as four years unless otherwise dissolved by majority vote of a three-quarters quorum of its Members or a directive from the President on advice from the Prime Minister. While Parliament reserves the power to make all laws in Vanuatu, any Acts passed by the Legislature require assent by the President to enter into force.
- **Judiciary**: the Supreme Court of Vanuatu<sup>17</sup> is the country's highest court, comprises a Chief Justice alongside up to three other judges, and rules on matters of national importance. Magistrate courts handle most routine legal matters with village or island courts dealing with local cases relating to questions of customary law.

Alongside these national political structures, Vanuatu is divided into six Provinces and three Municipal Areas<sup>18</sup>, all of which have their own regional council and are led by a district chief. The national Council of Chiefs (Malvatu Mauri<sup>19</sup>) comprising these leaders advises the Government on all matters concerning Ni-Vanuatu<sup>20</sup> culture, language, and tradition.

- 9 Encyclopaedia Britannica Vanuatu. [online]. Available at: www.britannica.com/place/Vanuatu.
- 10 Worldometers Info Vanuatu: Population. [online]. Available at: <a href="https://www.worldometers.info/world-population/vanuatu-population/">www.worldometers.info/world-population/vanuatu-population/</a>.
- 11 Encyclopaedia Britannica Vanuatu. [online]. Available at: www.britannica.com/place/Vanuatu.
- 12 United Nations Trade and Development Vanuatu Status. [online]. Available at: <a href="https://www.unctad.org/news/vanuatu-graduates-least-developed-country-status">www.unctad.org/news/vanuatu-graduates-least-developed-country-status</a>.
- 13 United Nations Trade and Development Data Hub General Profile: Vanuatu. [online]. Available at: <a href="www.unctadstat.unctad.org/CountryProfile/GeneralProfile/en-GB/548/GeneralProfile548.pdf">www.unctadstat.unctad.org/CountryProfile/GeneralProfile/en-GB/548/GeneralProfile548.pdf</a>.
- 14 Encyclopaedia Britannica Vanuatu. [online]. Available at: www.britannica.com/place/Vanuatu.
- 15 Government of Vanuatu Homepage. [online]. Available at: www.gov.vu.
- 16 Parliament of Vanuatu Homepage. [online]. Available at: www.parliament.gov.vu.
- 17 Judiciary of Vanuatu Supreme Court. [online]. Available at: <a href="www.courts.gov.vu/about-us/supreme-court">www.courts.gov.vu/about-us/supreme-court</a>.
- 18 Commonwealth Local Government Forum Vanuatu. [online]. Available at: <a href="www.clgf.org.uk/regions/clgf-pacific/vanuatu/">www.clgf.org.uk/regions/clgf-pacific/vanuatu/</a>.
- 19 Council of Chiefs Malvatu Mauri. [online]. Available at: <a href="https://www.mjcs.gov.vu/index.php/malvatumauri-council-of-chiefs">www.mjcs.gov.vu/index.php/malvatumauri-council-of-chiefs</a>.
- 20 Encyclopaedia Britannica Ni-Vanuatu. [online]. Available at: www.britannica.com/topic/ni-Vanuatu.

#### **Executive Summary**

As highlighted by the Speaker of Parliament, Vanuatu has a proud legislative history and is continually considering reforms to how its Legislature is constituted and functions. The Speaker recognises the importance of this CPA Benchmarks exercise and hopes that it not only provides an internationally recognised and objective review of Vanuatu's legislative system but also helps strengthen the country's Parliament so that it can be a more complete Legislature tomorrow than it is today.

These are noble objectives and closely align with a fundamental belief of the Commonwealth that strong, independent, and effective Legislatures are one of the key political institutions of any functioning, flourishing, and successful democracy. To this end, Vanuatu's Parliament should be praised for how it conducts several of its affairs and citizens of Vanuatu can be optimistic that a clear commitment to these underlying values of good governance will continue to guide its work as important steps are taken towards becoming an increasingly effective modern-day Legislature.

The CPA's Updated Benchmarks for Democratic Legislatures draw upon the 2012 Commonwealth Charter's ambition to create free, fair, and democratic societies in every nation of the Commonwealth. The Parliament of Vanuatu is undoubtedly committed to these important principles and, positively, meets a number of CPA standards across many different workstreams. Senior political leadership in the Legislature should be commended for achieving these standards and warm praise given to the wideranging efforts of staff, who ably support many of its core services with skill, diligence, and pride.

Vanuatu's Parliament currently shows positive performance in a range of areas including how: the national Constitution is adhered to; its Standing Orders are applied; Plenary business is facilitated; some core parliamentary services are provided to Members; certain external activities are coordinated with Vanuatu's wider society; and proactive steps towards further learning and development are taken. To this end, examples of current positive practice highlighted throughout this Report should be a notable source of achievement with both the Speaker and committed team of staff who support the Legislature's work also sharing a strong conviction to ensuring that the Parliament continues to evolve for the betterment of all citizens in Vanuatu.

That said, there are a number of areas in which the Parliament does not currently meet the CPA's Updated Benchmarks. These cover a range of the Legislature's core legislative, oversight, and representative functions which, when taken together, limit the effectiveness of its activities across various different workstreams. Most of these shortcomings listed below centre on the Parliament's current physical and digital infrastructure, the efficacy of some working practices and procedures, and its lack of autonomy from the Executive. In order to continue making positive democratic progress, a strong commitment at both the political and official level will be required to ensure that the Parliament reaches these important targets moving forward:

- Updating national electoral law and strengthening the current Electoral Commission with improved mechanisms of monitoring campaign finance regulations;
- Increasing the regularity of parliamentary sittings, establishing a public calendar of meetings, and ensuring that official Hansard records are fully up-to-date;
- Reviewing its current Standing Orders while producing a companion guide on these for the benefit of new/returning Members and wider external stakeholders;
- Extending parliamentary privilege provisions to ensure organisations and individual citizens supporting the Legislature's work enjoy due protections;
- Developing a multi-annual Strategic Plan to uplift physical/digital infrastructure on the parliamentary precinct with particular consideration of persons with disabilities;
- Creating an independent Remuneration Authority alongside clear means for Members to disclose pecuniary interests and how parliamentary funds are spent;
- Modifying the set-up of parliamentary Committees so that these important vehicles of legislative scrutiny are more fit for purpose;
- Promoting more effective provisions for the submitting of public petitions;
- Drafting a new Code of Conduct for all Members to ensure that they maintain the highest standards of ethical behaviour while holding elected office.
- Creating a suite of HR policies addressing bullying/harassment/sexual misconduct and relevant mechanisms for considering allegations made by parliamentary personnel;
- Improving current induction procedures and expanding professional development opportunities for Members and staff;

- Establishing a Human Rights Commission and Anti-Corruption Commission, as well as strengthening public provisions around Freedom of Information;
- Broadening avenues for public engagement with constituents, relevant Civil Society stakeholders, and Media personnel; and
- Establishing a more effective Parliamentary Service Commission (or equivalent corporate body) to give the Legislature greater operational autonomy and financial independence from Vanuatu's Executive with the ambition of achieving longer-term progress against several of these important targets.

The burden of responsibility for improvement in a number of these areas does not, however, rest entirely with the Legislature. Therefore, Vanuatu's Executive should also take this opportunity to, among others:

- Consider reforms to national electoral law;
- Promote the establishment of a bespoke Human Rights Commission, standalone Anti-Corruption Commission, and independent Remuneration Authority;
- Make positive strides towards improving the physical and digital resilience of infrastructure on the Legislature's parliamentary precinct; and
- Support any future efforts to establish a more effective Parliamentary Service Commission while, in the meantime, providing the Legislature with greater fiscal independence and operational autonomy to run its own affairs.

Overall, Vanuatu's Parliament should be praised for building a Legislature that meets many of the CPA Benchmarks and, positively, appears to be improving its performance on a continuous basis. While a number of areas for reform are identified in this Report, we hope that its Recommendations will act as a valuable resource to the Parliament moving forward. Utilising its content as an impartial guide will hopefully help build a stronger Legislature, develop better government, and ultimately deliver more for the people of Vanuatu.



## PART 1: ELECTIONS, POLITICAL PARTIES, AND APPOINTMENTS

#### **Elections Conduct and Rules**

Since gaining independence in 1980, Vanuatu has managed to blend its traditional political system with wider Westminster-style institutional structures commonplace throughout the Commonwealth. Over the last 45 years, Vanuatu has experienced periods of political instability but, for the most part, enjoyed peaceful transitions of power from one Government to another following General Elections held every four years. Provisions for the holding of national polls are clearly outlined in the Constitution (Chapter 4<sup>21</sup>) and separate Electoral Act of 2023<sup>22</sup>.

General Elections in Vanuatu are jointly overseen by the country's Electoral Commission<sup>23</sup> and inter-related Electoral Office<sup>24</sup>, both of which are provided for by the Constitution (Chapter 4<sup>25</sup>). The Electoral Commission is Vanuatu's most prominent electoral authority, comprises a Chairman and two other members appointed by the President for five-year terms on advice from the Judicial Service Commission, and holds overarching policy-making and oversight responsibilities relating to elections held for the national Parliament, Provincial Councils, and Municipal Councils. The Electoral Office, headed by a Principal Electoral Officer, is the operational arm of the Electoral Commission and is responsible for the overall administration of elections held in Vanuatu, including activities relating to voter registration, civic education, and polling day arrangements.

While in Vanuatu, the CPA team met with the Electoral Commission and were pleased to learn that the organisation enjoys both healthy political and financial independence, as well as constructive ties with international partners (such as the UNDP's Pacific Elections Assistance Programme<sup>26</sup>) and fellow electoral authorities in other Pacific Island nations to help ensure it conducts various electoral activities effectively. In a further demonstration of sound democratic practice, recent elections in Vanuatu have been supported and recognised as both free and fair by external international electoral observations missions. For example, the latest General Election (held in January 2025) was closely monitored by a delegation from the Pacific Island Forum<sup>27</sup> and, while summary reports produced by different observer groups relating to various recent elections in Vanuatu have been largely positive, the CPA team learned that these have highlighted the ongoing importance of investing more in civic education programmes to increase the political literacy and democratic understanding of Vanuatuan voters.

While the overall conduct of General Elections in Vanuatu is undoubtedly positive, the CPA team used their conversation with the Electoral Commission to discuss one important way in which further improvements could be made against the Updated Benchmarks<sup>28</sup>.

Vanuatu does not currently have any robust campaign finance laws in statute which regulate the manner and extent to which candidates receive monetary contributions from individuals or corporations ahead of General Elections. Introducing such provisions alongside clear mechanisms for recording/publishing these contributions would discourage potential financial misconduct and create a more level playing field during electoral campaigns, as well as demonstrating greater transparency for the benefit of Vanuatu's electorate at large.

## **RECOMMENDATION 1**

The Parliament of Vanuatu should update current national electoral law to establish means of regulating campaign finance laws relating to candidates running for political office.

(**Benchmark 1.4 (campaign finance laws)** – There shall be legislation to ensure appropriate campaign finance laws are in place to regulate the manner and extent to which political parties and candidates may receive monetary contributions from individuals and corporations / **Benchmark 1.5 (independent Electoral Commission)** – An independent Electoral Commission or similar authority shall be established for the management of the conduct of elections and its tasks shall include monitoring the election expenses of parliamentary candidates and political parties).

- 21 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 22 Vanuatu Electoral Commission Electoral Act 2023. [online]. Available at: <a href="https://www.electoral.gov.vu/images/PDFs/Electoral%20Act%20">www.electoral.gov.vu/images/PDFs/Electoral%20Act%20</a> Official%20Gazette%20No.%2053%20of%202024%20dated%2009%20August%202024%202.pdf.
- 23 Vanuatu Electoral Commission Homepage. [online]. Available at: <a href="https://www.electoral.gov.vu/about/the-electoral-commission">www.electoral.gov.vu/about/the-electoral-commission</a>.
- 24 Vanuatu Electoral Office Homepage. [online]. Available at: <a href="www.electoral.gov.vu/about/the-vanuatu-electoral-office">www.electoral.gov.vu/about/the-vanuatu-electoral-office</a>.
- 25 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 26 UNDP Pacific Office Pacific Elections Assistance Programme. [online]. Available at: <a href="www.undp.org/pacific/projects/pacific-elections-assistance-program-peap">www.undp.org/pacific/projects/pacific-elections-assistance-program-peap</a>.
- 27 Pacific Islands Forum Pacific Islands Forum to observe Vanuatu snap election. [online]. Available at: <a href="https://www.forumsec.org/publications/release-pacific-islands-forum-observe-vanuatu-snap-election">www.forumsec.org/publications/release-pacific-islands-forum-observe-vanuatu-snap-election</a>.
- 28 Commonwealth Parliamentary Association Election Planning Handbook. [online]. Available at: <a href="https://www.cpahq.org/media/vilpux02/election-planning-handbook">https://www.cpahq.org/media/vilpux02/election-planning-handbook</a> final.pdf.

## **Candidate Eligibility**

Vanuatu's national Constitution (Chapter 4<sup>29</sup>) and separate Representation of the People Act<sup>30</sup> clearly outline eligibility criteria for those candidates seeking election to Parliament. Positively, neither discriminate along religion, gender, ethnicity, race, sexuality, or disability lines and allow any Vanuatuan citizen of at least 25 years of age (who has not been declared bankrupt, is serving a custodial sentence, or already holds a range of positions within Vanuatu's public service) to run for office. It is worth noting, however, that compared to many other Commonwealth jurisdictions which allow 18-year-olds to stand for Parliament, requiring citizens to be at least 25 years of age is an usually high threshold.

The most recent General Election in Vanuatu took place on 16 January 2025<sup>31</sup>. A total of 217 candidates stood for election in 52 seats at 352 polling stations with turnout registered at approximately 69%. While the election was called as a result of persistent political instability in Vanuatu throughout much of last year, the question of how to rebuild from a major earthquake on 17 December 2024 dominated the campaign.

Results from the General Election saw the Leaders Party of Vanuatu win nine seats, followed by the Vanua'aku Party with seven seats, the Union of Moderate Parties and the Reunification Movement for Change with six seats, the lauko Group with five seats, and the Land and Justice Party with four seats. On 27 January 2025, all of these political groups (save the Union of Moderate Parties) agreed to form a coalition government comprising 31 Members with Hon. Jothan Napat of the Leaders Party being elected as Prime Minister. Of the seven female and 31 non-affiliated candidates who contested the General Election, only one woman and one independent Member were elected to Parliament.

Moving forward, the Parliament of Vanuatu should look to proactively encourage the improved political representation of these marginalised groups in future General Elections. Some possible means of doing so are discussed in subsequent chapters of this Report.

#### **Political Parties**

Political party registration is a fundamental process that provides the necessary framework for parties to contest elections, represent citizens, and engage in political discourse. By formally registering with the appropriate authority, political parties gain legal recognition ensuring their eligibility to field candidates and engage in other political activities.

In Vanuatu, the registration of political parties is regulated under the Political Party Registration Act<sup>32</sup> and administered by Vanuatu's Electoral Commission to maintain transparency, accountability, and adherence to the law. All political parties in Vanuatu planning to run candidates in an election or campaign in a referendum must be registered with the Commission which, through the Principal Electoral Office, verifies the constitution, logo, policy platform, and formal office bearers of the party in question.

It is worth noting that, in September 2024, a referendum was held in Vanuatu which resulted in an amendment to the national Constitution (Article 17B<sup>33</sup>) regarding the representation of political parties in Parliament<sup>34</sup>. Moving forward, any independent Member or Member elected to Parliament as the sole representative of their political party will, within three months of beginning their duties, have to affiliate with another party already represented in the House. Notwithstanding the potential issue of marginal political parties in Parliament having their representation weakened, stakeholder discussions suggested that this had been a welcome development that would increase political stability in Vanuatu's Parliament moving forward. It is worth noting, however, that this is not deemed common parliamentary practice compared to other Legislatures across the Commonwealth.

## Incompatibility of Office

Vanuatu's national Constitution explicitly details a number of individuals who are disqualified from contesting elections and becoming a Member of Parliament. These include among others: the President of the Republic; judges and magistrates; members of the police force; and any individual already holding an elected position at the Provincial or Municipal level. The same restrictions apply to any Vanuatuan who is employed as part of the country's wider public service, meanwhile any individual wishing to represent a rural constituency in Parliament must originate from that particular community.

- 29 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 30 Laws of the Republic of Vanuatu Representation of the People Act 1982. [online]. Available at: <a href="www.electoral.gov.vu/images/PDFs/2019\_CAP\_146\_CONSOLIDATED\_EDITION.pdf">www.electoral.gov.vu/images/PDFs/2019\_CAP\_146\_CONSOLIDATED\_EDITION.pdf</a>.
- 31 Vanuatu Electoral Office 2025 General Election Results. [online]. Available at: <a href="www.electoral.gov.vu/images/PDFs/Official%20">www.electoral.gov.vu/images/PDFs/Official%20</a> Gazette%202025%20Snap%20Election%20Results.pdf.
- 32 Vanuatu Electoral Commission Political Party Representation Act 2023. [online]. Available at: <a href="https://www.2024referendum.info/wp-content/uploads/2024/05/Political-Parties-Registration-Act-No.-15-of-2023.pdf">www.2024referendum.info/wp-content/uploads/2024/05/Political-Parties-Registration-Act-No.-15-of-2023.pdf</a>.
- 33 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="https://www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 34 Vanuatu Electoral Commission Information on the 8th Constitutional Amendment. [online]. Available at: <a href="https://www.electoral.gov.vu/">www.electoral.gov.vu/</a> images/PDFs/VEO Political%20Party%20Consititution TrifoldBrochure%20PRINT.pdf.

Upon taking their seats in Parliament, the Legislature's Standing Orders (Part 135) stipulate that Members must sign the Roll of Members and take an Oath of Allegiance. This is provided for by Vanuatu's Oaths Act36, administered by the Clerk of Parliament, and is mandatory for all candidates successful in General Elections before they can begin their parliamentary duties. During their time in Vanuatu, the CPA team was not made aware of any specific cases of newly elected Members refusing to fulfil these requirements.

#### **Resignation and Removal**

As part of the September 2024 referendum referenced above, Vanuatu has recently adopted clear provisions around the resignation of Members from their seat in Parliament. The Constitution (Article 17A<sup>37</sup>) now stipulates that if a Member voluntarily leaves office or is forced to resign from their political party, then the seat in question will be declared vacant and a subsequent by-election called to select an eligible replacement.

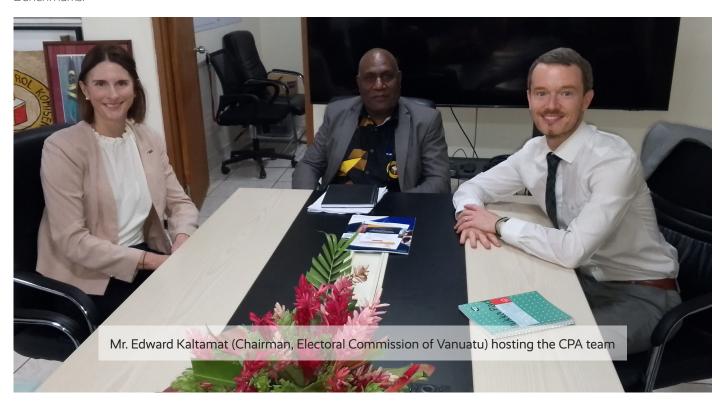
At present, however, the electoral framework in Vanuatu does not currently contain any provisions that allow for the 'power of recall' whereby those constituents who are dissatisfied with the performance of their elected representative can seek to have them removed from office between General Elections. In some jurisdictions this absence can create a culture among certain Members of not spending sufficient time in their constituencies during their term in elected office. Introducing such provisions (along with the holding of linked by-elections) could help to strengthen accountability between Vanuatu's elected representatives and the citizens they serve.

#### **RECOMMENDATION 2**

The Parliament of Vanuatu should update current national electoral law to introduce 'power of recall' provisions.

(**Benchmark 5.2** (removal of Members) – The Legislature shall have provisions relating to the removal of Members which are narrowly defined, restricted, and in line with natural justice / **Benchmark 5.4** (recall provision) – Electoral laws should give provision to allow for the right of recall whereby constituents, in proven instances of serious wrongdoing or dereliction of duty on the part of their elected representative can seek to have them removed from office between General Elections).

Linked to this, moving forward the Parliament of Vanuatu may also wish to consider developing a set of policies and practices to assist Members transitioning out of Parliament (either by personal choice or as a consequence of election defeat). Doing so would provide valuable support to outgoing Members and help the Parliament meet an additional measure in the Updated Benchmarks



- 35 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="www.parliament.gov.vu/images/Standing%20Order/Standing">www.parliament.gov.vu/images/Standing%20Order/Standing</a> Orders of Parliament 2020.pdf.
- 36 Pacific Islands Legal Information Institute Oaths Act 2006. [online]. Available at: <a href="www.paclii.org/vu/legis/consol\_act/oa79/">www.paclii.org/vu/legis/consol\_act/oa79/</a>.
- 37 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.

## PART 2: PRIVILEGES AND PROCEDURES OF THE LEGISLATURE

#### **Privileges and Immunity**

When in office, Members of Vanuatu's Parliament are afforded due privilege and immunity from liability for anything they say or do in the Legislature. While the Parliament has, to date, not passed a bespoke Privileges and Immunity Act, the national Constitution (Article 27<sup>38</sup>) and its own Standing Orders (Number 57<sup>39</sup>) both outline these protections in greater detail and, positively, are publicly available. Unless ordered otherwise by the Speaker of Parliament, Members are immune from any inquiry, arrest, detention, or prosecution relating to their legislative duties, whether in the Chamber or as part of Committee work. While the CPA team was notified that informal practice is for former Members to be granted immunity relating to any parliamentary activity undertaken while holding elected office, the Parliament should ensure that this is formally codified in statute moving forward.

During stakeholder discussions, the CPA team was also informed that current immunity privileges afforded to sitting Members of Parliament are not routinely extended to individual citizens, representatives of Civil Society organisations, and Media outlets who contribute to or report on parliamentary proceedings. Enshrining in law robust protections for external stakeholders who interact with and support the work of Vanuatu's Parliament would represent an important step forward in terms of how the Parliament safeguards members of wider Vanuatuan society who contribute towards its activities.

Linked to this, the Legislature could also look to provide citizens that feel their reputation has been damaged or brought into disrepute during parliamentary proceedings with formal means to a 'right of reply'. Introducing such provisions would add invaluable extra protections for those citizens supporting the Legislature's work and bring the Parliament of Vanuatu more in line with best practice demonstrated by other democratic Legislatures around the Commonwealth. At present, the Parliament's Committee on Institutional and Constitutional Affairs<sup>40</sup> would be best placed to take forward these potential initiatives as part of its working remit to routinely ensure that the Legislature's privilege and immunity provisions are fit for purpose.

#### **RECOMMENDATION 3**

The Parliament of Vanuatu should pass bespoke legislation that updates its parliamentary privilege/immunity provisions to enshrine in law due protections for former Members and external stakeholders, while also introducing a citizens' 'right of reply' scheme to cater for adverse references made to individuals during legislative proceedings.

(**Benchmark 6.1** (**powers, privileges, and immunities**) – The Legislature's powers, privileges, and immunities shall be clearly enumerated in the Constitution and/or equivalent legal framework and be proportionate, reflecting the rule of law, good governance, and rights and values of the jurisdiction / **Benchmark 6.3** (**freedom of speech**) – The freedom of speech immunity shall operate to enable the Legislature to carry out its constitutional functions effectively and free from interference or impediment / **Benchmark 6.5** (**right to respond**) – The Legislature shall have appropriate mechanisms in place for persons to respond to adverse references made to them during the Legislature's proceedings, such as a formal right of reply scheme).

Two linked areas in which the Parliament does largely meet the relevant CPA Benchmarks are both the application of natural justice legal norms and related sub judice provisions. Positively, the Constitution of Vanuatu (Chapter 2<sup>41</sup>) details the upholding of fundamental rights and freedoms of the individual while the Standing Orders of Parliament (Number 42<sup>42</sup>) protect the integrity and independence of Vanuatu's courts by prohibiting Members of Parliament from publicly discussing any topics that are subject to live judicial review in their exchange of written and oral questions (albeit this limitation does not expressly apply to debates and motions). Members throughout the Legislature appear to respect these rules and the CPA team was not made aware of any issues relating to their application during stakeholder discussions.

- 38 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 39 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing Orders">www.parliament.gov.vu/images/Standing%20Order/Standing Orders</a> of Parliament 2020.pdf.
- 40 Parliament of Vanuatu Committee on Institutional and Constitutional Affairs. [online]. Available at: <a href="https://www.parliament.gov.vu/index.php/parliamentary-committee/committee-on-institution-and-constitutional-affairs">www.parliament.gov.vu/index.php/parliamentary-committee/committee-on-institution-and-constitutional-affairs</a>.
- 41 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="https://www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 42 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="www.parliament.gov.vu/images/Standing%20Order/Standing\_Orders">www.parliament.gov.vu/images/Standing%20Order/Standing\_Orders</a> of Parliament 2020.pdf.

#### **Rules of Procedure**

The Parliament of Vanuatu operates pursuant to provisions outlined in the Constitution (Chapter 4<sup>43</sup>) and its own internal Standing Orders<sup>44</sup>. These Standing Orders have been in operation since Vanuatu gained independence in 1980. Positively, this framework reflects the Legislature's operations, albeit the broader culture of Parliament is also shaped by a range of customary practices (separate to the Standing Orders) which have built up and been applied over time.

The current Standing Orders were last updated in 2020 and, in a positive demonstration of sound parliamentary practice, are periodically reviewed to ensure that they remain fit for purpose moving forward. Best practice demonstrated in other Commonwealth jurisdictions is for the Standing Orders of their Legislature to be routinely reviewed during each session of Parliament to enhance parliamentary effectiveness and relevance, something that the Parliament of Vanuatu should look to incorporate into its future working practices.

At present, any Member of Parliament can move a motion recommending an amendment be made to the Standing Orders, with that motion requiring the Presiding Officer's approval before it is considered by the Legislature's Committee on Institutional and Constitutional Affairs<sup>45</sup> which then, in turn, reports back to all Members of the House for broader deliberation. The Committee can also recommend proposed amendments to Parliament's Standing Orders under its own initiative. A simple majority of Members in the Legislature is required to approve any amendments to the Standing Orders.

Parliament's Standing Orders are applied to manage the business of the House and of its Committees and, as such, form the key operational document for the Legislature's functionality. Stakeholder discussions held by the CPA team revealed varying levels of appreciation for the Standing Orders among Members, with a correlation between understanding and length of service often commonplace. As such, the Parliament could benefit from delivering training for Members on the Standing Orders and producing a supplementary handbook to aid their understanding. This would not only be useful as an explanatory tool setting out the rationale for and usability of the Standing Orders but should more broadly also serve an informative and educational purpose for all Members (but particularly those newly elected to the House).

The Standing Orders themselves are distributed to all Members at the first sitting of a new Parliament after General Elections and further hard copies are held centrally by the Legislature's Secretariat. Positively, digital copies of the Standing Orders are also published on Parliament's website for wider stakeholders and members of the public to view.

#### **RECOMMENDATION 4**

The Parliament of Vanuatu should deliver training on and produce a handbook for its Standing Orders alongside ensuring that the Standing Orders are formally reviewed at the end of each session of Parliament.

(Benchmark 7.3 (Rules of Procedure review) – The Legislature's rules, procedures, and practice shall be reviewed and, where deemed necessary, updated after every General Election to enhance parliamentary effectiveness and relevance / Benchmark 7.7 (Rules of Procedure training) – The Legislature should coordinate and deliver training for newly elected and returning Members regarding the interpretation and use of the Rules of Procedure after every election and by-election / Benchmark 7.8 (Rules of Procedure handbook) – The Legislature should produce an accompanying Handbook which explains the importance of the Rules of Procedure in regulating how the Legislature conducts its affairs and which is made publicly available to citizens on the Legislature's website).

## **Presiding Officers**

Both the Constitution (Chapter  $4^{46}$ ) and the Standing Orders (Number  $5^{47}$ ) of Parliament provide for the Presiding Officer of the Legislature. Candidates for the position of Speaker are sought from within the Parliament's membership with any sitting Member eligible to be nominated by at least one of their peers. At the first meeting of Parliament following a General Election, nominations for the position of Speaker are sought. Should only one candidate be nominated and approved by a simple majority of Members, they assume the Speakership. Should more than one candidate be proposed, their respective merits are considered until a prospective candidate receives simple majority support from all elected Members. Both the Constitution and Standing

- 43 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 44 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing">www.parliament.gov.vu/images/Standing%20Order/Standing</a> Orders of Parliament 2020.pdf.
- 45 Parliament of Vanuatu Committee on Institutional and Constitutional Affairs. [online]. Available at: <a href="https://www.parliament.gov.vu/index.php/parliamentary-committee/committee-on-institution-and-constitutional-affairs">www.parliament.gov.vu/index.php/parliamentary-committee/committee-on-institution-and-constitutional-affairs</a>.
- 46 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="https://www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 47 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing Orders">www.parliament.gov.vu/images/Standing%20Order/Standing Orders</a> of Parliament 2020.pdf.

Orders also provide for the election of one or more Deputy Speakers who support the Speaker and stand in for them on such occasions that the Speaker is unable to oversee legislative activities in the House. The election of this position follows the same format as that used for the election of the Speaker.

The role of the Speaker is to maintain order in Parliament so that all Members have full opportunity to participate in the debates and votes of the Legislature. To this end, the Speaker is well supported in advice on practice, precedent, and procedure by the Clerk and other senior Secretariat staff. During various discussions, stakeholders from across Parliament spoke positively about the incumbent Speaker and the way in which he conducts the important role of facilitating Legislature business. As such, Speaker Felix should be praised for his efforts and ability to ensure that these important elements of core parliamentary practice are well maintained.

Furthermore, the Speaker is responsible for ensuring that appropriate parliamentary conduct is maintained on the Floor of the House, albeit individual Members should also take it upon themselves to demonstrate model behavioural etiquette when participating in legislative activities. While the CPA team's visit to Vanuatu didn't coincide with a sitting week of Parliament, stakeholder discussions suggested that, for the most part, Members generally demonstrated positive conduct requested of them by the Speaker during Plenary sessions. Nonetheless, the Self-Assessment exercise still provided an opportunity for the CPA team to emphasise the vital importance of Members showing due respect to the Speaker's authority and setting a positive example to wider Vanuatuan stakeholders who follow parliamentary proceedings.

#### **Convening Sessions and Quorums**

As per the Constitution (Chapter 4<sup>48</sup>), the Parliament of Vanuatu is required to meet twice a year in ordinary session. In line with its Standing Orders (Number 13<sup>49</sup>), however, the Legislature can and sometimes does meet more regularly. The scheduling of these meetings is formalised by the Speaker in conjunction with political leadership across the House and appears adhered to without any major issues. Positively, the Legislature also has clear quorum provisions in place whereby two-thirds of Members must be present at the first sitting of any parliamentary session for the agenda to be adopted and business to proceed.

As per its Standing Orders (Part  $4^{50}$ ), the two ordinary sessions of Parliament must begin on the second Thursday in May and the second Thursday in November with the Speaker duty bound to provide all Members with formal notification of both sittings at least 15 days in advance. When in session, the Parliament meets on all weekdays (with the exception of public holidays) from 8:30AM-11:30AM and from 2:00PM-5:00PM. Ordinarily, the Legislature does not meet during the periods of 15th December-15th January and 15th July-15th August.

Separately to this, the Legislature also has means to be called into extraordinary session via an instruction from the Speaker, a request from the Prime Minister, or support from a simple majority of Members should it be felt that an additional sitting is either required or in the wider public interest. Any final decision to recall Parliament ultimately rests with the Speaker who, again, is required to provide all Members with 15 days' notice that an extraordinary session has been scheduled unless the business of that session concerns a motion of no confidence or vacancy in the office of the Prime Minister (in which case a seven-day notice period is sufficient). Notwithstanding the need the provide Members with adequate notice that an extraordinary session of Parliament is being called, there may be occasions where this 15-day period is excessive in the event that Parliament needs to be recalled in response to an emergency situation (such as a natural disaster).

During stakeholder discussions, the CPA team concluded that, while the Legislature meets constitutional requirements relating to the holding of parliamentary sessions, there is scope for the Parliament to sit more often than it currently does (currently six to eight weeks per calendar year). Not only would doing so provide the Legislature with more time to facilitate its important work and greater means of conducting Executive scrutiny, but it would also increase and improve essential opportunities for the citizens of Vanuatu to engage with their elected House.

## Agenda

Ahead of each sitting, Parliament's proposed agenda is prepared by the Clerk and formalised by the Speaker in conjunction with the Leader of Government Business before being disseminated among Members by way of an Order Paper which helps guide Members through each day's business. While rank-and-file Members do not have a formal opportunity to suggest changes or request amendments to the proposed agenda (something that the Legislature should introduce), the Parliament does have dedicated time ringfenced in its weekly agenda for the consideration of Opposition Business. This positive initiative was raised in stakeholder discussions which, on the whole, suggested that Members from across the House are generally satisfied with how the Parliament's sitting agenda is constructed, conveyed, and adhered to.

- 48 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 49 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing">www.parliament.gov.vu/images/Standing%20Order/Standing</a> Orders of Parliament 2020.pdf.
- 50 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing\_Orders\_of\_Parliament\_2020.pdf">www.parliament.gov.vu/images/Standing%20Order/Standing\_Orders\_of\_Parliament\_2020.pdf</a>.

Alongside allowing rank-and-file Members to formally propose amendments to the agenda, the CPA team identified one further important area in which the Parliament could improve how it currently schedules its sessions and allocates their orders of business. At the time of writing, the Legislature does not have its own parliamentary calendar with agreed sitting dates (and information on related matters) outlined for each parliamentary session convened during a 12-month period. CPA discussions flagged this as a shortcoming in terms of how the Parliament currently structures its affairs with some stakeholders (when prompted) agreeing that this perhaps limited the efficacy of legislative activities and presented practical challenges to Members when it comes to balancing legislative work in the House alongside local responsibilities in their constituencies.

Establishing a formal parliamentary calendar and ensuring that this is made publicly available could not only help improve the Legislature's functionality but also ensure that citizens across Vanuatu can more easily follow parliamentary business. A detailed public agenda like this would also have the additional benefits of encouraging heightened transparency in the Parliament's work and improving public confidence in its activities.

## **RECOMMENDATION 5**

The Parliament of Vanuatu should allow rank-and-file Members to formally propose amendments to its agenda and establish an annual calendar of meetings that this is published online for the benefit of Vanuatu's citizens and other interested stakeholders.

(**Benchmark 10.2 (amending the agenda)** – The House shall be provided with opportunities and mechanisms to decide or modify the proposed business of the House, in accordance with the Rules of Procedure / **Benchmark 10.4 (annual calendar published online)** – There shall be an annual parliamentary calendar published online to promote transparency).



#### Debate

The Parliament of Vanuatu has clear procedures in place for the facilitation of parliamentary debates and related arrangements, as well as determining their order of precedence. The Legislature's Standing Orders (Parts 6 and 7<sup>51</sup>) ably outline provisions relating to the tabling of papers, delivery of speeches, moving of motions and amendments, exchange of questions and answers, and consideration of public petitions. For the most part, Standing Order arrangements relating to all of these generally appear reasonably well understood and adhered to by Members of Parliament with no specific issues of note being raised during stakeholder discussions. This not only reflects positively on Hon. Speaker Felix, but also more broadly on the Clerk and wider parliamentary staff in the Legislature.

One potential area in which the Parliament may wish to consider further improving its current ways of working around parliamentary debates would be to introduce mechanisms of hybrid participation for Members. Ensuring that the Legislature has the requisite technical, procedural, and security protocols in place to support this new way of working would not only enable the Parliament to meet relevant additional CPA Benchmarks, but also see it continue to align with emerging best practice across the Commonwealth.

## Voting

Similarly, the Parliament of Vanuatu has sound procedures in place for the facilitation of parliamentary votes and their related arrangements with the Legislature's Standing Orders (Number 58<sup>52</sup>) clearly outlining provisions relating to divisions in the House. Once again, Standing Order arrangements relating to these seem to be well understood and adhered to by Members with no specific issues of note being raised during stakeholder discussions.

In another example of positive parliamentary practice, all Plenary debates and votes are by default conducted publicly with live coverage provided in real time through the Legislature's Live Stream<sup>53</sup> service and via the Parliament's dedicated YouTube<sup>54</sup> channel. To this end, the Parliament of Vanuatu should be praised for its commitment to openness, transparency, and accountability visavis the national electorate.

As per the previous section above, the Parliament may wish to consider establishing mechanisms of hybrid participation for Members to vote remotely and, linked to this, introduce provisions within its Standing Orders which facilitate paired or proxy voting in the event that a Member is unable to physically attend Parliament due to health issues, care commitments, or other extenuating personal circumstances. Once again, doing so would not only enable the Parliament to meet relevant additional CPA Benchmarks, but also see Vanuatu continue to align with emerging best practice demonstrated in other Commonwealth jurisdictions.

#### **Petitions**

There is a public petitions system in Vanuatu which is outlined in the Parliament's Standing Orders (Number 48<sup>55</sup>) and by law all Vanuatuan citizens enjoy the right to petition their elected representatives. While having provisions for the submitting of public petitions in the Legislature's Standing Orders is positive, CPA discussions suggested that, in reality, this function is rarely ever used. It was mooted by some stakeholders that this is partially (and positively) because of a strong link between Members and the individual constituencies they represent, while others attributed this to the Legislature not currently having an optimal petitions system for members of the public to engage with.

Currently, any petition submitted to Parliament must be addressed to the Speaker, presented by a Member, and approved by the Clerk before being laid in the House. Once the petition has been noted in Plenary, it can be referred to an appropriate Standing Committee which then considers the content of the petition in greater detail and reports back to Parliament as a whole with its opinion on any related actions/next steps that should subsequently be taken. While these provisions are clear, stakeholder discussions held by the CPA team did not demonstrate any recent examples of petitions having been brought before Parliament and resulting in concrete legislative change.

The Parliament's current website appears to contain little information online providing more detailed guidance to citizens on how they can initiate a petition and, historically, has not provided any electronic means for citizens to submit a petition remotely. As such, improving its provisions around the petitions process (by way, for example, of including a dedicated Petitions page on the Parliament's website with educational materials and an online submission tool) would represent a positive step for the Legislature in strengthening its democratic interlinkage with Vanuatu's electorate.

- 51 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="www.parliament.gov.vu/images/Standing%20Order/Standing">www.parliament.gov.vu/images/Standing%20Order/Standing</a> Orders of Parliament 2020.pdf.
- 52 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing">www.parliament.gov.vu/images/Standing%20Order/Standing</a> Orders of Parliament 2020.pdf.
- 53 Parliament of Vanuatu Live Stream. [online]. Available at: <a href="https://www.parliament.gov.vu/index.php/live-stream/youtube-live-streaming">www.parliament.gov.vu/index.php/live-stream/youtube-live-streaming</a>.
- 54 YouTube Vanuatu Parliament. [online]. Available at: <a href="www.youtube.com/@vanuatuparliament6678">www.youtube.com/@vanuatuparliament6678</a>.
- 55 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="www.parliament.gov.vu/images/Standing%20Order/Standing">www.parliament.gov.vu/images/Standing%20Order/Standing</a> Orders of Parliament 2020.pdf.

Stakeholder discussions suggested that the introduction of an e-petition system could potentially be incorporated in future upgrades made to the Parliament's website, meanwhile the CPA team also noted the merit of introducing a numerical threshold of signatures that would oblige the Legislature to debate any petition that meets this on the Floor of the House.

#### **RECOMMENDATION 6**

The Parliament of Vanuatu should seek to modernise its processes around public petitions by producing a designated webpage on the Legislature's website, establishing electronic means for Vanuatuan citizens to submit petitions to Parliament online, and introducing a numerical threshold of signatures that obliges the Parliament to consider relevant public petitions on the Floor of the House.

(**Benchmark 13.1 (consideration of petitions)** – The Legislature shall have procedures in place to allow for the meaningful consideration of petitions / **Benchmark 13.2 (numerical threshold for petitions)** – The Legislature should establish numerical signatory thresholds that oblige the Legislature to debate petitions on the Floor of the House or refer them to a relevant Committee).

#### Records

As per Parliament's Standing Orders (Number 11<sup>56</sup>), the Clerk is responsible for preparing and circulating parliamentary papers to Members ahead of each sitting day. These include a daily Order Paper detailing business to be considered by the House, any draft Bills being debated/voted upon, and further supplementary briefing material produced by the staff Secretariat. During the session itself, Members' attendance, interventions, and voting activities are also recorded by parliamentary officials which, in turn, form the official report (Hansard) covering that day's business.

Generally speaking, parliamentary staff make positive efforts to maintain Hansard records however, during their time in Vanuatu, the CPA team learned that there are clear challenges in terms of how they are produced and maintained. While Hansard records are held centrally by the Secretariat and made available to Members upon request, discussions with parliamentary staff showed that these are not up-to-date, the Hansard Department is understaffed, and currently lacks modern day technology (such as voice recognition or transcribing software) that would better enable the small but dedicated team of Secretariat officials to better meet their responsibilities. Resource constraints within the Parliament has led to a backlog of final Hansard accounts being approved internally and, as of this Report, very few of these official records are routinely uploaded to the Legislature's website for the electorate at large. Noting Vanuatu's susceptibility to natural disasters, the Parliament should improve its digital resilience to ensure that these important historical records of House sittings are duly protected moving forward. During various discussions with internal and external stakeholders, the CPA team also stressed the importance of transparency and accountability for public access, emphasised the need for Parliament to expedite the improvement of its website, and underscored the multiple benefits (including Hansard maintenance and dissemination) that doing so would bring.

#### **RECOMMENDATION 7**

The Parliament of Vanuatu should improve the functionality of its Hansard operations by increasing the number of trained staff, providing these officials with more up-to-date technology/software platforms, and ensuring that all approved records are publicly available online through the Legislature's website.

(**Benchmark 14.1 (maintain and publish records)** – The Legislature shall maintain and publish readily accessible records of its proceedings in a standard and consistent format / **Benchmark 14.3 (digital records)** – Records of proceedings should be maintained digitally and made publicly accessible and easily searchable).

#### The Opposition, Party Groups, and Interest Caucuses

Historically, Vanuatu's Parliament has had a weak culture of defined party groups within the Legislature which has often seen Members of all political persuasions regularly 'cross the Floor' to switch from one party to another. However, stakeholder discussions articulated a belief that constitutional amendments passed last year (referenced earlier in this Report) should help with instilling greater party discipline and reducing political instability that has previously hamstrung the Parliament in effectively conducting its affairs.

Within Parliament, the position of Leader of the Opposition is formally recognised, allocated dedicated resources from the Legislature's budget, granted priority speaking time in Plenary debates, and consulted by the Speaker on wider decisions taken concerning the administration of the Legislature and its precinct. These are all positive demonstrations of model practice for which the Parliament of Vanuatu should be praised.

56 Parliament of Vanuatu – Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing Orders">www.parliament.gov.vu/images/Standing%20Order/Standing Orders</a> of Parliament 2020.pdf.

While in Vanuatu, the CPA team also explored the rights of legislators to form broader caucuses and interest groups based on common issues or concerns. Notwithstanding the historically weak political grouping system referenced above, the Parliament has had loose caucuses established along party lines but lacked broader non-partisan interest groups that are common in other Commonwealth Legislatures. Given that the Parliament's Standing Orders make no provision for Members to form such groups, there has traditionally been a limited culture of these bodies existing as part of its organisational framework to discuss policy issues and devise collective strategies on shared legislative priorities.

During discussions with the CPA team, some stakeholders positively acknowledged the idea of the Parliament modernising its approach to such bodies. Doing so was viewed as being able to supplement the formal role and powers of Standing Committees (where a caucus or interest group could be a more efficient vehicle for considering cross-subject issues) and providing the Parliament with more scope to effectively address apolitical topics of common interest. Two examples of these that are increasingly common in many Commonwealth Legislatures are a Women's Caucus<sup>57</sup> and Interest Group relating to Persons with Disabilities<sup>58</sup>. Establishing mechanisms and encouraging a culture that supports the creation of these bodies is undoubtedly something that the Parliament of Vanuatu could look to consider moving forward and it is recommended that the Legislature makes use of relevant CPA guidance on how to maximise their operational effectiveness.



<sup>57</sup> Commonwealth Parliamentary Association – How to Start a Women's Caucus. [online]. Available at: <a href="https://www.cpahq.org/knowledge-centre/blogs/how-to-start-a-women-s-parliamentary-caucus/">www.cpahq.org/knowledge-centre/blogs/how-to-start-a-women-s-parliamentary-caucus/</a>.

<sup>58</sup> Commonwealth Parliamentary Association – Disability Inclusive Communications Guidelines for Parliamentarians. [online]. Available at: <a href="https://www.cpahq.org/media/zm2hwjqe/2024">www.cpahq.org/media/zm2hwjqe/2024</a> disabilitycomms final.pdf.

## **PART 3: LEGISLATION**

#### **Legislative Function**

As per the Constitution (Chapter  $4^{59}$ ), Parliament is Vanuatu's supreme legislative body and has the power to make laws 'for the peace, order, and good government of Vanuatu'. Its approval is required for the passage of all legislation (including annual/multi-annual national budgets) before approved Bills are presented to the President of the Republic for assent. Stakeholder discussions suggested that Parliament's legislative functions generally operate smoothly. However, it is worth noting, under the Constitution (Chapter  $4^{60}$ ), if the President considers a Bill to be inconsistent with a constitutional provision, they may refer the Bill to the Supreme Court. While the President does not enjoy explicit Executive Veto powers, should the Supreme Court agree that the Bill is inconsistent with the Constitution, then it shall not be promulgated any further and falls with immediate effect. If the Supreme Court finds no constitutional inconsistency with the Bill, however, then the President is duty bound to provide their assent.

Alongside this primary law-making function, Parliament also has the power to enact resolutions or other non-binding expressions of its will, as well as delegate authority to create secondary (or subordinate) legislation via Ministers, public bodies, or other organisations created by the Legislature. These typically take the form of Regulations, Orders, or Rules and (unlike primary legislation) can be challenged in Vanuatu's courts by way of judicial review.

In a positive demonstration of sound democratic practice, the Parliament ensures that all draft Bills currently before the House are made publicly available on its website<sup>61</sup>. The Legislature also has a designated online page which acts as a valuable repository for all Acts passed by Parliament since Vanuatu achieved political independence in 1980<sup>62</sup>.

#### **Legislative Procedure**

The Parliament of Vanuatu has clear provisions in place regarding legislative procedures within the House. The Legislature's Standing Orders (Numbers 28-39<sup>63</sup>) not only outline arrangements relating to the introduction of draft Bills (both from the Government and private Members) but also provide further information on the various stages these must pass through before potentially becoming law. Any piece of draft legislation scheduled to be introduced to Parliament must be submitted to the Clerk at least 15 days in advance of the sitting within which it is due to be considered. The Clerk is then required to share this with all Members (in English and French) at least ten days ahead of the relevant session.

Once introduced in the House, draft Bills typically pass through three stages of legislative scrutiny. First Reading marks the Bill's official entry into parliamentary proceedings with the Clerk reading its short title before Members have an opportunity to debate the general principles and merits of the Bill. Committee of the Whole Parliament then allows all Members the chance to substantively debate the Bill in greater depth, examine each clause, and propose amendments. The Standing Orders (Number 39<sup>64</sup>) provide clear guidance on how amendments should be submitted and the criteria they need to meet in order to be considered and voted upon. The draft Bill (either in its original form or as amended) then passes to Second Reading at which point no further substantive amendments are admissible, the Bill's final form is approved, and it is transmitted to the President for their consideration of assent. It is worth noting that, alongside these standard practices, some draft Bills can also be referred to a specific parliamentary Committee for additional scrutiny should it be felt that doing so is beneficial of required.

While the Parliament's legislative processes appear to function reasonably well overall, the CPA team did identify two important areas in which improvements could be made:

**Due Process**: Some stakeholders noted that, from time to time, certain pieces of legislation pass through more than one stage of parliamentary scrutiny in a single sitting of the House without any compelling justification for doing so. Not only does this run contrary to the CPA Benchmarks and best Commonwealth-wide practice that such exceptions must be transparent, narrowly defined, and extraordinary in nature, but it also limits the quality and quantity of opportunities available to Members for fulfilling their important role as a scrutineer of potential laws that will govern the lives of those citizens they represent.

- 59 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 60 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="https://www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 61 Parliament of Vanuatu Bills before Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/index.php/parliamentary-business/">www.parliament.gov.vu/index.php/parliamentary-business/</a>
- 62 Parliament of Vanuatu Acts passed by the Parliament of Vanuatu. [online]. Available at: <a href="https://www.parliament.gov.vu/index.php/parliamentary-business/acts-of-parliament/acts">www.parliament.gov.vu/index.php/parliament.gov.vu/index.php/parliamentary-business/acts-of-parliament/acts</a>.
- 63 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing Orders">www.parliament.gov.vu/images/Standing%20Order/Standing Orders</a> of Parliament 2020.pdf.
- 64 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="www.parliament.gov.vu/images/Standing%20Order/Standing Orders of Parliament 2020.pdf">www.parliament.gov.vu/images/Standing%20Order/Standing Orders of Parliament 2020.pdf</a>.

While acknowledging the fact that impactful unforeseen events (such as natural disasters) may require time-critical action on the part of any Government, due process in Parliament should always be respected and followed as far as possible. To this end, any emergency legislation passed by the Parliament must include adequate safeguards such as being limited in scope, temporary in nature, and inclusive of relevant sunset provisions.

**Pre/Post-Legislative Scrutiny**: At present, Vanuatu's Parliament conducts very little pre-legislative and post-legislative scrutiny. Both are core functions of other Commonwealth Legislatures and the CPA team highlighted throughout stakeholder discussions the multiple benefits that introducing such provisions could bring.

Pre-legislative scrutiny can take various forms but has a number of advantages including creating opportunities for Parliament to influence legislation at an early stage, drawing upon particular policy expertise that individual Members might have, and providing a key tool for Civil Society organisations and wider members of the public to engage with their elected representatives. All of these measures together act as a form of quality control to ensure that draft legislation is in its best possible shape before being introduced to the Legislature and (potentially) eventually entering into force.

Post-legislative scrutiny has the aim of ensuring that Acts of Parliament have done, or are doing, what they were originally intended to achieve. It heightens accountability that those tasked with implementing particular laws are doing so effectively and offers an opportunity to evaluate whether alternative means of reaching intended goals could be pursued. Post-legislative scrutiny can also take various forms but ultimately should lead to better government, better legislation, and better outcomes for the citizens of Vanuatu.

## **RECOMMENDATION 8**

The Parliament of Vanuatu should ensure that, unless under exceptional circumstances, due process at all stages of legislative procedure is adhered to and, additionally, introduce means of pre/post-legislative scrutiny.

(Benchmark 17.4 (legislative due process) – Unless under exceptional circumstances, legislation shall not pass through more than one stage of proceedings on a single sitting and any exceptions must be transparent, narrowly defined, and extraordinary in nature / Benchmark 17.5 (post-legislative scrutiny) – The Legislature shall establish procedures for systematically monitoring the effective implementation and consequences of legislation it has passed / Benchmark 17.6 (pre-legislative scrutiny) – The Legislature should have mechanisms in place to consider draft legislation which shall include sufficient opportunities for the public to offer input / Benchmark 17.7 (emergency legislation conditions) – The passing of any emergency legislation should be limited in scope, temporary in nature, and include relevant sunset clause provisions).

## **Legislative Committees**

As detailed above, all pieces of draft legislation introduced to the House must undergo additional scrutiny by either a Committee of the Whole Parliament or an alternative Standing/temporary ad hoc Committee. Positively, this referral happens by default (in line with the Standing Orders) with all Committees having the power to recommend amendments to the content or scope of the draft Bill in question. One small area in which the Parliament could further improve current ways of working would be to introduce provisions in its Standing Orders for two or more Committees to jointly scrutinise cross-cutting pieces of legislation that are relevant to more than one particular policy portfolio.

## **PART 4: COMMITTEES**

#### **Committee Functions**

As per Parliament's Standing Orders (Part 8<sup>65</sup>), the Legislature establishes at the commencement of each new session following a General Election a number of Standing Committees to consider and report on matters referred to them by the Parliament, matters which fall under their designated area of competence, and matters which (in the opinion of the Committee) require further consideration by the whole House<sup>66</sup>. There are a total of four Standing Committees in the Parliament (Public Accounts, Economic and Foreign Policies, Social Affairs, and Institutional and Constitutional Affairs), all of which are constituted along thematic lines and last for the full life cycle of a parliamentary term. Alongside these, the Legislature can also establish additional ad hoc or sub-Committees which are set-up to consider particular impromptu issues, time-limited in duration, and cease to operate once their designated work has been completed<sup>67</sup>.

All Committees comprise a maximum of seven Members (chosen by the Prime Minister and Leader of the Opposition), reflect the political composition of the House, and see their Chairmanship decided by composite Members at the Committee's constitutive meeting. As per the Legislature's Standing Orders (Number 64<sup>68</sup>), all Committees are chaired by a Member of the governing party with the exception of the Public Accounts Committee which is always chaired by an Opposition Member. Positively, Government Ministers are prohibited from serving on parliamentary Committees. As well as having a quorum for their meetings (four Members inclusive of the Chair), Committees also adopt Terms of Reference to help guide and manage their work.

While some Committees in Parliament appear to meet with sufficient regularity alongside scheduled Plenary sittings of the House, others are not currently as active. Despite each Committee in the Legislature being assigned a Principal Clerk from the parliamentary administration to help with holding meetings and coordinating its workplan, at the time of writing, resource constraints within the Secretariat sees this small number of officials clerking their Committee alongside other professional responsibilities in the House. Given the heavy workload involved in clerking a Committee, this is sub-optimal and reduces the regularity with which Committees can meet and the efficacy of their work.

The principal shortcoming of Parliament's current Committee set-up/functionality identified by the CPA team, however, related to the openness and transparency of Committee business. At the time of writing, all Committee meetings in the Legislature are by default held in private (unless the Committee is taking public evidence from invited external stakeholders) with representatives of the Media and members of the public unable to attend in person or follow a live stream of proceedings remotely. Furthermore, the CPA team was told that no official Hansard records of Committee meetings are produced for public consumption and nor do Committees conduct much (if any) of their activities away from the parliamentary precinct. Not only do these arrangements see the Parliament fail to meet a range of relevant CPA Benchmarks but, more importantly, they significantly limit the ability of Vanuatu's citizens to easily follow and proactively engage with this important element of their Legislature's work.

## **RECOMMENDATION 9**

The Parliament of Vanuatu should increase the regularity of Committee meetings and provide Committees with greater resource for staffing and external activities, as well as, crucially, ensuring that, as far as possible, all Committee activities and outputs are publicly accessible.

(**Benchmark 19.4 (Committees meet regularly)** – Once established, Committees shall meet regularly in a timely and effective manner/**Benchmark 19.5 (Committees meet publicly)** – All Committee votes and substantive decisions, as well as the Committee's reasons for them, shall be made public in an accessible and timely manner/**Benchmark 19.7 (Committees meet externally)** – Parliamentary Committees should, where possible and deemed beneficial, conduct a certain proportion of their work away from the Parliamentary Precinct to increase the Legislature's interaction with relevant external stakeholders).

## **Committee Powers**

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Committees in the Parliament of Vanuatu play an important role in the passage of draft Bills brought before the Legislature (a detailed overview of which is provided above) and enjoy the power to summon persons, papers, and records to assist with their responsibilities. Positively, these obligations extend to the Executive branch with Government representatives, as per the Standing Orders (Number 92<sup>69</sup>), also duty bound to officially respond to any reports and recommendations published by Committees within 90 days of them being tabled in the House. Stakeholder discussions suggested that these commitments are routinely met with no specific issues raised.

- 65 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="www.parliament.gov.vu/images/Standing%20Order/Standing">www.parliament.gov.vu/images/Standing%20Order/Standing</a> Orders of Parliament 2020.pdf.
- 66 Parliament of Vanuatu Parliamentary Standing Committees. [online]. Available at: <a href="www.parliament.gov.vu/index.php/others/general-secretariat/standing-committee">www.parliament.gov.vu/index.php/others/general-secretariat/standing-committee</a>.
- 67 Parliament of Vanuatu Work of Parliamentary Committees. [online]. Available at: <a href="https://www.parliament.gov.vu/index.php/parliamentary-committee/work-of-committee">www.parliament.gov.vu/index.php/parliamentary-committee</a>.
- 68 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing Orders">www.parliament.gov.vu/images/Standing%20Order/Standing Orders</a> of Parliament 2020.pdf.
- 69 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing">www.parliament.gov.vu/images/Standing%20Order/Standing</a> Orders of Parliament 2020.pdf.

That said, during their time in Vanuatu, the CPA team identified two important areas in which the powers and resources extended to parliamentary Committees could be increased and their current ways of working improved:

- Whilst Committees in the Legislature appear reasonably active in their scrutinising of draft legislation, they seem to conduct little own initiative work through running parliamentary inquiries into particular issues of national interest and receiving supportive witness submissions from external stakeholders. Alongside internal staffing constraints referenced above, Committees in the Parliament do not currently have sufficient means to consult and/or employ external experts (with particular legal, financial, or subject specific competence) whereby doing so would help inform these activities. This is suboptimal and sees the Parliament fall short against a number of relevant CPA Benchmarks. Accordingly, the Legislature should ensure that all of its Committees have the capacity and expertise required to run impactful inquiries of their own and improve related engagement with the citizens of Vanuatu who may wish to contribute towards these undertakings.
- Linked to this, the Parliament would also benefit from strengthening its current provisions around affording robust protections to informants, witnesses, and whistleblowers who support Committee activities. While Vanuatu does have an active Ombudsman<sup>70</sup> in place that helps provide a framework for supporting these individuals in relation to breaches of confidentiality and potential instances of intimidation/retaliation, it does not have an independent Anti-Corruption Commission and the Parliament is yet to pass bespoke legislation that explicitly protects those informants, witnesses, or whistleblowers who publicly report instances of political corruption or perceived unlawful activities. Addressing this gap in Vanuatu's statute book would not only enable the Parliament to meet relevant CPA Benchmarks but also see it align with best practice demonstrated by other democratic Legislatures elsewhere in the Commonwealth.

#### **RECOMMENDATION 10**

The Parliament of Vanuatu should increase the regularity of Committee meetings and provide Committees with greater resource for staffing and external activities, as well as, crucially, ensuring that, as far as possible, all Committee activities and outputs are publicly accessible.

(Benchmark 20.2 (Committees and experts) – Committees shall have the right and sufficient resources to consult and/or employ experts / Benchmark 20.3 (submissions to Committees) – Committees shall seek and receive a wide and diverse range of submissions from the public, especially from marginalised groups, about the business before them and provide reasonable time for written submissions to be prepared / Benchmark 20.5 (informant/whistleblower protections) – Legislatures shall protect informants, such as whistleblowers or public servants, and witnesses presenting relevant information to Committees about corruption of unlawful activities).



70 Office of the Ombudsman of Vanuatu - Homepage. [online]. Available at: www.ombudsman.gov.vu.

## PART 5: OVERSIGHT AND ACCOUNTABILITY

#### **Oversight Function**

Oversight functions of the Parliament are set out in the Constitution (Chapter  $4^{71}$ ) and supported by the Standing Orders (Parts 5- $8^{72}$ ), which together establish a framework for effective oversight of the Executive branch and other Government functions. For example, Article 39 of the Constitution states that executive power of the people is vested in the Prime Minister and the Council of Ministers which must be exercised in accordance with the Constitution and other national law. Furthermore, Article 43 provides that the number of Ministers, including the Prime Minister, must not exceed a quarter of the number of Members of Parliament, and that the Council of Ministers are collectively responsible to Parliament. This maintains a balanced Executive branch that is directly accountable to the Legislature and indirectly to the people of Vanuatu.

Parliament provides executive oversight using various mechanisms. These include:

- Requiring Ministers to answer questions with or without notice about matters within their portfolio responsibilities (Standing Orders Part 6<sup>73</sup>).
- Having Standing Committees that consider, enquire into, or examine and report to Parliament on Government business including Bills, estimates and audit reports, and annual reports of Government Ministries (Standing Orders Part 8<sup>74</sup>).
- Considering reports of the Ombudsman that may draw the Parliament's attention to apparent defects in Government administration (Chapter 9 of the Constitution<sup>75</sup>).
- Giving effect to and maintaining the Leadership Code that applies to Ministers, Members of Parliament and senior public officers (Chapter 10 of the Constitution<sup>76</sup>), which is discussed in more detail later in of this Report.

Positively, stakeholder discussions suggested that these mechanisms and structures generally work well with, for example, Government Ministers routinely appearing in the House to answer questions from Members, and Members adequately considering reports from the Ombudsman when they are tabled in the House. As such, the CPA team was of the view that these functions are broadly fit for purpose.

Regarding specific matters covered by the Benchmarks:

- Vanuatu does not have its own military. Instead, the Vanuatu Mobile Force assists the Vanuatu Police Force with maintaining law and order and providing a limited first line of defence against external security threats<sup>77</sup>. The Parliament can scrutinise, and provide oversight, on matters relating to defence and national security and is required to ratify bilateral security agreements with Australia (Vanuatu's principal security partner).
- Under Vanuatu's Constitution (Article 26<sup>78</sup>), the Parliament is responsible for ratifying international treaties negotiated by the Government. It also actively engages with the UN Sustainable Development Goals (SDGs) as set out in Vanuatu's sustainable development plan<sup>79</sup>. Furthermore, the Parliament has indirect oversight of state-owned enterprises via the Ministry of Finance, which is responsible for state-owned enterprises under a new centralised regulatory model introduced in 2025<sup>80</sup>.
- 71 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 72 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing\_Orders\_of\_Parliament\_2020.pdf">www.parliament.gov.vu/images/Standing%20Order/Standing\_Orders\_of\_Parliament\_2020.pdf</a>.
- 73 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="www.parliament.gov.vu/images/Standing%20Order/Standing\_Orders\_of\_Parliament\_2020.pdf">www.parliament.gov.vu/images/Standing%20Order/Standing\_Orders\_of\_Parliament\_2020.pdf</a>.
- 74 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing Orders">www.parliament.gov.vu/images/Standing%20Order/Standing Orders</a> of Parliament 2020.pdf.
- 75 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 76 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 77 Vanuatu Police Force Vanuatu Mobile Force. [online]. Available at: www.police.gov.vu/about-us/vanuatu-mobile-force.
- 78 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 79 Government of Vanuatu Vanuatu 2030 The People's Plan. [online]. Available at: <a href="https://www.gov.vu/images/publications/Vanuatu2030-EN-FINAL-sf.pdf">www.gov.vu/images/publications/Vanuatu2030-EN-FINAL-sf.pdf</a>.
- 80 Pacific Islands Legal Information Institute Commercial Government Business Enterprise Act 2024. [online]. Available at: <a href="https://www.paclii.org/vu/legis/num\_act/cgbea2024445.pdf">https://www.paclii.org/vu/legis/num\_act/cgbea2024445.pdf</a>.

More broadly, Vanuatu's independent Constitutional bodies include, among others, the Electoral Commission, the Attorney-General, the Auditor-General, the Judicial Service Commission, the Public Service Commission, and the Ombudsman. Positively, the CPA team was able to meet with both the Electoral Commissioner and the Ombudsman during their time in Vanuatu.

The Standing Committee on Institutional and Constitutional Affairs is established under Parliament's Standing Orders (Number 63<sup>81</sup>) and is responsible for inquiring into and reporting to Parliament on the performance of these independent Constitutional bodies and their ability to fulfil their respective roles<sup>82</sup>. While in Vanuatu, the CPA team was informed that this includes reviewing and reporting on their respective annual reports.

Challenges identified through discussions relating to the Ombudsman's functions centred on resourcing, particularly due to budgetary constraints and a shortage of national training institutions for investigators. This under-resourcing could potentially limit the number of quality investigators at the Ombudsman's disposal, weaken related enforcement activities, and ultimately limit public trust. In addition to its core role of undertaking administrative review of Government decisions, it was also identified that the Ombudsman investigates complaints about breaches by Government Ministers, Members of Parliament, and senior public servants under the Leadership Code<sup>83</sup>.

At present, Vanuatu does not have a dedicated Human Rights Commission with the Office of the Attorney-General currently assessing proposed legislation for consistency with the Constitution and basic international human rights standards. The Attorney-General is appointed under the State Law Office Act<sup>84</sup> to act independently (rather than being a Minister as is common in other Westminster-style Commonwealth jurisdictions). Vanuatu's human rights framework also includes a National Human Rights Unit, which was established in 2014 as part of the Ministry of Justice. However, this does not function as an independent body and has no statutory powers.

In 2024, a scoping mission was completed to assess the feasibility of establishing an independent national human rights institution in Vanuatu. Participants of the consultation emphasised the need for the new institution to be home-grown and in accordance with Vanuatu's Constitution. As a consequence, Vanuatu's Government is now responsible for developing a legal framework to establish the institution<sup>85</sup>.

## **RECOMMENDATION 11**

The Parliament of Vanuatu should review the adequacy of resources available to the Ombudsman to effectively perform its functions under both the Constitution and the Leadership Code, and progress legislation to establish a National Human Rights Institution with both sufficient independence and funding.

(**Benchmark 21.6 (Human Rights Commission)** – The Legislature shall establish an independent Human Rights Commission, or similar office, with the mandate to protect against human rights violations / **Benchmark 21.8 (independent bodies resourced)** – The Legislature shall ensure that independent constitutional bodies receive adequate resources and that the work of such institutions is not subject to political pressure from the Executive).

### **Financial and Budgetary Function**

The Parliament of Vanuatu has necessary rules and procedures in place under the Constitution and its Standing Orders to oversee national financial and budgetary matters. These appear to be well understood by relevant stakeholders and followed annually.

Vanuatu's financial year runs from January to December. Under the Constitution (Article 25<sup>86</sup>) and Parliament's Standing Orders (Numbers 93 and 94<sup>87</sup>), the national Government's annual Appropriation Bill and Statement of Estimates and Budget Narrative must be presented to Parliament during the first week of the second ordinary session of the year (in November) and sent to all Members at least 25 days before the Appropriation Bill is introduced to the House. Stakeholder discussions suggested that parliamentarians have sufficient time to study the proposals at which point up to ten sitting days are then allowed for consideration of the Appropriation Bill by the Committee of the Whole Parliament.

- 81 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="www.parliament.gov.vu/images/Standing%20Order/Standing\_Orders\_of\_Parliament\_2020.pdf">www.parliament.gov.vu/images/Standing%20Order/Standing\_Orders\_of\_Parliament\_2020.pdf</a>.
- 82 Parliament of Vanuatu Committee on Institutional Affairs. [online]. Available at <a href="https://parliament.gov.vu/index.php/parliamentary-committee-c
- 83 Ombudsman of Vanuatu Leadership Code Act 1998. [online]. Available at: <a href="https://ombudsman.gov.vu/images/docs/legislation/Leadership%20Code%20Act/Leadership%20Code.pdf">https://ombudsman.gov.vu/images/docs/legislation/Leadership%20Code%20Act/Leadership%20Code.pdf</a>.
- 84 Pacific Islands Legal Information Institute State Law Office Act 1998. [online]. Available at: <a href="https://www.paclii.org/vu/legis/consol\_act/sloa152/">https://www.paclii.org/vu/legis/consol\_act/sloa152/</a>.
- 85 Government of Vanuatu A scoping mission to establish a robust and effective National Human Rights Institution. [online]. Available at: <a href="https://mjcs.gov.vu/index.php/news/179-a-scoping-mission-to-establish-a-robust-and-effective-national-human-rights-institution#:~:text=The%20government%2C%20in%20partnership%20with,framework%20to%20establish%20the%20institution.
- 86 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="https://www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 87 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="https://www.parliament.gov.vu/images/Standing%20Order/Standing Orders of Parliament 2020.pdf">www.parliament.gov.vu/images/Standing%20Order/Standing Orders of Parliament 2020.pdf</a>.

During stakeholder discussions, the CPA team learned that officers of Vanuatu's Parliament recently took part in a Floating Budget Mission, supported by the UNDP, to provide key stakeholders with informative briefings on the 2025 budget proposals. This was in conjunction with community consultation and calls for public submissions on the budget proposals undertaken by the Parliament's Public Accounts Committee from August to October 2024. When taken together, these various initiatives are positive demonstrations of the Legislature's commitment to undertaking rigorous fiscal scrutiny and seeking to engage relevant external stakeholders with public transparency in mind.

Overall, the Parliament performs its financial and budgetary oversight roles well, albeit the CPA team noted the importance of the Legislature continuing to build relevant expertise within its Secretariat to ensure that these are conducted even more effectively moving forward. Doing so could, for example, include fostering increased engagement in organisations such as the Commonwealth Association of Public Accounts Committees (CAPAC)<sup>88</sup>, and, in due course, potentially establishing an independent Parliamentary Budget Office to provide Members with independent and non-partisan analyses relating to the annual budget process and longer-term economic/fiscal outlooks<sup>89</sup>.

#### **Auditing Function**

Vanuatu's Constitution (Article 25<sup>90</sup>) requires Parliament to provide for the independent office of the Auditor-General whose function is to audit and report to both Government and Parliament on the public accounts of Vanuatu. The Vanuatu Office of the Auditor-General is established by the Expenditure Review and Audit Act (ERAA) 1998<sup>91</sup>. Positively, it is part of the International Organisation of Supreme Audit Institutions and operates within the framework set by the International Standards of Supreme Audit Institutions which include the Lima Declaration of Guidelines on Auditing Precepts<sup>92</sup>.

Under the ERAA, the Auditor-General's duties include: assisting the Parliament's Public Scrutiny Committee to discharge its functions (including conducting audits into matters referred to the Auditor-General by the Committee); examining consolidated Government revenue and expenditure estimates, as well as accounts of ministries, agencies, local authorities and ministerial offices; and reviewing and confirming the discharge of financial management obligations by ministers, directors-general, agencies and local authorities. Under section 32 of the ERAA, the Auditor-General is required to provide the Public Accounts Committee with a copy of every report prepared by their Office.

Parliament's Public Accounts Committee is also established by the ERAA. Positively, the Committee is always chaired by a non-Government Member of Parliament (Part 2, Section 5) and must provide a written report to Parliament on all matters it considers (Part 2, Section 16). When taken together, these legislated requirements strengthen both fiscal oversight and Government accountability. During stakeholder discussions, the CPA team learned that Parliament's Public Accounts Committee generally functions well albeit there has been some disruption to its proceedings over recent years due to various changes of Government that have resulted in the Committee not having a consistent Chairperson and being limited in its ability to develop a strong working relationship with the Office of the Auditor-General.

Looking ahead, the CPA team was also informed that proposed changes to current audit legislation to strengthen the role, resourcing, and independence of the Auditor-General are due to be considered by Parliament over the coming months<sup>93</sup>. This is a positive development that (with the Legislature's approval) would see Vanuatu's Parliament continue to align with best practice demonstrated in other Commonwealth jurisdictions.

#### **RECOMMENDATION 12**

The Parliament of Vanuatu should seek to further improve the efficacy of its financial/budgetary/auditing processes by passing legislation that strengthens the role, resourcing, and independence of the Auditor-General and also consider establishing its own Parliamentary Budget Office to support financial/budgetary/auditing activities undertaken by the House.

(**Benchmark 23.2 (Audit Office resourced)** – The Supreme or National Audit Office shall be provided with adequate resources and legal authority to conduct audits in a timely manner in line with the Lima Declaration of Guidelines on Auditing Precepts / **Benchmark 23.4 (Parliamentary Budget Office)** – The Legislature should establish an internal Parliamentary Budget Office to provide its Members with independent expert advice to support their scrutiny of various auditing activities).

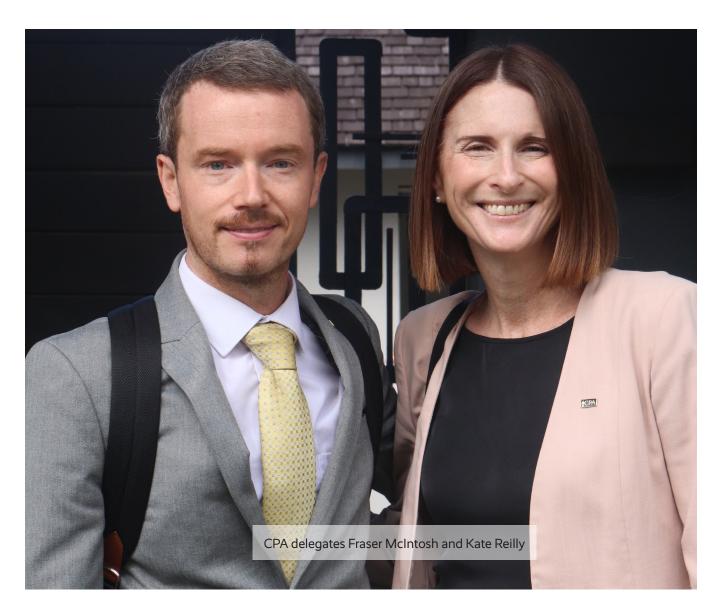
- 88 Commonwealth Association of Public Accounts Committees Homepage. [online]. Available at: www.capac-portal.com.
- 89 Commonwealth Parliamentary Association Handbook on Parliamentary Financial Oversight. [online]. Available at: <a href="https://www.cpahq.org/media/wchb4uv5/handbook-on-parliamentary-financial-oversight.pdf">https://www.cpahq.org/media/wchb4uv5/handbook-on-parliamentary-financial-oversight.pdf</a>.
- 90 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="https://www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.
- 91 Pacific Island Legal Information Institute Expenditure Review and Audit Act 1998. [online]. Available at: <a href="https://www.paclii.org/vu/legis/consol\_act/eraaa293/">https://www.paclii.org/vu/legis/consol\_act/eraaa293/</a>.
- 92 Vanuatu National Audit Office Background. [online]. Available at: https://nao.gov.vu/about/about-vnao.
- 93 Vanuatu National Audit Office Proposed Changes to Audit Legislation. [online]. Available at: https://nao.gov.vu/about/about-vnao.

#### No Confidence and Impeachment

Vanuatu's Constitution (Chapter 7<sup>94</sup>) outlines provisions for both votes of no confidence in the Prime Minister (Article 43) and circumstances whereby Cabinet Ministers cease to hold office (Articles 44 and 45).

As per the Constitution, at least one week's notice of a no confidence motion in the Prime Minister must be given and that notice must be signed by at least one-sixth of the Members of Parliament for it to be considered by the whole House. If the motion is supported by an absolute majority of Members, the Prime Minister and other Ministers cease to hold office at that point but continue to exercise their functions until a new Prime Minister is elected.

Most recently, Vanuatu saw two successful no confidence motions in late 2023, which led to the removal of both Hon. Ishmael Kalsakau (now Leader of the Opposition) and then Hon. Sato Kilman as Prime Minister. While these events demonstrated that the Parliament has effective mechanisms in place to bring about the removal of a Prime Minister, some stakeholder discussions held by the CPA team suggested that the regularity with which Governments often change in Vanuatu arguably has a detrimental effect on the country's longer-term political stability.



<sup>94</sup> Government of Vanuatu – Constitution of the Republic of Vanuatu. [online]. Available at: <a href="https://www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.

## PART 6: REPRESENTATION AND ENGAGEMENT

#### **Representation Function**

The Parliament of Vanuatu serves as a vital representational institution that encapsulates the interests and concerns of Vanuatuan citizens within the broader framework of national governance. This representation is achieved through the active involvement of Members from across the House. Positively in Vanuatu, there is an invariably strong link between elected Members of Parliament and the local communities they represent. Members of Vanuatu's Parliament typically spend most of their time in their local electorates when the Legislature is not sitting. They often hold meetings and clinics where constituents can come to discuss matters of concern with their elected representatives. Members also attend functions, visit schools, and participate in community activities to identify and understand issues affecting constituents that can then be raised when they return to Parliament.

Many parliamentarians in Vanuatu work closely with their communities to address local issues and implement relevant policies. This collaboration takes various forms, some of which occur at Parliament with others targeted at and delivered in local constituencies across Vanuatu. This is a positive demonstration of sound parliamentary practice which should be praised.

That said, stakeholder discussions held by the CPA team indicated that there is a need to raise awareness at the local level about the broader role of Members of Parliament in helping to shape Government policy in the national context. There was consensus among stakeholders that an increased focus on community outreach and engagement is essential moving forward to enhance the ability (and accountability) of elected Members to effectively represent their constituents at the national level. This is discussed further in the section below on Public Outreach.

The CPA team also learned that Members of Parliament do not have constituency offices or dedicated staff to assist them with local/community responsibilities, instead tending to call on support from staff in provincial government offices where needed. Positively, parliamentary officers confirmed they do not support activities of Members in their constituencies, which is best practice to ensure that Secretariat staff are not taken away from their core professional functions in the Legislature or being tasked with supporting partisan objectives. Moving forward, the Parliament of Vanuatu may wish to consider providing Members with one or more dedicated party political staffers to support constituency work and increase their ability to represent local interests and concerns at the national level, similar to the model in place across other Commonwealth Legislatures.

Regarding gender, Vanuatu's Constitution does not contain provisions requiring a numerical balance in Parliament or the reserving of seats for women only candidates seeking election to Parliament. Currently, only one of the 52 seats in Parliament (2%) is held by a woman, Hon. Marie Louise Milne, who is a former Deputy Mayor of Port Vila City Council and just the eighth woman to enter Parliament in Vanuatu's history. Not only is this well below the current global average for female representation in Parliaments worldwide (27%95), but it also falls short of the regional average for Pacific jurisdictions (8%96) which as a region compares unfavourably to other parts of the world. This is a clear shortcoming in terms of how Vanuatu's Parliament resembles its electorate and the Legislature should seek to address this as a priority moving forward.

To this end, there are various ways in which the Parliament should look to increase its number of female Members moving forward. These could include:

- Potential electoral reform (whereby a certain percentage of seats in the Legislature must be held by women);
- Reserved seats (whereby only female candidates can contest particular constituencies);
- Funding incentives (whereby political parties are provided with funding entitlements to boost the number of female candidates they put forward); and
- Civic education (whereby the Legislature dedicates particular outreach activities to better capacitate women across its electorate in advance of them running for office).

While in Vanuatu, the CPA team drew stakeholder attention towards a number of resources that the Legislature should use to proactively increase the number of female Members. Accordingly, it was recommended that Vanuatu's Parliament increases its engagement with the CPA's Commonwealth Women Parliamentarians Network<sup>97</sup> and disseminates among Members the CPA's associated Gender Sensitising Parliaments Guidelines<sup>98</sup>.

- 95 IPU Parline: Global data on national parliaments Global and regional averages of women in national Parliaments. [online]. Available at: https://data.ipu.org/women-averages/?date\_month=7&date\_year=2025.
- 96 IPU Parline: Global data on national parliaments Global and regional averages of women in national Parliaments. [online]. Available at: <a href="https://data.ipu.org/women-averages/?date\_month=78date\_year=2025">https://data.ipu.org/women-averages/?date\_month=78date\_year=2025</a>.
- 97 Commonwealth Parliamentary Association Commonwealth Women Parliamentarians (CWP). [online]. Available at: <a href="https://www.cpahq.org/our-networks/commonwealth-women-parliamentarians/">https://www.cpahq.org/our-networks/commonwealth-women-parliamentarians/</a>.
- 98 Commonwealth Parliamentary Association Gender Sensitising Parliaments Guidelines: Standards and a Checklist for Parliamentary Change. [online]. Available at: <a href="https://www.cpahq.org/media/s20j1lws/cwp-gender-sensitizing-guidelines.pdf">https://www.cpahq.org/media/s20j1lws/cwp-gender-sensitizing-guidelines.pdf</a>.

#### **RECOMMENDATION 13**

The Parliament of Vanuatu should increase its efforts to encourage the political participation of women through public outreach, education and engagement activities.

(**Benchmark 25.1 (representation of women)** – The Legislature shall be organised in such a way as to enable the substantive representation of women in its work / **Benchmark 25.2 (resources for constituency work)** – The Legislature shall provide all Members with adequate and appropriate resources enabling them to effectively fulfil their constituency responsibilities).

#### Public Outreach, Education, and Engagement

In a modern democracy, public outreach, education, and engagement are three core responsibilities of Parliament. Across all Commonwealth Legislatures, these are embraced in many different ways but, regardless of the means, strong civic participation is essential for effective democratic governance because it enables the Legislature to better address the hopes and concerns of its constituents<sup>99</sup>.

For the most part, the Parliament of Vanuatu performs relatively well against various CPA Benchmarks relating to openness and engagement criteria. Positively, the current Speaker, Clerk, and wider parliamentary staff have also indicated a firm commitment to continuous improvement in this area. As such, the CPA team identified two key areas during stakeholder discussions where these ongoing improvements might best be made.

**Website**: While Parliament's current website has several positive features (including detailed information about Members and their electorates, quarterly newsletters on the recent work of Parliament, and a particularly innovative 360 virtual tour of the legislative precinct), it does lack some fundamental information that is commonplace on the websites of other Commonwealth Legislatures:

- Publishing an official calendar of meetings (ahead of time) for the Parliament and related Hansard transcripts from House sittings (post-event) to better allow Vanuatu's citizens to follow the Legislature's work.
- Ensuring that current webpages dedicated to statements, responses to motions, votes and proceedings, and parliamentary reports are all populated as soon as possible to highlight the important work that Members and staff are conducting.
- Improving individual webpages for all Members of Parliament including contact details, their CV, declaration of pecuniary interests, and disclosure of relevant financial activities undertaken in line with allowances provided by the Parliament to support their parliamentary work.

**Public Outreach, Education, and Engagement**: Generally speaking, Parliament's community outreach activities and the enthusiasm of Secretariat officials about this programme of work are to be commended. These staffers ably run the Parliament's Facebook<sup>100</sup> and Instagram<sup>101</sup> accounts as well as undertake a range of positive initiatives including organising guided tours of Parliament for school students and other interested groups as well as traveling to regional parts of Vanuatu to visit local communities and undertake civic education activities. For example, a large cohort of parliamentary staff recently visited Tanna (the third most populous island in Vanuatu) in July 2025 and conducted a week-long civic education programme in various schools and communities which provided information about Parliament and the roles and duties of its Members. Travel to other islands is also planned for 2026 with the ambition of conducting further outreach programmes in remote parts of the country.

While these activities are undoubtedly positive, stakeholder discussions suggested that their continued growth and effectiveness would benefit from the creation of a dedicated Parliamentary Education Officer position moving forward. Linked to this, the CPA team also highlighted that the Parliament could increase its engagement with and support for youth parliamentary debates. An increasingly common means of civic education and engagement across many Commonwealth Legislatures, these are typically conducted in simulated parliamentary environments and provide a positive platform for young people to actively experience the democratic process. The CPA team learned that Vanuatu's Parliament previously hosted a Youth Parliament in 2018 but highlighted the value that running this event on a more regular basis would bring. Forming part of a refreshed engagement strategy, it would also enable the Parliament to target particular cohorts (such as marginalised demographic groups or emerging female youth leaders) to participate.

<sup>99</sup> Commonwealth Parliamentary Association – Engagement, Education & Outreach Handbook for Commonwealth Parliaments. [online]. Available at: <a href="www.cpahq.org/media/sbif14kt/engagement\_education\_outreach-handbook\_final.pdf">www.cpahq.org/media/sbif14kt/engagement\_education\_outreach-handbook\_final.pdf</a>.

<sup>100</sup> Facebook - Parliament of Vanuatu. [online]. Available at: www.facebook.com/VParliament/.

<sup>101</sup> Instagram - Parliament of Vanuatu. [online]. Available at: www.instagram.com/vanparliament/.

#### **RECOMMENDATION 14**

The Parliament of Vanuatu should continue taking positive steps towards becoming a more accessible, open, and engaged Legislature by further improving information available on its website and expanding its public outreach, education, and engagement activities.

(Benchmark 26.3 (public understanding) – The Legislature shall promote the public's understanding of the work of the Parliament / Benchmark 26.4 (demographic participation) – The Legislature shall identify demographic groups whose perspectives are not well represented in parliamentary decision-making and make concerted efforts to increase their participation / Benchmark 26.5 (independent website) – The Legislature shall have an independent website that is publicly accessible and regularly updated to enhance information sharing and promote interaction with its own citizens and the outside world / Benchmark 26.6 (youth engagement) – The Legislature should operate or otherwise substantively support a Youth Parliament or related youth engagement programme to encourage and educate young people within its jurisdiction).

#### **Media Relations**

In a parliamentary democracy, the Media plays an essential and multifaceted role that significantly contributes to the overall strength and health of the democratic system. One of its primary functions is to act as a watchdog, monitoring the actions of public officials and Government entities to ensure they are held accountable for their decisions and conduct. This oversight is vital in maintaining the integrity of the democratic process and preventing abuses of power. Alongside this, the Media serves as an important channel of communication, informing the public on legislative decisions, policies, and actions, in order to promote civic dialogue and enhance public engagement in the political process. For democratic Legislatures across the Commonwealth, maintaining an open and cooperative relationship with Media professionals in their jurisdiction is of vital importance.

The media sector in Vanuatu is relatively small, with two main organisations – the Trading Post Ltd and Vanuatu Broadcasting and Television Corporation (VBTC) – currently in operation. The Trading Post Ltd owns and operates the Vanuatu Daily Post, which is the country's only regular newspaper. VBTC is the national state-owned broadcaster and operates both Radio Vanuatu and Television Blong Vanuatu. All outlets in Vanuatu also have active social media platforms where their news and related outputs are posted.

While in Vanuatu, stakeholder discussions with senior parliamentary staff and Media representatives identified several aspects of Parliament's relationship with the Media that could be improved to facilitate better access to, understanding of, and ultimately reporting on, the work of Parliament. Among others, these included:

- Access and Accreditation: While journalists reporting on Parliament are allowed to attend sittings of Parliament, they are not issued with formal press accreditation and do not have a designated space within the parliamentary chamber to report on proceedings. Establishing an official protocol for Media access and accreditation would ensure clear arrangements are in place for authorising journalists to access Parliament without compromising the security of Members.
- **Facilities**: A small room is currently provided on the parliamentary precinct for journalists to watch the live broadcast of proceedings and report on parliamentary business. Moving forward, a dedicated, fit for purpose, Media facility should be developed to ensure that representatives of the Media have regular access to Parliament and are able to freely report on its affairs.
- **Information**: Conversations with representatives of the Media highlighted that getting sight of Bills introduced in the House and other information requested about proceedings of Parliament is often delayed. Access to accurate and timely information will enhance the quality of Media reporting on these matters and, as such, the Parliament may wish to employ a full-time Media Relations Officer to help coordinate these activities.
- **Understanding**: Stakeholder discussions also identified that some Members of Parliament have a limited understanding of the role that Media outlets can play in promoting Parliament's work to Vanuatu's citizens. This could be improved by providing journalists with opportunities to explain their work (for example by being involved in the induction process and further learning and development programmes for Members). There is also an opportunity to enhance journalistic understanding of parliamentary processes through training sessions provided by Secretariat staff and producing an explanatory handbook for representatives of the Media. These initiatives (which could include information on parliamentary practice and procedure, guidance for Press access and Member interaction, and resources linked to parliamentary publications and related Media outputs) have been undertaken in other Commonwealth jurisdictions to great effect.

#### **RECOMMENDATION 15**

The Parliament of Vanuatu should improve its provision of information and services to representatives of the Media by providing journalists with official accreditation, establishing a fit for purpose Media facility on the parliamentary precinct, involving journalists in post-election induction activities for new Members of Parliament, and producing a dedicated handbook for reporters who regularly cover the activities of Parliament in their professional responsibilities.

(**Benchmark 27.1 (Media access)** – The Legislature shall ensure that representatives of the independent Media are given appropriate access to the proceedings of the Parliament without compromising the proper functioning of the Legislature and its Rules of Procedure / **Benchmark 27.2 (Media facility)** – The Legislature shall have a non-partisan Media relations facility that is fit for purpose / **Benchmark 27.3 (Media companion guide)** – The Legislature should produce a companion guide for representatives of the Media to support their reporting of parliamentary activities).

## Accessibility

The CPA team could not access or view the Parliament's Plenary chamber during their time in Vanuatu due to significant renovations being undertaken to repair damage caused by the December 2024 earthquake. While stakeholder discussions confirmed that there has been at least one Member of Parliament with a physical disability (whose needs were well accommodated on the legislative precinct), the Benchmarks exercise provided an opportunity to discuss potential areas for improving accessibility that the Parliament may wish to consider moving forward. These included increasing step-free access, introducing more wheelchair-friendly provisions, and constructing particular washroom facilities for persons with disabilities on the legislative precinct.

In terms of linguistic accessibility measures relating to parliamentary proceedings – Vanuatu's Constitution provides that the national language is Bislama, and that official languages also include English and French. While Bislama is the most spoken language in Parliament's chamber, an official Hansard record of proceedings is produced by the Secretariat in both English and French. Hansard officers use laptop computers in the chamber to record the main points of discussion and decision, which forms a summary of proceedings. Near-verbatim reporting in English and French is completed by Hansard staff after the sitting week using the chamber broadcast footage which then becomes the official record of proceedings. However, as noted earlier in this Report, these records are not routinely published on Parliament's website. As such, the Legislature could look to invest in emerging Artificial Intelligence capabilities moving forward and, in the meantime, should make better use of more readily available online platforms to help with plugging this gap.

During discussions with parliamentary staff, the CPA team learned that the introduction of automatic transcription is being investigated, with reference to Canada and other bilingual jurisdictions that have implemented this technology. Doing so would represent an important stride forward for the Parliament in terms of allowing parliamentary sessions to be transcribed from audio to text in both languages, as well as generating accurate Hansard reports in real-time.

#### Freedom of Information

Vanuatu's Right to Information (RTI) Act<sup>102</sup> was passed in 2016, giving the legal right to individuals (and Media organisations) to access information from any Government agency or held by a relevant public authority.

Stakeholder discussions held by the CPA team in Vanuatu indicated broad support for the RTI framework, although it was noted that in practice there can be issues with delays in receiving information requested from Government agencies beyond the legislated timeframes. Moving forward, the Parliament may wish to establish a formal position within its Secretariat with overarching responsibility for coordinating any Freedom of Information requests submitted by members of the public.

## PART 7: THE PARLIAMENTARY SERVICE

## **Parliamentary Governance and Management**

The Speaker sits at the Head of the Parliamentary Administration and is, in effect, responsible for all political activities undertaken in the Legislature. Alongside the Speaker, the Clerk serves as the Parliament's most senior official with wide-ranging responsibilities relating to administrative operations in support of House business and the delegation of work among fellow parliamentary staff.

The provision of parliamentary services (that is, the administrative services provided to Parliament by the Clerk, the Assistant Clerks and other staff of Parliament) is governed by the Parliament (Administration) Act 2005<sup>103</sup>. This Act established the Parliamentary Management Board, which consists of the Speaker (who chairs all Board meetings), the Prime Minister, the Leader of the Opposition and the Parliamentary Counsel. The Board's functions include overseeing the efficient and effective management of Parliament, determining the terms and conditions of appointment for parliamentary staff, and coordinating the management and operation of parliamentary Committees.

Under this Act, the Clerk is appointed by the President of Vanuatu on the advice of the Board and is responsible for the day-to-day administration of Parliament in accordance with the policies and directions of the Board. The Clerk's remuneration is recommended by the Government Remuneration Tribunal<sup>104</sup> and formalised in the Official Salaries Act 1983<sup>105</sup>. The Clerk is appointed for a fixed term and can only be removed during their term in limited circumstances relating to conduct and competency.

This legislation provides the Parliamentary Service in Vanuatu with a healthy degree of independent governance in line with some relevant CPA Benchmarks, however, it appears to lack the same level of autonomy in relation to financial matters with financial entitlements for parliamentary purposes and the allocation of funds to particular parliamentary activities being decided by the Executive. This places a notable limit on the separation of powers between two of Vanuatu's three branches of Government<sup>106</sup>.

In this regard, best practice is for the legislation establishing the corporate body (in this case, the Parliamentary Management Board) to allow it unimpeded autonomy for allocating funds to parliamentary activities. This would not only more effectively embed the separation of powers principle but also better allow the Parliamentary Management Board to have independent authority of its corporate operations, autonomously build capacity across the parliamentary precinct without Executive restriction, and more easily enable the House to put in place important multi-year strategic plans that identify and deliver priority initiatives in line with its long-term objectives<sup>107</sup>.

#### **RECOMMENDATION 16**

The Parliament of Vanuatu should establish a more effective Parliamentary Service Commission (or equivalent corporate body) with greater financial independence from the Executive as well as full responsibility for the Legislature's internal governance and key parliamentary services.

(**Benchmark 30.1** (**Parliamentary Service Commission**) – The Legislature shall, either by legislation or resolution, establish a corporate body responsible for providing services and funding entitlements for parliamentary purposes and providing for independent governance of the Parliamentary Service / **Benchmark 30.2** (**Legislature's budget**) – Only the Legislature shall be empowered to determine and approve its own budget / **Benchmark 30.7** (**Strategic Plan**) – The Legislature should have an agreed Strategic Plan with related objectives developed and updated at regular intervals and a mechanisms of monitoring and evaluation to measure achievement against the Strategic Plan).

- 103 Pacific Islands Legal Information Institute Parliament (Administration) Act 2005. [online]. Available at: <a href="https://www.paclii.org/vu/legis/consol\_act/pa272/">https://www.paclii.org/vu/legis/consol\_act/pa272/</a>.
- 104Government of Vanuatu Government Remuneration Tribunal. [online]. Available at: https://grt.gov.vu/.
- 105 Pacific Islands Legal Information Institute Official Salaries Act 1983. [online] Available at: <a href="https://www.paclii.org/vu/legis/consol\_act/osa150/">https://www.paclii.org/vu/legis/consol\_act/osa150/</a>.
- 106Commonwealth Parliamentary Association Latimer House Principles on the Three Branches of Government. [online]. Available at: <a href="https://www.cpahq.org/media/kafl4zuf/commonwealth-principles-cpa">https://www.cpahq.org/media/kafl4zuf/commonwealth-principles-cpa</a> sept 2023-v2 single.pdf.
- 107 Commonwealth Parliamentary Association Model Law for Independent Parliaments: Establishing Parliamentary Service Commissions for Commonwealth Legislatures. [online]. Available at: <a href="https://www.cpahq.org/media/usdnwcqp/model-law-for-independent-parliaments">https://www.cpahq.org/media/usdnwcqp/model-law-for-independent-parliaments</a> final.pdf.

#### **Parliamentary Staff**

At the time of this Report, Vanuatu's Parliament has a Secretariat comprising approximately 80 positions, although there are currently several vacant posts including at the senior management level. During their visit to Vanuatu, the CPA team were very pleased to meet with several staff who are talented, dedicated, and non-partisan, providing strong support for many aspects of Parliament's operations. The CPA team noted a substantial proportion of the Secretariat staff are women and observed a depth of skill, experience, and potential amongst these female officials which is a credit to the Parliament and the management of its human resources function.

As noted above, the Parliamentary Management Board is responsible for determining the terms and conditions of appointment for parliamentary staff, who (except for the Clerk) are appointed by the Board through a merit-based recruitment process. As such, the Board is an independent employer from Vanuatu's wider Public Service and, positively, has developed a comprehensive staff manual which sets out eligibility and procedure for appointment to the Parliament as well as related terms and conditions of employment.

Based on the CPA team's discussions with stakeholders, there is a clear understanding of the importance of maintaining a non-partisan Secretariat staff to effectively support Parliament's operations. While new staff receive induction training, it was noted that ongoing professional development opportunities (including overseas study tours for staff) are limited by budgetary constraints despite funding being sought annually for this purpose.

The CPA team noted what was described by one stakeholder as a 'critical need' for ongoing investment in the attraction, retention and development of quality Secretariat staff, including at the senior management level, to ensure Parliament's administration can continue to operate effectively. To this end, Professional Development is discussed further in Part 8 of this Report.



#### Parliamentary Assistance, Networking, and Diplomacy

Vanuatu joined the Commonwealth upon gaining independence in 1980 and shortly thereafter established its CPA branch on 1 January 1982<sup>108</sup>. The Parliament is one of 13 Legislatures in the CPA's Pacific region. Throughout stakeholder discussions, it was clear to the CPA team that parliamentary stakeholders understand the importance of strong international relations and are committed to deepening networks and relationships further, particularly with other Parliaments in the Pacific.

Parliamentary diplomacy is a crucial component of strengthening the role of Legislatures and for the sharing of best practices among them. While both Members and staff in the Parliament seek to positively engage in a range of interparliamentary activities, their means of doing so are sometimes limited due to budgetary constraints discussed throughout this Report. In recent years, the Parliament has sought to address these issues through soliciting technical assistance from international partners (for example the UNDP's Floating Budget Mission<sup>109</sup>), but more could certainly be done so that the Members and staff of Parliament can maximise the wide-ranging benefits enjoyed from strong interparliamentary cooperation with fellow Legislatures across the Commonwealth.

To this end, the CPA team shared information about the resources for assistance, networking, learning and development available to the Parliament through its membership of the CPA. Some of these capacity building opportunities available have already been mentioned earlier in this Report but, as discussed during stakeholder conversations, the Parliament should seek to strengthen its engagement with the CPA following successful completion of the Benchmarks Self-Assessment exercise.



108Commonwealth Parliamentary Association – Vanuatu Branch. [online]. Available at: <a href="https://www.cpahq.org/directory/vanuatu/">https://www.cpahq.org/directory/vanuatu/</a>. 109UNDP Pacific Office – Empowering Pacific Parliaments through Floating Budget Office. [online]. Available at: <a href="https://www.undp.org/pacific/stories/empowering-pacific-parliaments-through-floating-budget-office">https://www.undp.org/pacific/stories/empowering-pacific-parliaments-through-floating-budget-office</a>.

## PART 8: MEMBERS PAY AND PROVISIONS

## Remuneration, Benefits, and Training

The remuneration, benefits and other statutory entitlements for Members of Parliament are prescribed under the Official Salaries Act 1983<sup>110</sup> and the Parliament (Members' Expenses and Allowances) Act 1980<sup>111</sup>.

All Members in the House are entitled to an annual 'Responsibility Allowance' and 'Member of Parliament Allocation' which, when taken together, form the majority of a Member's substantive income. Alongside these, Members are also eligible to receive a Sitting Allowance for attending each day that the Parliament is in session, as well as both Touring and Accommodation allowances to help them meet the costs of practical arrangements needed to support activities in their constituencies and time spent in Port Vila. The Speaker, Prime Minister, and Cabinet Ministers are also entitled to a base salary (paid on a tiered basis) and other benefits that are recommended by Vanuatu's Government Remuneration Tribunal (GRT)<sup>112</sup> and specified in the relevant legislation detailed above. Stakeholder discussions suggested that Vanuatu's parliamentarians are fairly remunerated with no particular concerns raised in terms of increasing or decreasing the financial entitlements that Members receive.

More broadly, the GRT is tasked with advising Vanuatu's Government on the remuneration of all public office holders in Vanuatu, including whether any relevant adjustments should be made. While it is positive that this function is not held exclusively by Members of Parliament, the GRT is effectively part of Vanuatu's Executive and, as such, not a fully autonomous body. The ideal practice for democratic Legislatures is for payments made to Members of Parliament to be regulated by an independent Remuneration Authority with clear procedures for monitoring and publishing relevant financial disclosures. At present, no such body exists in Vanuatu with Members not currently required to disclose or reconcile how their allowances and allocations are spent. Rectifying these shortcomings would not only be a strong demonstration of positive public accountability but also bring Vanuatu's Parliament in line with model practice demonstrated in other Commonwealth jurisdictions.

## **RECOMMENDATION 17**

The Parliament of Vanuatu should pass legislation that establishes an independent Remuneration Authority alongside clear means for Members to disclose pecuniary interests and how parliamentary funds are spent.

(**Benchmark 33.2 (independent remuneration)** – An independent body or mechanism shall determine the remuneration, benefits, and other statutory entitlements of Members with adequate mechanisms for monitoring and disclosing these publicly / **Benchmark 33.5 (remuneration review)** – The Legislature, in conjunction with an independent remuneration authority, should conduct periodic reviews of its remuneration/reimbursement framework to ensure that it is equitable, commensurate, and fit for purpose).

In terms of training – the Secretariat of Vanuatu's Parliament conducts a formal induction programme for all Members at the beginning of each new session of Parliament following a General Election whereby key information concerning the Constitution, Standing Orders, and parliamentary duties, services and entitlements are shared with Members to help facilitate their understanding of how the Legislature functions. Positively, Secretariat staff also produce a series of information brochures covering different aspects and areas of parliamentary life, which have proven a useful resource in supplementing in-person induction activities.

In general, these appear valuable and well received, however some stakeholders consulted voiced a desire for this training to be made more comprehensive and conducted on a rolling basis throughout the life cycle of a Parliament (particularly for the benefit of Members who may join the Parliament mid-term through by-elections). From speaking to senior staff within the parliamentary administration, there is potential to enhance the levels of training currently provided to Members. Doing so would bring the key benefits of continually developing Members' knowledge and ensuring that Vanuatu's Parliament remains in line with evolving best parliamentary practices across the Commonwealth.

To this end, and as discussed earlier in this Report, increased professional development opportunities should also be afforded to parliamentary staff (which are currently few and far between). Speaking to officers within the Secretariat, it was flagged to the CPA team that there is a real appetite among them to gain deeper knowledge, build further capacity, and develop new skills in a range of areas relating to model parliamentary practice. To increase sustainability and prepare for future succession planning within the Secretariat, it is advised that the Legislature focusses resources on adequately training all staff (regardless of seniority) throughout the parliamentary term.

- 110 Pacific Islands Legal Information Institute Official Salaries Act 1983. [online]. Available at: <a href="http://www.paclii.org/vu/legis/consol\_act/osa150/">http://www.paclii.org/vu/legis/consol\_act/osa150/</a>.
- 111 Pacific Islands Legal Information Institute Parliament (Members' Expenses and Allowances) Act 1980. [online] Available at: <a href="https://www.paclii.org/vu/legis/consol\_act/peaaa398/">https://www.paclii.org/vu/legis/consol\_act/peaaa398/</a>.
- 112 Government Remuneration Tribunal Government Remuneration Tribunal Act 1998. [online]. Available at: <a href="https://grt.gov.vu/index.php/policy-legislation">https://grt.gov.vu/index.php/policy-legislation</a>.

Another way in which Vanuatu's Parliament could improve its professional development opportunities would be to provide relevant external stakeholders with more formal platforms to meet with Members and staff throughout the life cycle of a Parliament. During conversations about the role of Civil Society and with Media representatives, a desire was voiced to be afforded greater opportunities for presenting to Members and officials information about their organisations and how they interact with Parliament. It was felt that this would improve understanding between parliamentary stakeholders and these groups. Doing so would not only ensure that Vanuatu's Parliament meets relevant CPA Benchmarks but should also be a positive demonstration of the Parliament's commitment to improving how it interacts with external stakeholders and hopefully passing better long-term legislation as a result.

More broadly, several stakeholders also voiced a desire for the Self-Assessment exercise to be used as an opportunity to engage further with the CPA moving forward. With this in mind, the suggestions of future enrolment in a CPA Technical Assistance Programme<sup>113</sup> (referenced earlier in this Report), the hosting of a future CPA Post-Election Seminar<sup>114</sup>, and involvement in tailored study visits/exchange programmes were all welcomed. Given the challenges of cost and travel faced by all Legislatures, the Parliament of Vanuatu should also make use of free online courses available to Members and staff through the CPA's Parliamentary Academy<sup>115</sup>.

## **RECOMMENDATION 18**

The Parliament of Vanuatu should expand its Professional Development Programmes to include the participation of key external stakeholders, hold these periodically between General Elections, and ensure that such opportunities are open to all Members of Parliament and Secretariat staff.

(**Benchmark 33.3** (new Members) – The Legislature shall take proactive measures to ensure that newly elected Members are assisted in understanding how the Legislature works and the importance of its Rules of Procedure / **Benchmark 33.4** (Member training) – The Legislature shall take ongoing steps to assist Members in increasing their knowledge and skills in the effective performance of their parliamentary duties).

#### **Services and Resources**

The current Parliament House building in Port Vila was built in 1992. At the time of the CPA team's visit, substantial renovations were being undertaken following a serious earthquake in December 2024 which limited access to the Plenary Chamber. That said, the innovative virtual tour on Parliament's website shows that the Floor of the House is bright and spacious, with every Member having their own designated seating space. There is also a bespoke gallery for visiting dignitaries, invited guests, and (in a positive demonstration of parliamentary practice) members of the public to watch live proceedings in person.

Immediately following last year's earthquake, Parliament temporarily relocated to a nearby hotel and will continue holding sessions there until renovations on the main precinct are complete. These renovations have required extensive planning and organisation for which Parliament's senior decision-makers should be praised. The remarkable resilience demonstrated by wider Members and staff to ensure that Parliament continues to function effectively despite challenging circumstances is also particularly commendable.

Once these renovations are completed, some stakeholders noted that the precinct will still, however, lack adequate space and resource in some key areas that would best enable the Parliament to fully meet all of its legislative functions. For example, rank-and-file Members do not have their own office space or basic ICT equipment (such as personal desktop computers or shared digital research facilities), and there is currently a shortage of suitable facilities for Committee meetings and public hearings. Stakeholders also raised deficiencies in the precinct's current security systems that should be addressed as a priority to ensure the safety and wellbeing of elected Members and staff. It is recognised that there is significant cost attached to the current renovations and further improvements may need to be a longer-term project. With this in mind, the Parliament of Vanuatu should also explore potential funding opportunities available to it through the CPA<sup>116</sup>.

- 113 Commonwealth Parliamentary Association How is the CPA supporting Commonwealth Parliaments? [online]. Available at: <a href="https://www.cpahq.org/what-we-do/institutional-parliamentary-strengthening/">https://www.cpahq.org/what-we-do/institutional-parliamentary-strengthening/</a>.
- 114 Commonwealth Parliamentary Association Professional Development. [online]. Available at: <a href="https://www.cpahq.org/what-we-do/professional-development/">https://www.cpahq.org/what-we-do/professional-development/</a>.
- 115 Commonwealth Parliamentary Association The CPA Parliamentary Academy. [online]. Available at: <a href="https://www.cpahq.org/parliamentary-academy/">https://www.cpahq.org/parliamentary-academy/</a>.
- 116 Commonwealth Parliamentary Association CPA Funding Opportunities. [online]. Available at: <a href="www.cpahq.org/what-we-do/funding-opportunities/">www.cpahq.org/what-we-do/funding-opportunities/</a>.

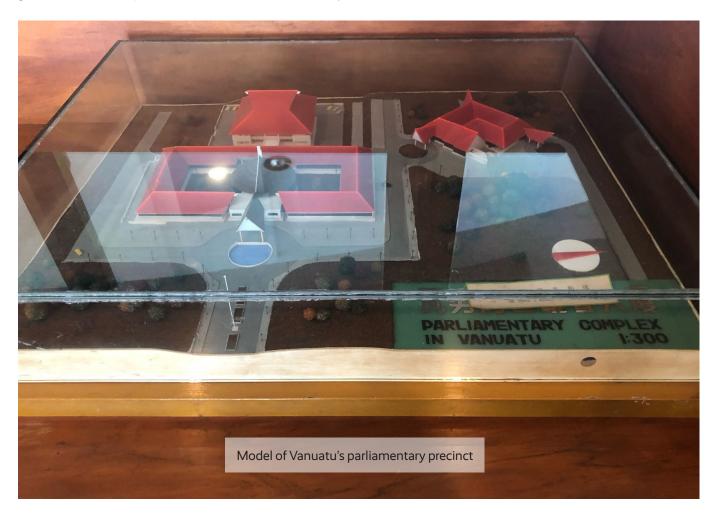
During their time in Vanuatu, the CPA team heard a range of views from stakeholders on how the Parliament could best take forward several of these important projects relating to the physical and digital infrastructure of the legislative precinct. One suggested means of doing this, which was positively received, would be for the Legislature to routinely establish multi-annual Strategic Plans<sup>117</sup> that would help the Parliament and its senior decision-makers to develop a coordinated roadmap for making some of these important improvements over the next several years.

These Strategic Plans could include phased uplifts to physical infrastructure, upgrading digital capabilities, and improving accessibility provisions that, when taken together, would help the Parliament identify desired reforms and related actions needed to make the institution more resilient and productive moving forward. In the meantime, Parliament should seek to prioritise more immediate means of improving levels of physical and digital infrastructure on its premises which enable it to be an even better Legislature tomorrow than it is today.

#### **RECOMMENDATION 19**

The Parliament of Vanuatu should develop and implement a multi-annual Strategic Plan to improve its physical and digital infrastructure with a focus on providing all parliamentarians with individual office space, improved facilities for Committees, enhanced research services for Members and staff, and upgraded security capabilities across the Legislature's precinct.

(**Benchmark 34.1 (adequate infrastructure)** – The Legislature shall have adequate physical infrastructure in place that enables Members and staff to effectively fulfil their responsibilities / **Benchmark 34.2 (access to facilities)** – Members and staff of the Legislature shall have equal access to sufficient research, library, and ICT facilities).



<sup>117</sup> Agora Portal for Parliamentary Development – Parliamentary Strategic Development Plans. [online]. Available at: <a href="www.agora-parl.">www.agora-parl.</a> org/resources/aoe/parliamentary-strategic-development-plans.

## PART 9: STANDARDS AND ETHICS

## Transparency and Integrity

Ethical governance within a Parliament emphasises the importance of its Members' conduct and behaviour. It encompasses the principles of transparency, accountability, and integrity, guiding how parliamentarians manage their personal and professional affairs. This governance framework requires Members to openly share information regarding their decisions and actions, ensuring that their dealings are accessible and understandable to the public they serve.

As already discussed, Vanuatu's Parliament has procedures in place to conduct much of its legislative business transparently, often allowing external stakeholders to follow proceedings in real time and after deliberations. These should all be positively acknowledged and continually improved in line with Recommendations made in earlier Parts of this Report. There are, however, some clear shortcomings in relation to how the Legislature meets various CPA Benchmarks linked to integrity. For example:

- While Vanuatu's Leadership Code (discussed earlier in this Report) appears widely understood by Members of Parliament, it has general application across most senior public officials rather than being specific to Members of Parliament and their unique role and responsibilities. Adopting a specific Code of Conduct for Members<sup>118</sup> would support them to maintain the highest standards of accountability, transparency, responsibility, and propriety while holding elected office.
- While the Leadership Code contains general obligations on Leaders to conduct themselves in a way that does not allow their integrity to be called into question, the Parliament does not have in place any formal policies relating to bullying, harassment or sexual misconduct. Again, introducing such policies would be welcomed and help to safeguard Parliament as a respectful, inclusive environment for Members, staff, and the public.
- While the Standing Orders (Number 95<sup>119</sup>) require Members of Parliament to inform the Speaker of their individual financial interests, there is no provision for this information to be made public. Adopting a formal Declaration of Pecuniary Interests scheme whereby relevant financial interests held by Members are collated and published online (usually on the Parliament's website) would not only support the Parliament in meeting relevant CPA Benchmarks but also further support it in aligning with best practice demonstrated in other Commonwealth jurisdictions.

#### **RECOMMENDATION 20**

The Parliament of Vanuatu should adopt a formal Code of Conduct for Members, introduce a Declaration of Interests scheme, and establish policies dealing with bullying, harassment and sexual misconduct, together with suitable mechanisms for considering allegations, to ensure that Parliament models the highest standards of integrity in line with international best practice.

(Benchmark 35.1 (standards of conduct) – Members shall maintain high standards of accountability, transparency, responsibility, and propriety in the conduct of all public and parliamentary matters including strict adherence to Codes of Conduct, and interest disclosure rules / Benchmark 35.2 (Codes of Conduct) – The Legislature shall approve and enforce Codes of Conduct for Members and for parliamentary staff, including rules on behaviour, conflicts of interest and the acceptance of gifts / Benchmark 35.3 (public disclosure of interests) – Legislatures shall require Members to periodically, fully, and publicly disclose relevant financial and other personal interests / Benchmark 35.4 (anti-corruption provisions) – There shall be mechanisms to prevent, detect, and bring to justice Members and parliamentary staff engaged in corrupt practices).

## **Natural Justice**

Vanuatu's Constitution (Chapter 2<sup>120</sup>) details the protections in place to uphold fundamental rights and freedoms of the individual and the privileges of Members of Parliament. The Standing Orders also incorporate principles of natural justice, including in relation to allegations made about the conduct of Members, maintaining order in the Parliament, dealing with matters of privilege, and arrangements around Committee proceedings. No issues relating to the application of these rules were raised during stakeholder discussions.

- 118 Commonwealth Parliamentary Association Standards for Codes of Conduct. [online]. Available at: <a href="https://www.cpahq.org/media/k4bhbzvd/codes-of-conduct-2024\_final.pdf">www.cpahq.org/media/k4bhbzvd/codes-of-conduct-2024\_final.pdf</a>.
- 119 Parliament of Vanuatu Standing Orders of Parliament. [online]. Available at: <a href="www.parliament.gov.vu/images/Standing%20Order/Standing">www.parliament.gov.vu/images/Standing%20Order/Standing</a> Orders of Parliament 2020.pdf.
- 120 Government of Vanuatu Constitution of the Republic of Vanuatu. [online]. Available at: <a href="www.gov.vu/images/legislation/constitution-en.pdf">www.gov.vu/images/legislation/constitution-en.pdf</a>.

That said, the CPA team identified that the Standing Orders may be lacking in one important area of natural justice relating to sub judice matters. The sub judice rule that applies in most Commonwealth jurisdictions (whereby Members of Parliament should not refer, in debates, questions and motions, to matters awaiting adjudication in a court of law) is designed to avoid influencing the outcome of those court proceedings. Many jurisdictions have codified this rule in their Standing Orders or other written procedures of the Parliament.

While the Standing Orders of Vanuatu's Parliament do include provisions linked to the sub judice rule regarding written and oral questions asked by Members, they do not expressly apply the same privilege to debates and motions. Doing so should be enacted during the next Standing Order review to clarify the position.

In all other respects, the Parliament of Vanuatu meets the CPA Benchmarks relating to natural justice and should be praised for doing so.



## RECOMMENDATIONS

Recommendation 1: The Parliament of Vanuatu should update current national electoral law to establish means of regulating campaign finance laws relating to candidates running for political office.

Recommendation 2: The Parliament of Vanuatu should update current national electoral law to introduce 'power of recall' provisions.

Recommendation 3: The Parliament of Vanuatu should pass bespoke legislation that updates its parliamentary privilege/immunity provisions to enshrine in law due protections for former Members and external stakeholders, while also introducing a citizens' 'right of reply' scheme to cater for adverse references made to individuals during legislative proceedings.

Recommendation 4: The Parliament of Vanuatu should deliver training on and produce a handbook for its Standing Orders alongside ensuring that the Standing Orders are formally reviewed at the end of each session of Parliament.

Recommendation 5: The Parliament of Vanuatu should allow rank-and-file Members to formally propose amendments to its agenda and establish an annual calendar of meetings that this is published online for the benefit of Vanuatu's citizens and other interested stakeholders.

Recommendation 6: The Parliament of Vanuatu should seek to modernise its processes around public petitions by producing a designated webpage on the Legislature's website, establishing electronic means for Vanuatuan citizens to submit petitions to Parliament online, and introducing a numerical threshold of signatures that obliges the Parliament to consider relevant public petitions on the Floor of the House.

Recommendation 7: The Parliament of Vanuatu should improve the functionality of its Hansard operations by increasing the number of trained staff, providing these officials with more up-to-date technology/software platforms, and ensuring that all approved records are publicly available online through the Legislature's website.

Recommendation 8: The Parliament of Vanuatu should ensure that, unless under exceptional circumstances, due process at all stages of legislative procedure is adhered to and, additionally, introduce means of pre/post-legislative scrutiny.

Recommendation 9: The Parliament of Vanuatu should increase the regularity of Committee meetings and provide Committees with greater resource for staffing and external activities, as well as, crucially, ensuring that, as far as possible, all Committee activities and outputs are publicly accessible.

Recommendation 10: The Parliament of Vanuatu should strengthen the effectiveness of its Committees by increasing their budget/resource to consult/employ experts and passing bespoke legislation that protects those informants, witnesses, and whistleblowers whose contributions support Committee activities.

Recommendation 11: The Parliament of Vanuatu should review the adequacy of resources available to the Ombudsman to effectively perform its functions under both the Constitution and the Leadership Code, and progress legislation to establish a National Human Rights Institution with both sufficient independence and funding.

Recommendation 12: The Parliament of Vanuatu should seek to further improve the efficacy of its financial/budgetary/auditing processes by passing legislation that strengthens the role, resourcing, and independence of the Auditor-General and also consider establishing its own Parliamentary Budget Office to support financial/budgetary/auditing activities undertaken by the House.

Recommendation 13: The Parliament of Vanuatu should increase its efforts to encourage the political participation of women through public outreach, education and engagement activities.

Recommendation 14: The Parliament of Vanuatu should continue taking positive steps towards becoming a more accessible, open, and engaged Legislature by further improving information available on its website and expanding its public outreach, education, and engagement activities.

Recommendation 15: The Parliament of Vanuatu should improve its provision of information and services to representatives of the Media by providing journalists with official accreditation, establishing a fit for purpose Media facility on the parliamentary precinct, involving journalists in post-election induction activities for new Members of Parliament, and producing a dedicated handbook for reporters who regularly cover the activities of Parliament in their professional responsibilities.

Recommendation 16: The Parliament of Vanuatu should establish a more effective Parliamentary Service Commission (or equivalent corporate body) with greater financial independence from the Executive as well as full responsibility for the Legislature's internal governance and key parliamentary services.

Recommendation 17: The Parliament of Vanuatu should pass legislation that establishes an independent Remuneration Authority alongside clear means for Members to disclose pecuniary interests and how parliamentary funds are spent.

Recommendation 18: The Parliament of Vanuatu should expand its Professional Development Programmes to include the participation of key external stakeholders, hold these periodically between General Elections, and ensure that such opportunities are open to all Members of Parliament and Secretariat staff.

Recommendation 19: The Parliament of Vanuatu should develop and implement a multi-annual Strategic Plan to improve its physical and digital infrastructure with a focus on providing all parliamentarians with individual office space, improved facilities for Committees, enhanced research services for Members and staff, and upgraded security capabilities across the Legislature's precinct.

Recommendation 20: The Parliament of Vanuatu should adopt a formal Code of Conduct for Members, introduce a Declaration of Interests scheme, and establish policies dealing with bullying, harassment and sexual misconduct, together with suitable mechanisms for considering allegations, to ensure that Parliament models the highest standards of integrity in line with international best practice.

# STAKEHOLDERS

The CPA would like to thank everyone consulted as part of this Self-Assessment:

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Mr. Maxime Banga	Clerk of the Parliament
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Ms. Estella Banga	Secretariat Staff - HR Unit
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Mr. Albano Lolten	Secretariat Staff - Finance Unit
	(Parliament of Vanuatu)
Mr. Gaetan Ruru	Secretariat Staff - Interparliamentary Relations Unit
	(Parliament of Vanuatu)
Mr. Achille Navur Naimlonu	Secretariat Staff - Interparliamentary Relations Unit
	(Parliament of Vanuatu)
Ms. Nirose Silas	Secretariat Staff - Committee Unit
	(Parliament of Vanuatu)
Mr. Jason Matariki	Secretariat Staff - Committee Unit
	(Parliament of Vanuatu)
Mr. George Bage	Secretariat Staff - Committee Unit
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Ms. Leila Lauret	Secretariat Staff - Hansard Unit
	(Parliament of Vanuatu)
Ms. Gillian Willie	Secretariat Staff - Hansard Unit
	(Parliament of Vanuatu)
Mr. Vira Josiah	Secretariat Staff - ICT Unit
	(Parliament of Vanuatu)
Mr. Steeve Ayong Nirua	Secretariat Staff - Communications Unit
	(Parliament of Vanuatu)
Ms. Stephanie Mahit	Secretariat Staff - Library Unit
	(Parliament of Vanuatu)
Ms. Louise Vere	Secretariat Staff - House and Procedure Unit
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Mr. Michael Head	UK Deputy High Commissioner
	(British High Commission - Port Vila)
Ms. Eve Richards	First Secretary - Political
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