



Office of the Ombudsman
Bureau du Médiateur
Ofis blong Ombudsman



**FIFTH ANNUAL REPORT
TO
PARLIAMENT
BY THE
OMBUDSMAN
OF
THE REPUBLIC OF VANUATU**

September 1998 to August 1999

Please Note:

Unless otherwise stated, the term "Ombudsman" in this report denotes the former Ombudsman, Mrs Marie-Noëlle Ferrieux Patterson, as well as the "Ombudsman" which is established by Article 61 of the Constitution.

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The Seven Principles of Public Life

Selflessness

Holders of public office should make decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all of their decisions and actions. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

PUBLIC REPORTS
Issued 1 September 1998 - 16 August 1999

Improper Issuing of Duty Exemption by Hon. Willie Jimmy and Customs Department
 23 September 1998

Delay in Police Investigations – 30 September 1998

Improper Purchase of PWD Lorries in 1994 – 20 November 1998

Illegal Tender Procedure Adopted by Former Director of Lands Roger Tary and Former Minister of Lands Paul Telukluk, for Canal du Second II and Pepsi Subdivision Water Projects Luganville
 25 November 1998

Purchase, Repair, Management, Operation and Sale of Prince II - 02 December 1998

Illegal Purchase of 11 Ministerial Cars in 1996 by Former Prime Minister Mr Serge Vohor
 8 December 1998

Ethics and Legality of the Trade-in of the Ministry of Finance Car - G188 MOF - 10 February 1999

Nomination Incorrecte de Mme Coulon dans la Fonction Publique et Paiement Illegal d'Indemnités par son Frère l'Ancien Premier Ministre Maxime Carlot Korman - 19 February 1999

Maladministration relating to Permanent Appointments in the Forestry Department
 25 February 1999

Illegal Payments to Staff of Prime Minister's Office and Finance Department - 16 April 1999

Vanuatu Fire Service Failure to Put Out the Fire on 6 May 1998 at Paris Shopping, Snoopy's, Au Peche Mignon and Frank King Tours - 12 May 1999

Granting of Leases by the Former Minister of Lands Mr Paul Barthelemy Telukluk to Himself, Family Members and Wantoks - 22 April 1999

Public Report on the Illegal and Unconstitutional Discrimination in the Citizenship Act
 19 May 1999

Mismanagement of the Tender Sale of Ten (10) Deportees' Properties by the Former Minister of Lands, Mr Paul Telukluk - 28 May 1999

Improper Appointment of Senior Public Works Department Staff - 11 March 1999

Improper Procedures Used to Extend the Employment Contract of Dr Trinata A Manandhar, a Dental Officer at Vila Central Hospital - 24 June 1999

Mismanagement of the Vanuatu Livestock Development Ltd by the Former Manager, Selwyn Leodoro in 1992 - 1993 and Illegal Conduct of the Former Chairman of the Board Tom Kalorib - 23 July 1999

Maladministration and Political Interference in the Granting of Loans by the Development Bank of Vanuatu. - 13 August 1999

Discriminatory Criteria of the Vanuatu National Examinations Board for Admission to Year Seven - 13 August 1999

Ombudsman's Message

Members of staff and I wish to thank the former Ombudsman (Marie-Noëlle Ferrieux Patterson) for the contribution she made during her last year in Office. The country as a whole benefited from her work, and we all wish her a fruitful future.

The Office of the Ombudsman continues to place importance on its main statutory responsibilities, reviewing government actions, together with investigating breaches of the Leadership Code Act. The Ombudsman will only be successful with co-operation of stake holders in the country. The Ombudsman's working links with institution responsible for the administration of justice, is of critical importance.

The role of the Ombudsman is only one factor in the proper functioning of Government. We investigate peoples' complaints against the Public Service and the Government. The Ombudsman also mediates complaints of Mal-administration and assists in resolving disputes or grievances between individuals and the Public Service. The Ombudsman also protects the rights of citizens under the system of Government.

Government departments and Ministries are encouraged to develop internal complaints procedures which could assist staff to deal with problems faced. We should not rely totally on the Public Service Commission and/or the Ombudsman's Office as the sole dispute resolution agencies of Government. We must all do our part to improve service delivery with fairness and justice.

In the exercise of its functions, the Ombudsman needs to monitor its independence at the highest level from Government control. The Office's impartial stance is an essential condition for the effective organisation of the Office and the trust and respect of the general public.

We should also chart the course of the future, based partly on our past. With the additional role of mediation, it opens up windows of opportunity for a pro-active approach to dispute resolution. Therefore, the participation of government agencies, community leaders and the Ombudsman on subjects of national importance is crucial. The Office of the Ombudsman needs to be more innovative, and imaginative in insuring optimum efficiency and effectiveness in the conduct of investigations in the coming year.

My staff are dedicated and committed to achieving administrative justice for all who deal with the Government. I congratulate the achievements of members of staff and thank them for their dedication and sacrifices during the past year.

Accordingly I record my appreciation to the Government and its agencies for their continuing co-operation with the Office of the Ombudsman.

All of us work towards a common goal - to provide all citizens with an open and just system of fairness and justice at all levels of society.



Hannington G. ALATOA
OMBUDSMAN OF THE REPUBLIC OF VANUATU

1. THE OFFICE OF THE OMBUDSMAN

1.1 History of the Ombudsman's Office in Vanuatu

The concept of the Ombudsman was founded in Sweden in 1713 to ensure that administrative authorities and courts followed the law. The Ombudsman has become a standard feature in governments around the world, particularly in the last 20 years, as peoples are decolonised and nations are democratised.

The Constitution of the Republic of Vanuatu creates an Ombudsman. The first Ombudsman of Vanuatu, Mrs Marie-Noëlle Ferrieux Patterson, was appointed in 1994. Parliament passed the first Ombudsman Act in 1995 to clarify the duties, powers and procedures of the Ombudsman. A new act passed by Parliament became effective on 11 January 1999.

At the expiration of her five-year term in July 1999, the President appointed Mrs Patterson to the position of Acting Ombudsman, effective until 15 August 1999. On 16 August 1999, Mr Hannington Godfrey Alatoa became Vanuatu's second Ombudsman.

1.2 Mandate of the Ombudsman

The Constitution requires the Ombudsman to enquire into the conduct of government bodies and public servants, make findings and issue reports to the public. The Ombudsman can make recommendations to the government where systemic problems surface through investigations.

The President of the Republic appoints the Ombudsman for a term of five years. The Ombudsman must be independent from the government and any political influence. Furthermore, although the Ombudsman listens to the concerns of private citizens, he or she does not represent them when investigating their complaints. The Ombudsman must act impartially, without fear or favour, in collecting information to determine whether a complaint is warranted. The Ombudsman acts like a watchdog to ensure that government offices and leaders act properly. As former President Jean Marie Leye Lenelcau stated, the Ombudsman acts as "the eyes of the people."

The Ombudsman's Office has focused on three main areas of concern:

Mal-administration

Mal-administration occurs when a government office or public servant acts in a way that violates the law or applicable rules of regulations, or otherwise fails to carry out its responsibilities in a way that best serves the public. The Ombudsman also investigates defects in the law or administrative practice.

The Leadership Code

The Ombudsman Act No. 14 1995 required the Ombudsman to enquire into breaches of the Leadership Code (Chapter 10 of the Constitution). With the introduction of the Leadership Code Act in 1998, the Ombudsman has a clear direction to investigate and report on leaders' conduct. The Act clarifies which government officials are classed as leaders and sets out the duties of leaders as well as acts that constitute breaches of the code. The introduction of penalties (including imprisonment, fines and removal from office) for breaches makes this Act a significant protection for the public against misconduct by those entrusted with public welfare and the future of our country.

Language Rights

The Ombudsman is also required to guard the constitutional right of every citizen to

services in his or her own language and to report to Parliament about the preservation of multilingualism.

In addition, the Ombudsman has worked to protect human rights of those citizens who have traditionally had limited access to government: children, women, and people with disabilities.

1.3 Role and Functions of the Ombudsman: To Investigate, to Promote Good Governance through Accountability and Public Awareness

Where can ordinary citizens turn when problems arise with the government or when a leader engages in misconduct? Solicitors are too expensive and the courts are too slow to effectively resolve most problems encountered by the average person. The Ombudsman's Office is a place where private individuals can take their concerns about the decisions or actions of government offices or individual leaders. The Ombudsman investigates to make sure that government agencies and leaders act fairly. In doing so, the Ombudsman functions in several ways:

- to promote accountability by responding to complaints and resolving conflicts;
- to offer remedies that will prevent future unfair treatment;
- malpractice in the administration,
- to promote good governance and transparency in the government; and
- to promote public awareness.

Investigating to Promote Government Accountability and Resolve Complaints

Although the Ombudsman concept originated in Northern Europe, the idea of handling complaints through face-to-face discussions to reach consensus fits very comfortably in Melanesian society. While the western world tends to rely upon the formalities of writing and courts to resolve disputes, the Melanesian approach features oral communication and participation by everyone involved to solve problems. The first function of an Ombudsman therefore already exists in Melanesian culture: to resolve complaints informally to the satisfaction of all parties whenever possible.

In Vanuatu, the Ombudsman assists to resolve disputes between the Public Service and individuals at the grassroots of society. Public servants occasionally make mistakes or abuse their authority. Average citizens may not feel that they have a remedy to such actions. The Ombudsman's professional staff can assess the facts and clarify any misunderstandings between the parties. This year, the Ombudsman has also been given the authority to mediate disputes between public agencies and citizens. The Ombudsman asks members of the government to explain and justify their decisions. Sometimes, the citizen realises that the complaint may not be valid, after hearing the other side of the story. If the government's decisions or actions are not justified, the Ombudsman will attempt to recommend some solutions that will make the citizens injured by the action whole.

The Ombudsman also attempts to protect human rights (such as the rights of women, children and prisoners) and to preserve language rights guaranteed under the Vanuatu Constitution. In summary, the Ombudsman's role is to improve government accountability in all areas of public service and governance.

However, one area of the Ombudsman's jurisdiction does not permit an agreement between parties or other informal resolutions. The Leadership Code Act gives the Ombudsman a very clear role—and limited options—in investigating a possible breach of its provisions by a leader. If the Ombudsman finds a breach, he or she must report the leader's misconduct to the Public Prosecutor and the Prime Minister. Where a misconduct directly relates to a criminal act, the matter / case is reported to the Police to investigate and press charges.

Recommending Remedies and Prevention

When the government will not respond to the Ombudsman's inquiries or otherwise help to resolve the matter informally, the Ombudsman must conduct a formal investigation and

issue a public report describing the misconduct or maladministration. The report will also contain the Ombudsman's recommendations for the government to remedy the matter and prevent future problems from arising. The Government should be seen to be taking steps to act on the recommendations therein, especially reporting back on corrective steps taken.

In the absence of a citizen complaint, the Ombudsman can review existing laws to determine whether they result in unfair treatment of citizens. For example, this year the Ombudsman reviewed the Citizenship Act and determined that it discriminated against women, in violation of the Vanuatu Constitution and the International Convention on the Elimination of All Forms of Discrimination Against Women. The Ombudsman issued a public report and recommended that Parliament amend certain provisions of the Citizenship Act to prevent future discriminatory treatment of women.

As in most countries, the Ombudsman of Vanuatu has no power to enforce his or her recommendations or to make decisions that are binding on the government. Our Constitution and laws were created with the assumption that the government will act responsibly and implement the recommendations of the Ombudsman, especially when the recommendations seek to improve public service and government administration.

This office has experienced a discouraging lack of response by the government to its recommendations, even though the Constitution and Ombudsman Act require it. By ignoring or deferring the Ombudsman's recommendations to improve public service, the government seems to continue to not respect or acknowledge the work of the Ombudsman and the office will lose its effectiveness. Nevertheless, the Ombudsman continues to use publicity to inform the public about problems in the administration, if the government does not respond to legitimate concerns.

Promoting Education and Public Awareness

The Ombudsman has a role in educating public servants to prevent future maladministration. Leaders must also learn the nature of their responsibilities and the tenets of good leadership. This goal is achieved by encouraging government representatives to adhere to rules of good administration and good governance, and to instil in each of them the importance of their own role: to serve the public by putting the country's interests above their own. Public servants and leaders must work to maintain the government's most valuable asset: public trust.

Similarly, the Ombudsman plays a role in educating the public by informing citizens of their rights and responsibilities and to refer them to the appropriate agencies or organisations for assistance. The Ombudsman strives to develop realistic expectations of the public service and to inform citizens of their basic rights under the law. The Ombudsman fosters an open relationship between the public and government, and creates a channel for citizen feedback to decision-makers and administrators. Public participation in government is essential for a healthy democracy, good governance and transparency.

1.4 Corporate Plan Performance

Our first Corporate Plan, developed in 1995, established a set of goals for the first five years of the Ombudsman's Office. The office has achieved many of the objectives set out in this five-year plan:

- Enactment of legislation for the Office of the Ombudsman and Leadership Code
- Implementation of rules and procedures to guide investigations and staff
- Establish precedents for an office that does not and will not tolerate any improper influences on the Office of the Ombudsman
- Maintain secrecy required by law
- Prompt responses to complaints, giving priority to those involving corruption and violations of human rights
- Conduct timely, credible and high quality investigations
- Produce timely annual reports and, where necessary, public reports on investigations.

Our recruitment of qualified, independent, capable and discrete investigators and support staff continues. Many of the staff members who have worked in the Office of the Ombudsman have moved on to higher positions within the Government, including the Public Prosecutor, the Police Commissioner, the Secretary to Counsel of Ministers, the Director of Lands Records, and the Director of DESD. Two of our investigators will receive their Certificates of Law from USP in December, and several others have begun their legal studies. We are proud of our staff and their continuing development, both within and beyond the office.

Our second Five-Year Plan, for the new millennium, is currently being written and will be issued before the end of 1999.

1.4.1 Staff of the Ombudsman's Office

As of 31 August 1999, the office has 25 staff members:

- Ombudsman
- Secretary to the Ombudsman
- Administrator of Case Management
- Director of Investigations--General Complaints
- Director of Investigations--Leadership Code
- Director of Multilingualism
- Lawyer
- Legal Investigator and three law students
- Seven Investigators
- Receptionist
- Office support staff and driver

Aid-Sponsored Specialists

As of 31 August, we have two specialists provided by foreign aid agencies:

- Director of Corporate Services (funded by the European Union Commission)
- Senior Legal Counsel (funded by Commonwealth Secretariat)

1.4.3 Professional Development

Police and Management

Director of Multilingualism Ms Elisabeth Marty and Senior Investigator Ms Patricia Kalpokas attended a two-week course conducted by the American Defense Resources Management Institute (a branch of the Naval Postgraduate School located in Monterey, California). The program took place at Le Meridien Hotel from 22 February to 5 March 1999.

The course introduced participants to analytical management concepts and techniques and their application to the management of resources. Topics included basic concepts and techniques of economic reasoning, management decision theory and quantitative analysis. The course also covered planning, programming and budgeting systems.

French Writing Skills

The office is paying for three professional and two administrative staff to have lessons to improve their written French. The courses will run for some six months.

Investigative Reporting Workshop for Journalists

Investigators Ms Delphine Kapalu and Mr Alain Molgas attended sessions on interviewing techniques at the "Journalists in Vanuatu" workshop in April. They were special guests of Graham Dobell, one of the course organisers. The Ombudsman also participated in the workshop by presenting the "government watchdog" perspective on investigating corruption and by describing how such agencies and the media can work together to

generate public awareness. AusAID funded the program, which was presented by VBTC.

Regional Investigators' Training

Former New Zealand Chief Ombudsman, Sir John Robertson, assisted by the Ombudsman of Vanuatu, conducted a three-and-a-half-day training course for 18 Ombudsman investigators from neighbouring countries. Participants travelled from Papua New Guinea, Solomon Islands, Fiji, Western Samoa and Cook Islands to join with 8 participants from Vanuatu. The course covered a wide variety of topics, including good governance, integrity, mediation, investigative techniques and case management. Sir John Robertson brought a wealth of experience to the conference, not only as an Ombudsman but also as an expert in all areas of public service. The NZODA Pacific Regional Good Governance Program funded the course and the participants' expenses.

Admission to Vanuatu Supreme Court

Legal Officer Ms Mary Grace Nari was admitted to the Vanuatu Supreme Court in March 1999. She has been registered with the Vanuatu Law Council as a barrister and solicitor.

Legal Investigator Mr Ronald Warsal has completed his legal studies at Waikato University (New Zealand) and his application for conditional registration is pending with the Vanuatu Law Council.

Law Studies at University of the South Pacific

Several of the Ombudsman's investigators have undertaken studies for law degrees and certificates at USP. We are pleased that Director of Leadership Code Alfred Maho and Investigator Hannaline Toa are scheduled to receive their Certificates in Law in December 1999. Investigators Delphine Kapalu, Reynolds Garae, Alain Mologos and Sandra Guyot, Director of Multilingualism Elisabeth Marty and the former Ombudsman, Marie-Noelle Patterson have begun their work for Degrees or Certificates in Law.

1.5 Office Procedures

Last year, the legal and investigative staff formed three teams in order to handle complaints and investigations. Each team has its own "portfolio," a senior investigator to oversee the investigations and a legal officer to make necessary legal assessments. This "team approach" has resulted in better organisation and greater co-operation in the investigation of complaints. The Ombudsman supervises every investigation and meets individually with each investigator to review every case file every month.

As soon as a complaint is received in the office, it is given a reference number and entered into the Complaints Management System, which monitors its progress through the office. We also use the Complaints Management System to keep statistics on the nature of complaints received, the statistics are published in the Ombudsman's Annual Reports.

Once it has become part of the office's permanent record, the complaint is assigned to the appropriate team. The team meets regularly to assess the assigned complaints and completes a "Complaint Information Form." The Ombudsman and a staff lawyer review each complaint to decide whether to open a file and undertake an investigation.

If the office opens a file, the investigator assigned to the matter advises the complainant. In most circumstances, the public servant or government office is the subject of the complaint. The investigator begins to collect information and tries to determine the relevant facts. Wherever possible, the investigator and Ombudsman endeavour to resolve the matter by discussing it with the parties concerned. If the matter cannot be resolved, the office will issue a public report, containing the findings of fact and recommendations for necessary actions by the concerned parties. The public reports are then distributed to the various parties concerned – including the Prime Minister, the Head of State, and the Attorney General and the public.

1.5.1 Responding to Complaints

In January 1999, the office set targets for responding to, investigating and closing complaints. These new targets required us to respond to every complaint within one

month of our receiving it and to close cases satisfactorily within 18 months of opening a file.

Our response time to complaints is now, on average, one month. We will continue to work on our objective to respond to all complaints within one month. This goal should be attainable when we have a full compliment of staff in the office (35).

At present, 86% of our cases are satisfactorily dealt with and closed within 18 Months. Although we have not achieved our objective to close all cases within this time frame, our performance represents an improvement over last year's, when only 70% of our cases were completed within an 18 months time frame. Note that such statistics will change with greater use of 'mediation' as a tool in dealing with complaints in future.

1.5.2 Mediation of Complaints

Section 13 of the Ombudsman Act No.27 of 1998 provides that the Ombudsman may mediate amongst the parties to an enquiry. The Ombudsman can therefore mediate among the complainant (or any other person directly affected by the enquiry) and the leader or person in charge of the government agency that is the subject of the enquiry. (It should be noted, however, that regarding possible breaches of the Leadership Code Act, the Ombudsman must (so far as is practicable) mediate if any of the parties so request). If the Ombudsman believes that it would not be possible to mediate the matter, he or she must set out the reasons for this opinion in writing to the person who requested mediation..

In the past, the Ombudsman suggested the possibility of mediation to the parties of certain inquiries and had informally organised a group of chiefs to act as mediators on the several matters we referred to them.

The approach taken by the Ombudsman in the mediation meetings is to isolate the parties from the issues in dispute and then find a solution to the dispute. The parties are allowed to find their own solution. The Ombudsman merely acts as a facilitator for compromise and does not impose any decision on the parties.

Mediation of a dispute or complaint has two significant advantages. First, the parties can settle their differences and can participate in achieving a resolution, rather than having it imposed upon them. Second, mediation saves time, because the complaint can be settled in a series of face-to-face meetings rather than requiring time-consuming investigations and report drafting by the Ombudsman.

The Ombudsman Act No.27 of 1998 came into effect in January 1999. To date, two matters have already come to the Ombudsman for mediation under the Act. In both cases, the parties came to an agreement and resolved the dispute.

The Ombudsman recognizes that there is need for development on the area of mediation. In the coming year, we will work to develop a uniform approach and to train our investigators to work as mediators. We will also attempt to identify from the outset those complaints in which mediation would be helpful and suggest that the parties participate. Finally, we hope that the government agencies and leaders who are the subject of complaints will make a good faith effort to mediate complaints whenever appropriate.

1.6 Funding from Foreign Aid Donors

1.6.1

The Ombudsman's Office has benefited from the generosity of many foreign aid donors in the past year.

The Regional Investigator' Training was sponsored by NZODA Pacific Regional Good Governance Programme.

The British Foreign and Commonwealth Office (FCO) through the British High Commission have provided the funding to upgrade the office computer network.

In December 1998 the FCO Human Rights fund through the British High Commission provided funding for a risograph, a high speed copier for publication of reports and other large volume material.

The European Union funding for the Director of Corporate Services continued. This position has been filled by a ni-Vanuatu citizen, Julie Hawkes.

The European Union has generously funded a series of island tours so that the Ombudsman can visit remote villages of Vanuatu to bring public awareness to "grassroots" communities about the work of this office.

CUSO, assisted by the Canadian High Commission "Canada Fund", continued its generous support of this office by providing solicitor Ms Shirley Netten, who returned to Canada in April 1999 after a 15-month posting as Legal Counsel to the Ombudsman.

The Commonwealth Secretariat's welcome assistance to the office, in the form of Legal Counsel Calvin Blackwood, resumed in May 1999. Mr. Blackwood previously served as legal investigator for the Ombudsman of Ontario in Toronto, Canada.

Dr. Charles Kick of ESCAP has provided extensive assistance in developing the Ombudsman's Second Five Year Corporate Plan, as well as advising on information technology matters.

AusAID through its open equity scholarship program has granted a scholarship to Legal Officer Ms Mary Grace Nari to study for her postgraduate diploma in public law at the Australian National University in Canberra, beginning January 2000. Ms Nari intends thereafter to continue her post graduate education and earn a master's degree in law.

UNDP has created a two-year post of Writing Skills Specialist for the office; recruitment of a volunteer to fill the second year of the position is underway.

Aid organisations have provided travel and registration expenses for Ombudsman's investigators to represent Vanuatu at a variety of international conferences. Help from the FES Foundation ("Freirich Ebert Stiftung") allowed the Ombudsman to send a representative to the annual IOACLE conference in Seattle, USA in October 1998 and has sent another representative to the annual conference in Sydney in September.

AUPELF-UREF (an association of French-speaking universities) sponsored the attendance of an Ombudsman's representative at the Grand Rassemblement de la Jeunesse Francophone in Geneva in March 1998.

The French Embassy in Port Vila has generously funded law courses for the francophone staff of the office.

1.6.2 UNDP Governance and Accountability Project (1998-2000)

The Ombudsman is the secretariat for the UNDP Governance and Accountability Project, which went into effect in 1998. The UNDP project has provided an audit specialist, Australian Marguerite Riviere, to the Auditor General's Office. The project funded the production and radio broadcast of a series of short plays addressing domestic violence and the police by Wan Smol Bag Theatre on good governance in December 1998 and January 1999. Grace Molisa has been hired by UNDP to oversee the project's gender equity component, which calls for training for parliamentarians and other leaders, along with public education on the role of women in decision-making. The Ombudsman and representatives of other constitutional offices have spoken at schools and have also held public meetings to discuss their roles in promoting good governance. The UNDP project has provided assistance specifically to this office with the following:

- Translation of public reports into Bislama
- Production of reports and distribution of reports in Bislama
- Upgrading the computers in the office
- High-speed copier for the publication of reports

In the coming year, UNDP and other donors will fund a public awareness campaign designed to inform the "grassroots" communities about the work of the Ombudsman, the Police, the Public Prosecutor, the Auditor General and various NGOs in ensuring transparent and accountable government. This campaign will include public meetings and Wan Smol Bag Theatre performances in villages throughout Vanuatu. The project will also focus on public education regarding gender equity, human rights, the Constitution and the Leadership Code. It will fund workshops for Parliamentarians on gender equity and public expenditures, and will commission a survey and seminars on corruption for the business community.

The project will assist the Ombudsman in establishing a branch office in Luganville in the near future.

1.7 Legal Activity

The Ombudsman's Legal Department has successfully advocated enforcement of the Ombudsman Act in all but one court proceeding of the past twelve months. The Ombudsman Act No. 27 of 1998, and its predecessor, No. 14 of 1995, both provide that, if a witness does not comply with the Ombudsman's requests for information in connection with an investigation, the Ombudsman can issue a Notice to Attend. A Notice to Attend requires the witness to appear and provide evidence or documents in connection with an enquiry. If a witness fails or refuses to comply with a Notice to Attend, the Ombudsman can apply to the Supreme Court for an order summoning the witness to appear and furnish information before the court. Since the Office of Ombudsman was established, 15 matters have been successfully prosecuted under this law, with fines imposed and prosecution costs ordered to be paid by the offending parties.

2. THE YEAR IN REVIEW

2.1 New Ombudsman Act Comes into Effect.....

The Ombudsman Act No. 27 of 1998 took effect on 11 January 1999. The Ombudsman's powers and procedures to enquire into the conduct of leaders, government agencies and public authorities are now fully codified through the combined effect of the Constitution, the Leadership Code Act and the Ombudsman Act.

The new Ombudsman Act does not significantly alter the jurisdiction, procedures or powers of the Ombudsman's office. The Ombudsman's jurisdiction under the new Ombudsman Act extends to

- all levels of government (national, provincial, municipal, local and their departments, agencies, etc.)
- state services
- statutory authorities
- bodies which are controlled, owned (in whole or part), or supported mainly by government
- leaders
- defective or discriminatory government practices or laws

The new Ombudsman Act expands the office's mediation function, through which the Ombudsman attempts to resolve complaints by bringing parties together to discuss the problems and possible solutions.

Under the new Act, the Ombudsman will not normally begin an enquiry unless the complainant has already complained directly to the government body without success, and unless there are no other channels that can reasonably be used to resolve the matter. However, the Ombudsman may still commence an enquiry on his or her own initiative.

The Ombudsman retains the power of summons (now called a "Notice to a Witness") to compel any person who may assist in an enquiry to provide evidence, information or documentation. Anyone who fails to appear or refuses to provide the information required is subject to prosecution, with a penalty of VT 100,000 and/or imprisonment of six months.

As has been the practice for the past four years, the Ombudsman first requests information to be given voluntarily before resorting to a formal, legally-binding Notice to a Witness.

The new Act clarifies procedures to give effect to recommendations set out in an Ombudsman's public report. The person in charge of the department, service or body that is subject to the recommendations must decide upon the findings and advise the Ombudsman of steps to be taken. Where the conduct of a Leader is involved, the Prime Minister must decide upon the findings and the Leader must advise the Ombudsman of action to be taken to implement the recommendations. On an annual basis, the Prime Minister must report to Parliament on the actions taken to give effect to findings and recommendations of the Ombudsman.

Officers to the Ombudsman are now appointed by the Public Service Commission, after consultation with the Ombudsman, rather than by the Ombudsman independently. The Ombudsman expressed concern that this change could possibly compromise the independence of the operation of the Office that is guaranteed by the Constitution.

2.2 The Leadership Code's First Year

The Leadership Code took effect on July 1, 1998, to govern the conduct of the leaders of the Government of Vanuatu. The Ombudsman must investigate and report on a leader's conduct upon receipt of an allegation of a breach of the Leadership Code, or when the Ombudsman reasonably believes that a leader may have breached the code. As of 1 August 1999, we have opened approximately 90 Leadership Code investigations. The Code grants the Ombudsman full access to government records, contracts and accounts related to an investigation of any breach of the Leadership Code.

In addition to those set out in Chapter 10 of the Constitution, Leaders bound by the Code include:

- Malvatumauri members
- Members of local and municipal government councils and town clerks
- Political advisers to a Minister
- Police Commissioner and Deputy Commissioner
- Commander of the VMF
- Directors & Directors General of Government Departments
- Clerk of Parliament and Principal Electoral Officer
- Members of the Public Service, Police Service, Teaching Service and Electoral Commissions
- Members of the Boards of Directors of statutory bodies and public agencies
- Attorney General, Solicitor General, Public Prosecutor and Public Solicitor
- Ombudsman and Auditor General

The Leadership Code sets out duties of leaders:

- to comply with the law and avoid attempting to use their influence to threaten people carrying out their lawful duties;
- to appoint persons solely on merit and to encourage participation in government by men and women according to their abilities
- to give priority to official business over any personal or private interests
- to avoid conflicts of interest arising from the leaders' personal, family or property interests
- to disclose in writing any likely conflict of interest
- to divest themselves of any personal or business interests in areas over which they have authority as leaders
- to submit an annual return to the Clerk of Parliament declaring all assets, income, acquisitions, transfers and liabilities of the leader and his or her immediate family

Leaders breach the Leadership Code if they:

- misuse public money or use their own authority to influence another office-holder, leader or someone carrying out statutory functions
- seek or obtain a benefit from a government contract unless the contract is entered into in a genuine arm's length basis
- seek or receive money or another benefit in exchange for allowing his or her acts to be influenced (accept a bribe)
- fail to obey the laws of Vanuatu or to submit their annual return to the Clerk of Parliament

The requirement to submit an annual return disclosing assets, income and liabilities is a new creation under the Leadership Code. Leaders must disclose the land holdings, shares in companies, vehicles, income and other financial interests, whether held in Vanuatu or in foreign countries, of themselves, their spouses and their children. After receiving these returns, the Clerk of Parliament must publish them in the Gazette and report the names of those leaders who have failed to file their returns. Leaders convicted of failing to file an annual return are subject to a fine of up to VT2,000,000 plus an additional VT20,000 per day until they comply with the law. In March 1999, 286 leaders timely filed their annual returns; 86 (two of whom are elected Members of Parliament) failed to do so.

After concluding an enquiry into a breach of the Leadership Code, the Ombudsman must report his or her findings to the Public Prosecutor. If possible criminal conduct is involved, the Ombudsman must also report the findings to the Police Commissioner. If the prosecutor declines to prosecute a leadership code breach reported by the Ombudsman, the prosecutor must deliver a written explanation to the Prime Minister and publish it in the Gazette.

Leaders convicted of violating the Leadership Code (other than the requirements to file an annual return) are subject to a fine of up to VT5,000,000 or up to 10 years imprisonment. If the court determines that the breach is a serious one, the leader may also be dismissed from office and disqualified from appointment or from standing for election for 10 years. Furthermore, if the leader has unlawfully gained a financial benefit from his or her misconduct, he or she must return all proceeds or properties, or the financial equivalent of the benefit obtained, to the government.

2.3 Investigator Attends Francophone Youth Conference in Geneva.....

Investigator Ms Delphine Kapalu joined in Geneva, Switzerland with 104 young people from all francophone countries of the world. The Grand Rassemblement de la Jeunesse Francophone, 17 - 25 March, 1999, was held in preparation for the Sommet des Chefs d'Etat which took place in September in Moncton, Canada. The September summit focused on young people in francophone countries.

At the conference, participants discussed how matters such as new technology, armed conflicts, political life, education and the diverse cultures of francophone countries affect the lives of youth in francophone countries. The conferees voted on proposals to be submitted by Boutros Boutros Ghali at the summit in Moncton. After the Geneva meeting concluded, the participants spent three days in Paris, where they met French President Jacques Chirac and the Mayor of Paris, Jean Tiberi.

2.4 Visit from Transparency International Australia.....

During the week of 11 - 16 April 1999, the Executive Director of Transparency International in Australia made a visit to Vanuatu. The Ombudsman and two of her staff attended a meeting introducing the work and principles of Transparency International, a non-governmental organisation dedicated to increasing government accountability and curing national and international corruption. The Office of the Ombudsman supports the creation of a Transparency International chapter in Vanuatu.

2.5 Official Visit of the President of the Republic of Vanuatu, Father John Bani.....

The Head of State, Father John Bani made the first official visit of his Presidency to the Office of the Ombudsman on 16 April 1999. During his two-hour visit, he learned how a compliant moves through the office. The President examined details of the reviews and

checks carried out by the legal team and the Ombudsman to ensure that complaints are dealt with in a professional and legal manner. The administrative supervisor (Mrs Janet B. Tiningkon) explained how the office manages complaint files on the computer network. She also introduced the President to the computerised Case Management System developed to monitor the investigations, reporting and closure of complaints in the office.

2.6 Visit to Espirito Santo 1 - 4 June 1999.....

The Ombudsman, accompanied by the Director of Investigations and the Director of Language Rights, made a two-day tour of Espirito Santo. The aim of the tour was to bring about public awareness of the work of the Ombudsman and to present public reports published by this office. The team visited the Santo Police Department, the Luganville Municipality Offices, Public Works, Matevulu College, College de Santo and the villages of Hog Harbour and Wailapa. At the Sanma Provincial Nurses' Celebration Day, the Ombudsman delivered the keynote speech, "Nursing is the Heart of our Health Care". The tour concluded with a public meeting in the Santo Market Place.

2.7 Visit to the Southern Islands

On June 1998, the Ombudsman, Director of Investigations, Mr Pasa Tosusu, Director of Leadership Code, Mr Alfred Maho and now retired seconded Police Officer, Supt. Solomon Warri made a tour of the southern islands, including Aneitym and Futuna. The delegation were able to speak with the local people in their respective nasaras regarding the role of the Ombudsman and they also presented public reports issued by this office.

2.8 Ombudsman Representative attends IACOLE Conference in Seattle, USA

The 14th Annual Conference of International Association for Civilian Oversight of Law Enforcement (IACOLE) took place in Seattle, USA, from 18 - 21 October 1998. The Director of Leadership Code, Mr Alfred Maho, represented the Ombudsman Office, which is a member of this international organisation. 110 delegates from 25 countries attended the conference. These delegates represented oversight authorities and ombudsman offices in their home countries. These oversight bodies work together with their respective ombudsman offices to oversee the work and deal with the complaints lodged against law enforcement authorities such as the Police Force. The conference is held annually, bringing these oversight bodies together to report, review and exchange opinions on their roles in dealing with law enforcement authorities' misconduct against citizens. Senior Investigator Ms. Patricia Kalpokas represented the office at the 15th Annual IACOLE conference this September in Sydney.

2.9 Ambujman Kona's Second Year.....

The Office of the Ombudsman thanks The Vanuatu Weekly for the space it has provided during the past year for the "Ambujman Kona", a weekly column. This column, which first appeared in 1998, features stories of minor cases the Ombudsman's Office has handled that did not result in a public report. The weekly column provides information on how to lodge a complaint and what sorts of problems the office can address. It increases public awareness of the Ombudsman as a public advocate for everyone, especially people at the grassroots level.

2.10 Conference on Comparative Study of Anglophone and Francophone Schools.....

Director of Multilingualism, Ms Elisabeth Marty represented the Ombudsman at a conference held in March 1999 to announce the results of a comparative study of the performances of Year 6 and Year 10 students in Anglophone and Francophone schools in Vanuatu. The study, financed by the UK DFID and the Ministère Français des Affaires Étrangères, revealed a disparity between the English and French students' performances. The researchers determined that, compared to the English schools, the Francophone schools: had less qualified or less prepared teachers; used less effective teaching practices; had poorer materials and resources. Furthermore, French Year 6 students are subjected to a less stringent standard for promotion to secondary schools. As a result, the student populations of French secondary schools are, on average, weaker than those of English secondary schools. We will discuss these and other matters relating to

multilingualism in greater detail in the Ombudsman's Fifth Annual Report on the Observance of Multilingualism.

2.11 Melanesian Ombudsman Meeting, Canberra.....

Legal Officer, Ms. Mary Grace Nari and Director of Leadership Code, Mr Alfred Maho represented Vanuatu at the "Workshop on Accountability and Corruption in Melanesia" held at the Australian National University in Canberra in November 1998. The meeting participants evaluated the unique approach to government accountability provided under the Melanesian constitutions through provisions for ombudsmen and leadership codes. Participants discussed their experiences with various approaches and procedures, exchanged ideas and shared their views on stemming corruption and encouraging accountability.

2.12 Pacific Islands Law Conference, Port Vila.....

Legal Investigator Ronald Warsal, was invited to address the Pacific Islands Law Conference in September 1999. He presented a paper on mediation and its use in the resolution of complaints under the Ombudsman Act.

2.13 Distribution of Ombudsman Reports through the Public Schools.....

While copies of our public reports have always been available in Port Vila and Luganville, it has been difficult to distribute them to the villages on the outer islands. This year, the Office launched a new scheme for distributing public reports to the rural areas of Vanuatu. The Ombudsman sent dozens of copies of recent public reports to every Provincial Education Office, which in turn distributed them among the primary and secondary schools within their regions. We hope that the students and their teachers will use the reports to learn about the importance of public awareness, good governance and good citizenship in a democracy like Vanuatu's. We also hope that the schools will give access to the reports to the adult members of their villages.

The response from the schools has been encouraging, and we hope to send reports to the PEOs every 3-6 months. Through this program, citizens in the rural areas now have access to the public reports in English, French and Bislama.

Reports get to the islands by informal means, as well. For a second year, dozens of Bislama copies of our public reports have been hand-delivered to village chiefs and schools by two American lawyers touring Vanuatu's outer islands on a sailing yacht. They have used their visits to coastal villages and schools as an opportunity to talk to the chiefs, citizens, teachers and students about the work of the Ombudsman's office and the importance keeping themselves informed as to how the government functions and their leaders perform. This year they made deliveries as far north as the Banks and Torres Islands.

The wide distribution of copies of our public reports has been made possible by funding from the European Union, AusAID and UNDP for report translation and duplication.

2.14 Appointment of New Ombudsman.....

On 16 August 1999, Mr Hannington Alatoa became Vanuatu's second Ombudsman. His appointment to the five-year term follows many years of work as a senior civil servant, diplomat, and management consultant to the public and private sectors. He holds a Bachelors Degree from the USP, Suva, Fiji with majors in Sociology & Human Geography.

From 1988 to 1994, Mr Alatoa headed the Commonwealth Youth Program Regional Centre for the Pacific. He is married with 4 grown up children and his wife, Nadine, is a Senior Government officer at the Office of the Prime Minister.

2.15 Ombudsman Visits Schools.....

Under the auspices of the UNDP Good Governance and Accountability project, the Ombudsman and her investigators joined other government and NGO representatives in visiting Port Vila area schools to talk to students and teachers about their respective roles in promoting good governance and public awareness. Their meeting schedule included:

Onesua High School, 18 September (Chief Noel Mariasua of the Malvatumauri, Ombudsman investigators Hannaline Toa and Jean Marc Pierre, Police Officer Titus Taripu, Fr Francis Gilu of the Vanuatu Council of Churches, Acting Public Prosecutor Kaylene Tavoia and Reynold Liu of the Public Solicitor's office.)

Malapoa College, 29 September (Ombudsman and Senior Investigator Patricia Kalpokas, Malvatumauri Chief Noel Mariasua and Elizabeth Mermer of the Human Rights Legal Education Office)

Port Vila City College 14 October (Ombudsman, Elizabeth Mermer, Kaylene Tavoia and VCC representative Pastor Pakoa Maraki)

Vanuatu School of Nursing, 23 October (Ombudsman, Auditor General Julie-Ann Rovo, Elizabeth Mermer, Pastor Maraki, Chief Noel Mariasua)

Vanuatu Institute of Education, 14 June (Ombudsman)

2.16 Ombudsman Speaks at School Principals' Workshop.....

In December, the Ombudsman joined Auditor General Julie-Ann Rovo and representatives of the Public Prosecutor and the Human Rights Legal Education Office at the School Principals' workshop. The headmasters and principals participating in the workshop discussed accountability and transparency in the school system, as well as their role in educating their students on the principles of good governance.

2.17 Tour of Maewo and Ambae 6-9 October

The Ombudsman and Investigators Solomon Wari and Hannaline Toa made a three-day tour of Maewo and North and East Ambae to talk to students and hold public meetings to talk about the work of the office. There were a number of questions asked and at the same time a lot of complaints were lodged to the team.

2.18 Tour of Northern Malakula 2-6 November

In November, the Ombudsman, Investigators Jean Marc Pierre and Solomon Wari, Acting Public Prosecutor Kaylene Tavoia, Elizabeth Mermer (Human Rights Legal Education Office) visited Northern Malakula to talk about good governance. The speakers were accompanied by provincial representatives of the Council of Chiefs and the church.

2.19 Ombudsman Visits Police

In July 1999, the Ombudsman, Director of Leadership Code, Alfred Maho, and Director of General Complaints, Pasa Tosusu spoke to 2 groups of Police officers about the importance of Good Governance and Accountability.

3. COMPLAINTS

The following statistics are for the reporting period 1 September 1998 to 31 August 1999. Comparatives are for the similar period in previous years except for 1994/5. The figures presented for this period are for the 13 months from 1 August 1994 to 31 August 1995.

The number of cases dealt with by the office has more than doubled. More experienced staff and better work methods improved the capabilities of the investigators and staff, resulting in improved productivity. Considerable inroads were made into finalising some of the older complaints.

3.1 Complaints registered

The number of complaints registered in this reporting period was 618. This is less than the number of complaints registered in 97/98. Although the number of complaints received is less, the actual number of complaints dealt with increased. See section 3.8

Table 3.1: Number of complaints received by the Ombudsman by year.

	98/ 99	97/ 98	96/ 97	95/ 96	94/ 95
Cases registered	618	850	353	208	62

3.2 Types of complainants

Only 48% of complaints were received from private persons compared with 67% last year and more in line with 1995/97 when 53% of complaints were received from private persons. The number and percentage of complaints initiated by the Ombudsman increased. This was due mainly to the role the office plays in the Leadership Code Act.

Table 3.2: Number of complaints by type of complainant

	98/ 99	97/ 98	96/ 97	95/ 96	94/ 95
Private persons	296	567	186	84	39
Government employees	83	144	97	40	5
Own initiative	193	98	51	71	17
Other:					
Members of Parliament	14	17	2	0	1
Private business	17	12	14	12	0
Ministers	4	7	3	1	0
Provincial members	5	5	0	0	0
Other official positions	6	-	-	-	-
TOTAL	618	850	353	208	62

3.3 Method of receipt of complaint

Table 3.3: Number of complaints by method of receipt

	98/ 99	97/ 98	96/ 97	95/ 96	94/ 95
Visits to office	138	366	182	45	18
Letters to Ombudsman	186	285	89	45	11
Own initiative	193	98	51	71	17
Telephone calls to Office	43	66	12	5	0
Visits by office	54	35	19	42	16
TOTAL	618	850	353	208	62

3.4 Jurisdiction

The percentage of complaints received outside the jurisdiction of the Ombudsman returned to the level of 95/96. This is likely to be the result of the growing awareness by the public of the role of the Ombudsman. In the Vanuatu Weekly "Ombudsman Kona" a number of articles were published describing cases where the Ombudsman does not have jurisdiction. The public has also been encouraged to lodge complaints with the appropriate authority prior to coming to the Ombudsman's Office.

Table 3.4: Number of complaints received by Ombudsman by jurisdiction

	98/99	97/98	96/97	95/96	94/95
Within jurisdiction	542	602	306	181	59
Outside jurisdiction	76	248	47	27	3
TOTAL	618	850	353	208	62
% within jurisdiction	88%	71%	87%	87%	95%

3.5 Categories of complaints

Complaints received by the office are categorised. A different basis of categorisation was introduced as a result of the Leadership Code Act and the new Ombudsman Act. Accordingly no useful comparisons are available for the new categorisation.

Table 3.5: Number of complaints by category of complaint

	98/99
Maladministration	458
Language rights	14
Leadership	123
Other	23
TOTAL	850

3.6 Provinces where conduct occurred

Understandably, three quarters of the complaints of conduct occurred in Shefa Province, where the capital, Port Vila, is located.

Second to this is Sanma where 13% of all conducts occurred. Luganville, the other government administrative centre and town is within the Sanma Province. This distribution of complaints is similar to last year.

Table 3.6: Number of complaints by Province where conduct occurred

	98/99	%	97/98	96/97	95/96
Shefa	481	78	612	301	187
Malampa	19	5	50	4	3
Penama	16	2	23	11	0
Torba	3		3	2	3
Sanma	82	13	112	25	11
Tafea	15	2	48	9	4
Overseas	2		2		
TOTAL	618	100	850	353	208

3.7 Results of complaints

Although the number of complaints received during the year was lower than last year, the actual number of files opened was similar to last year. Only 130 complaints, compared with 335 last year, were not investigated. The public has become increasingly more aware of the role of the Ombudsman.

Table 3.7 Number of complaints received by Ombudsman by results of complaints

	98/99	%	97/98	%	96/97	%	95/96	%
Files opened for inquiries	488	79	515	61	249	71	72	35
Declined to investigate	130	21	335	39	104	29	115	65

TOTAL	618	100	850	100	353	10	208	100
						0		

Reasons for not investigating

	98/99	97/98	96/97	95/96
(a) No jurisdiction	76	248	31	27
(b) Trivial or without good faith	8	20	11	1
(c) Other remedy available	32	48	59	64
(d) Complainant's interest not related	3	4	0	19
(e) Matter too long delayed	8	7	2	1
(f) Complainant has lost interest	0	1	0	2
(g) Other matters worthy of interest	3	1	0	0
(h) Insufficient resources	0	6	1	3
TOTAL	130	335	104	115

3.8 Closed cases

It was possible during the year to finalise and resolve many more complaints than in previous years. This is a result of increased training and experience the recruitment of more qualified staff the improved procedures within the office improvements in the office facilities including the computer network more public awareness on the role of the Ombudsman

Table 3.8: Cases investigated and closed

	98/99	97/98	96/97	95/96
Total number of case investigated	1092	846	357	124
Cases concluded and closed	538	242	26	20
Cases remaining open	554	604	331	104

Results of cases closed

As mentioned above it was possible to complete and close a considerable number of cases during the year. With the introduction of the new Ombudsman Act in January 1999 it was possible for the Ombudsman to mediate in some cases. Many more cases were resolved. This reflects the willingness on Government Employees to resolve matters.

Table 3.9: Reasons for closing the cases

	98/99	97/98	96/97
Complaint found justified and resolved	206	42	3
Complaint found not justified	151	31	4
<u>Investigations halted without findings due to:</u>			
- no Jurisdiction	11	25	13
- other remedies available	56	66	1
- complaint too long delayed	7	2	1
- insufficient interest in the case	33	12	1
- other matters are more worthy of interest	30	2	
- insufficient resources	3	13	
- complainant too far removed	4		
Mediation	4		
Advice given	11	23	
Public report issued	22	26	

TOTAL	538	242	23
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3.10 Distribution of complaints by agency

The office received 130 (1997/8 162) complaints against the Police Department. This continues to be the highest for all government departments and represents 21% (1997/8 19%) of complaints received.

The number of complaints received against ministers, 13, was lower than last year when 42 complaints were received. Complaints received against the public service continue to increase as does the number of complaints against provincial authorities.

Table 3.10 Complaints by agency

	98/99	97/98	96/97	95/96
Audit General	2	0	0	0
Electoral Office /	3	4	1	2
Commission				
Island courts	0	4	1	0
Judicial Services	1	1	0	4
Commission				
Magistrate Court	1	4	1	0
Malvatumauri Office	1	2	1	0
Ombudsman	0	1	0	0
Parliamentary services	3	2	0	2
President	1	1	0	0
Public Prosecutions	9	14	3	0
Public Service	17	10	7	3
Commission				
Public Solicitor's Office	1	9	3	1
Speaker of Parliament	2	1	1	0
Supreme Court	3	6	1	1
Ministerial Services				
Ministry of Agriculture	9	7	3	1
Ministry of Civil Aviation	0	1	0	0
Ministry of Commerce and Trade	2	0	?	?
Ministry of Education	7	8	5	2
Ministry of Finance	5	5	3	4
Ministry of Foreign Affairs	1	3	3	2
Ministry of Health	7	5	0	0
Ministry of Home Affairs	7	6	1	2
Ministry of Justice	1	3	4	0
Ministry of Lands	6	8	5	1
Ministry of Natural Resources	1	0	0	1
Ministry of Post and Telecommunications	1	2	0	0
Ministry of Public Works	2	2	7	0
Ministry of Tourism	2	0	2	2
Prime Minister's Office	8	17	8	8
National Government Departments				
Agriculture, Livestock	4	2	1	1
Attorney General's Chambers	6	6	2	1
Citizenship Committee	1	2	0	0
Civil Aviation	4	6	2	0
Civil Status	1	2	0	0
Cooperatives	2	5	0	4
Culture	1	1	0	0
Customs & Taxes	5	11	6	0
Education	4	8	1	3
Environment	1	1	0	2
Finance	7	12	6	1

Fisheries	1	1	2	0
Foreign Affairs	1	0	1	1
Forestry	1	5	0	1
Government Stores	0	3	0	0
Government Training Centre	0	0	1	0
Health	20	21	12	14
Immigration	4	5	4	1
Industry, Trade, Commerce	4	3	0	1
Labour	19	24	5	1
Land Records	1	1	1	0
Lands	12	17	15	9
Lands Survey	3	0	2	0
Language Services	0	0	0	2
Meteorological	2	1	0	2
National Disaster Management	1	3	0	1
National Planning (Strategic Mgmt Unit)	1	1	0	1
National Statistics	0	0	0	1
Police	130	153	39	44
Ports & Marine	4	2	1	0
Postal Services	2	1	0	2
Provincial Affairs	0	1	0	1
Public Service	9	7	14	7
Public Works	10	6	6	5
Rural Water Supply	0	1	0	0
Scholarship Unit	0	2	0	1
State Prosecutions	0	1	1	0
Statistics Office	3			
Transition Unit	0	1	0	0
Vila Central Hospital	0	7	4	0
Youth and Sports	0	0	1	0
Public Authorities				
Aneityum Tourism Committee	0	1	0	0
Asset Management Unit	1	0	0	0
Consular Office in Noumea	0	2	0	1
Cultural Centre	2	0	0	0
Development Bank of Vanuatu	0	6	5	1
Ex-French E'yees Compensation C'ttee	0	0	1	0
Financial Services Commission	3	3	0	0
Independence Organising Committee	0	0	1	0
Luganville Housing Corporation	0	0	1	0
Maritime Affairs	1	0	0	0
National Bank of Vanuatu	3	10	8	3
National Housing Corporation	4	4	2	2
National Tourism Office	3	1	0	1
Niscol	0	3	0	0
Public Service Disciplinary Board	0	1	1	0
Reserve Bank	2	4	0	0
Reserve Bank Selection C'ttee	0	0	1	0
South Pacific Fishing Company	1	4	3	0
South Pacific Fishing Coy Board	0	0	1	0
Teaching Services Commission	4	4	3	2
Vanair Ltd.	13	4	1	0
Vanuatu Chamber of Commerce	7	0	0	0
Vanuatu Foreign Investment Board	1	0	0	0
Vanuatu Health Practitioners Board	0	1	1	0
Vanuatu Shipping Association	1	0	0	0
VBTC	8	7	0	1
VCMB	8	3	2	1
VMF	0	9	1	0
VNPF	12	9	5	3
VNPF Board of Directors	2	2	2	0
Privatised Authorities				

Air Vanuatu	7	3	0	1
Air Vanuatu Board of Directors	2	1	2	0
South Santo Cattle Company	0	1	0	0
Telecom. Vanuatu Ltd.	1	5	0	2
Tour Vanuatu Ltd.	0	2	1	0
Unelco	0	2	0	0
Vanuatu Abattoir Ltd	0	1	0	0
Vanuatu Coconut Productions Ltd.	0	0	1	0
Vanuatu Holdings	0	0	0	1
Provincial Governments				
Malampa Provincial Govt.	26	3	0	0
Penama Provincial Govt.	12	0	1	0
Sanma Provincial Govt.	0	0	1	0
Shefa Provincial Govt.	4	0	0	1
Tafea Provincial Govt.	4	7	0	0
Torba Provincial Govt.	1	0	0	1
Provincial Departments				
Northern District Hospital	0	1	0	0
Rural Lands Committee	0	2	0	0
Santo Public Works	0	1	0	0
Santo Urban Lands Office	4	6	0	0
Tafea Public Works	1	0	0	0
Members of Parliament				
Political Figures (MPs)	4	0	0	0
Members of Parliament	1	0	0	0
19 MP's	1	1	0	0
All Ministers	1	0	1	0
Council of Ministers	1	0	0	0
Hon. MP Elson Samuel	0	1	0	0
Hon. MP Willie Jimmy	3	7	0	0
Hon. MP Iarris Naunun	0	1	0	0
Hon. MP Charles Hakwa	0	1	0	0
Hon. MP Demis Lango	0	1	0	0
Hon. MP Hilda Lini	0	1	0	0
Hon. MP Josias Moli	0	2	0	0
Hon. MP Maxime Carlot Korman	1	4	5	1
Hon. MP Serge Vohor	0	9	0	0
Hon. MP Vincent Boulekone	0	2	0	0
Hon. MP Walter Lini	0	3	0	0
Hon. MP William Mahit	0	1	0	0
Hon. MP Alfred Maseng	0	0	0	1
Hon. MP Amos Bangabiti	0	0	0	1
Hon. MP Barak Sope	1	2	3	3
Hon. MP Charlie Nako	0	2	1	0
Hon. MP Faratia Thomas Prothy	0	0	0	1
Hon. MP Gideon Bakon Fred	0	0	1	0
Hon. MP Paul Telukluk	0	4	2	1
Hon. MP Willy Jimher	0	0	1	1
Members of Provincial Government				
Sanma Provincial Council	1	0	1	0
Shefa Provincial Council	0	2	1	0
Penama Provincial Council	0	0	1	0
Local Government Councils				
Port Vila Municipality	5	3	3	0
Luganville Municipality	14	4	1	0
Educational Institutions				
Central Primary School	0	0	1	0
Vanuatu Basic Training Centre	0	1	0	0

Londua Training Centre	0	1	0	0
INTV	0	1	0	0
Yevali School	1	2	0	0
College de Santo	0	1	0	0
Mission Catholique School	1	0	0	0
				Public Servants
Public Servants	18	20	49	7
				Private Persons or Firms
Private persons	51	158	19	7
Political Parties	1	4	0	0
Election Candidates	0	33	0	0
				Others (General queries)
General queries	10	16	19	5

3.11 Conclusion

Although the number of complaints received by the office was some 25% less than last year the number of cases actually opened, 488, is similar to 1997/8 when 515 cases were opened. Considerable efforts were made to complete cases that had been in the office for some years. The number of cases actually dealt with and completed was double that of last year.

With the introduction of the new Ombudsman Act in mid January 1999 mediation became a method to resolve complaints.

Some Ministries and Government Departments have started to accept that errors have been made and the office has started to see an improvement in complaints being resolved.

Some of the backlog of complaints was dealt with during the year, however the number of open complaints remains high at 554. With the present level of staff and continuing professional training the office should during the next twelve months continue to reduce the level of unresolved complaints.

4. PUBLIC REPORTS AND RECOMMENDATIONS

4.1 Published Reports, Recommendations & Responses

The Office of the Ombudsman published 21 reports since the Fourth Annual Report. Each report contained recommendations that the Ombudsman thought would address the concerns raised by the findings of the investigations. Responses to published reports have been mixed.

Some of the reports that the Office published this year concerned the decisions or conduct of members of former governments. However, quite a few of the people whose decisions or conduct have been implicated in the Office's public reports still hold influential positions in various circles of Vanuatu society; some of these in elected positions while some are held by appointment.

All of the public reports are listed at the front of this Annual Report, and copies are available from the office. However, a sampling of those reports is included below, along with the Ombudsman's recommendations in each case and any subsequent action that has been taken in response to the Ombudsman's report.

Here are some of the Public Reports issued by the Office of the Ombudsman. Along with the reports are some of the responses and actions from the responsible authorities.

Granting of Leases by the Former Minister of Lands Mr. Paul Barthelemy Telukluk to Himself, his Family Members and Wantoks

22 APRIL 1999

The former Minister of Lands circumvented application procedures and used his ministerial authority to grant 15 separate land leases to himself, members of his family and people from his home island. Many of the transactions were conducted at prices below fair market values. In some cases, no money was actually paid and in others only part of the money was paid. Some of the titles had already been granted to other people who had followed the proper procedures and had paid the fees.

The Ombudsman made five recommendations, including the recommendation that the current Minister of Lands should establish comprehensive mandatory systems for ensuring the proper and fair lease of government lands at fair market values. The Ombudsman also recommended that the State Law Office should attempt to reverse the improper transactions and the Public Prosecutor and the Commissioner of Police should determine whether the former Minister could be prosecuted criminally. The Ombudsman further recommended that the Prime Minister should remove the former Minister from the Council of Ministers because of his unconstitutional actions, which deprived citizens of revenue and lands that were rightfully theirs.

Responses

The former Minister of Lands notified the Ombudsman that his Ministry was in the process of establishing guidelines and procedures that the Ministry will use in dealing with public lands. The Minister said that he had issued instructions that the problems highlighted in the Ombudsman's report should not occur again. The Minister also said that he was in the process of giving instructions to the Attorney General with a view to instituting proceedings and obtaining Court Orders as to the rectification of the Register in connection with some of the Leasehold titles mentioned. The Minister further added that they have placed cautions against those Leasehold titles mentioned in the Ombudsman's Report.

The Office of the Public Prosecutor informed the Ombudsman that they are awaiting further investigation by the Police.

The Minister implicated in the report did not provide a response with regards to the Report.

Mismanagement of the Sale by Tender of Ten Deported's Properties by the Former Minister of Lands, Mr. Paul Telukluk

28 MAY 1999

While he was Minister of Lands, Mr Telukluk established a board to consider tenders for land that the government had appropriated from former leaseholders who had been deported. All members of the tender board had some affiliation with the former Minister's political party. The board improperly decided to give priority to Ni-Vanuatu tenders and to other political supporters. The board also violated Finance Regulations and abused the tender process, eventually approving tenders totalling less than VT 15,000,000. A second tender board (properly established according to Finance Regulations) accepted the highest tenders (ignored by Telukluk's board) for a total of over VT 45,000,000.

In May 1999, the Ombudsman made nine recommendations, in addition to repeating her earlier recommendation for the establishment of comprehensive and mandatory procedures to ensure that government land is leased at fair market value. The Ombudsman also recommended disciplinary action against the individuals who had been implicated in the improper actions.

Despite the recommendations in these two public reports, the Ombudsman's Office continues to receive complaints about irregularities in the granting of leases. Mr. Telukluk, the former Minister of Lands is, at the time of this printing, the Minister responsible for Ni-Vanuatu Business Development in the current government.

Responses

The Ombudsman did not receive any specific responses from the appropriate persons and authorities concerned.

Illegal Tender Procedure Adopted by Former Director of Lands Roger Tary and Former Minister of Lands Paul Telukluk, for Canal du Second II and Pepsi Subdivision Water Projects Luganville

25 NOVEMBER 1998

This report concerns the involvement of the government in 2 subdivisions in Luganville on the Island of Santo between 1993-95 and the mal-administration and breaches of Leadership Code by the then Director of Lands, Mr. Roger Tary and the then Minister of Lands, Mr. Telukluk. They granted contracts for the water installations to a private company, Sowu Leing not on the basis of their ability or pricing, but on the basis of their similar party allegiance and their belonging to the same island, Malekula. This action was not in line with established procedures.

Sowu Leing Company belongs to the Malere family who was also the beneficiary of the sale of a ship by the former Minister Bangabiti and Minister Willie Jimmy. This was in total breach of tender procedures.

The first water installation project at Canal du Second II in 1993 was granted without any tender procedures and cost a total of Vt 10,300,000, Vt 700, 000 more than the quote of the Public Works Department. The result is unsatisfactory, of very poor standard and only covers half of the land. On the basis of this first bad experience, the government should have ceased all relationships with this private company.

Instead they were granted another project: the Pepsi subdivision water installation project in 1995.

The second project turned to catastrophe and is now incomplete. Its cost estimate was 19 million vatu, three times higher than that of Public Works Department. Mr Tary and Telukluk still chose Sowu Leing Company to carry out this project in total breach of the Financial Regulations which had by then been put in place after the commencement of the first project in 1993. There was no tender board to consider the tenders for the Pepsi Subdivision, no competitive bidding either for the two projects as they were never advertised.

The Ombudsman found that the conduct of Mr. Telukluk was based on improper motives, irrelevant grounds and it was blatantly unreasonable. Mr. Telukluk also breached the Leadership Code as provided in the Constitution. Furthermore, the conduct of Mr. Tary was contrary to law and was in breach of the Constitution as well. The Ombudsman recommended that Mr. Telukluk not be considered to hold any Ministerial positions in the future and that Mr. Tary not be considered for any position in any future government. There were also the recommendations that the current Director of Lands make sure that his Officers have access and follow the Financial Regulations and the Department of Lands to follow the right procedures in accordance with the Finance Regulations.

Responses

The Ombudsman received a response from the Former Minister of Lands Honourable Silas Hakwa. The Minister agreed to the Ombudsman's recommendations. The minister advised that he had received instructions that appropriate instructions have been issued by the Director of Lands regarding observance of or adherence to the provisions of the Financial Regulations. Furthermore the Director has taken appropriate steps to ensure that all Officers are made aware of the relevant provisions of the Finance Regulations.

The Minister also informed the Ombudsman that he was advised that appropriate actions have been taken by the Lands Department to ensure that problems identified do not occur again.

The Chairman of the Public Service Commission also advised Ombudsman that the Ombudsman's recommendations were duly taken note of and that he had instructed the Director General of Lands for appropriate instructions to be issued to the Director of Lands.

Vanuatu Fire Service's Failure to Extinguish the Fire on 6 May 1998

12 MAY 1999

In 1993, the Government transferred management and operation of water services in Port Vila to a private company. The transfer agreement set out the respective duties of the government and the company.

In May 1998, a serious fire caused major damage to a commercial complex in Port Vila. Reports indicated that the Vanuatu Fire Service (VFS) was ineffective in extinguishing the fire.

The Ombudsman's investigation revealed that the VFS had no standard training or operating procedures and that its equipment had not been properly maintained. The Ombudsman also found that there were no laws governing the fire service.

In the public report, the Ombudsman made three recommendations. The first recommendation was that the Police Commissioner and the Minister of Internal Affairs ensure that VFS have: effective management to provide regular training for fire-fighters, including fire drills; operations manuals; regular maintenance and repair of equipment; and effective liaison with the water services company.

The Ombudsman also recommended that the Police Commissioner and the Minister of Internal Affairs ensure that sufficient funds are available to maintain, repair and replace fire-fighting equipment to allow an adequate level of service. The Ombudsman further recommended that the Minister of Internal Affairs introduce legislation to govern the VFS's function, management, officers and accountability.

Responses

The Ombudsman arranged a meeting with the Police Commissioner Mr. Peter Bong and the First Commanding Officer for the Vanuatu Fire Service. During the meeting, the Police Commissioner told the Ombudsman that the Vanuatu Fire Service has a joint training programme with New Zealand and Australia. The training programme only provides training for the Vanuatu Fire Service personnel and does not provide Fire fighting equipment. The Vanuatu Fire Service therefore does not have adequate fire fighting equipment to go in hand with the training received by its personnel. Therefore the Vanuatu Fire Service lacks the resources to fully carry out its duties and functions. The Commissioner and the First Commanding Officer also raised the point that it would be better if the Vanuatu Fire Service become separate from the Vanuatu Mobile Force and the Police. Then the Vanuatu Fire Service would have more resources and funds. At present, the Vanuatu Fire Service is under funded. The Fire Service needs special funds separate from the National. Sup. Unit budget.

The Ombudsman also received a response from the Minister of Finance .

Improper Appointment of Mr Luc Siba as Police Commissioner and his Misconduct in Office

13 AUGUST 1998

At the time, Mr Luc Siba was appointed to serve as the Commissioner of Police in 1994, he had a record of criminal convictions for theft (1982) and using the property of another without permission (1983). Both convictions resulted in 12-month prison sentences. Nevertheless, the Police Service Commission appointed him to this post on the direction of Mr Gerard Leymang and Mr Maxime Carlot Koman. This appointment was made despite the fact that Mr Siba never actually applied for the position. While holding the post, Commissioner Siba was convicted of drunk driving, misappropriation of public funds and false accounting of public property.

We found that Mr Siba's appointment was illegal and that his continued holding of the Police Commissioner position was illegal and improper.

The report recommended that the responsible parties never be appointed to positions of leadership again. The Ombudsman also recommended that guidelines on the duties and obligations of the Police Service Commission be established and that future appointments of Police Commissioners be made on merit.

Responses

As far as the Ombudsman understands, since his termination from the Public Service, Mr. Waimini Perei has been seriously ill. He has been unable to fully recover. He does not

hold any position in any organization and/or government statutory body at present, nor does it look likely to be so in the near future.

All those implicated in the report have moved out of public life except Mr. Vake Rakau whom we understand is now in charge of the National Prison Services.

While the former Prime Minister is still an elected member of the National Parliament, Hon. MP M.C Korman is not in the Public Service any more, thus he is not in a position to make appointments. The Ombudsman understands that Hon. MP M.C Korman does not hold any position in any government statutory body.

Mr. Gerald Leymang is currently the first Political Advisor to the Minister of Internal Affairs, appointed and selected by the Minister. The Ombudsman understands that this recommendation has not been implemented by the authorities concerned.

It is probable that Mr. Luc Siba would not join the Police Force again in the near future, nor be considered for positions within the Public Service.

The Chairman of the Police Service Commission has informed the Ombudsman that the Police Commission has taken note of the mistakes of the past that the Ombudsman has identified in the report. Particular reference was made that steps are being taken to ensure implementation of the recommendations forthwith.

Purchase, Repair, Management, Operation and Sale of Prince II

2 DECEMBER 1998

On the advice of former Minister of Economic Affairs, Mr Serge Vohor and the Vice Chairman of the Board of DBV, the government purchased the vessel Prince II in 1993. The government paid VT 67 million of the purchase price, while DBV financed an additional VT 15 million on the acquisition. The government never had the vessel's value assessed; the seller (a friend of Mr Vohor's) had paid approximately VT 45.2 million for it. The vessel was not seaworthy and sat idle for 13 months, undergoing repairs costing VT 125 million. Prince II made only six passages and transported only 1060 tons of cargo. The company created to manage Prince II, Melanesian Shipping Line, reported losses of VT 127 in its first year of operation.

The purchase and financing of Prince II represented a series of blatantly unreasonable actions by the Minister of Economic Affairs, the DBV Board, the Vanuatu Cooperative Federation and the Vanuatu Commodities Marketing Board. They ignored recommendations and advice against further investment. These actions cost the people of Vanuatu a total of VT 172,000,000, which was 3 times the budget for the judiciary and 9 times the budget for the Public Prosecutor's Office.

The Ombudsman recommended that the responsible parties never again be appointed to positions of public authority or to positions involving investment of public funds. It was also recommended that the Council of Ministers be familiar with the Finance Regulation to prevent unintentional approvals and purchases that are contrary to law. The report further recommended that the Directors General of Finance and of Trade and Commerce liquidate MSL's assets and decide upon Prince II's future.

Responses

The Ombudsman received no response from any of the people and responsible bodies implicated in the Report.

Illegal and Unconstitutional Discrimination in the Citizenship Act

19 MAY 1999

The Constitution guarantees equal treatment under the law without discrimination on the basis of sex. However, the Ombudsman found that the Citizenship Act [CAP 112] treats women and men differently for determining Vanuatu citizenship. For example, a man applying for citizenship after 10 years' residence can include his wife and children in his application, while a woman cannot. Women married to Ni-Vanuatu men are entitled to citizenship, while men married to ni-Vanuatu women are not. A woman who gives up her Vanuatu citizenship because she has married a foreign national can regain her citizenship

if the marriage breaks down; a man who has renounced his Vanuatu citizenship under the same circumstances cannot.

These provisions of the Citizenship Act, and the corresponding practices for granting citizenship are illegal and unconstitutional. They also violate CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women), which Vanuatu ratified by an act of Parliament. CEDAW requires Vanuatu to amend its laws to eliminate discrimination against women.

The Ombudsman has recommended that Parliament amend the Citizenship Act to remove its discriminatory and unconstitutional aspects.

Responses

The Ombudsman received a response from the Speaker of Parliament. The Speaker of Parliament pointed out that it was best if the findings of the Ombudsman were addressed to the Prime Minister and the Citizenship Commission. The Speaker made further comments that the scope of the Ombudsman's investigations were not directed to Parliament. Parliament was an institution established by the Constitution and is not subject to the jurisdiction of the Ombudsman or any court in respect of its legislative powers or the performance of its functions. The Speaker mentioned that the Ombudsman in making the findings in the Report was adjudicating on the legality and Constitutionality of the of the Citizenship Act. The decision on whether the Citizenship Act is Constitutional or not rests solely with the Supreme Court.

The Minister of Finance replied saying that during the formulation of the Comprehensive Reform Programme, the Task Force recognised and was mandated to ensure that the Citizenship Act was amended to remove the sections of the Act that discriminated against Woman. However no amendments have been made to the Citizenship Act so far.

Illegal Payments to Staff of Prime Minister's Office and Finance Department

16 APRIL 1999

Near the end of the 1995 calendar year, the Council of Ministers approved illegal payments of VT 50,000 each to 15 selected public servants for their work in administering payments authorized under the Compensation Act No. 11 of 1994. The payments came out of the Compensation Fund. While it was argued that the payments represented overtime pay, they were illegal, because they violated the Public Service rules and the Compensation Act. The Director General of Finance had a conflict of interest in that he received one of the VT 50,000 payments when he should have been advising the Finance Department that the payments were not lawful. The Minister of Finance also acted irresponsibly in allowing the unlawful payments.

Commendably, some of the recipients have voluntarily made full or partial repayment of the money they received. The Ombudsman recommended that the Minister of Finance attempt to recover the outstanding payments.

Response

The Ombudsman received a response from the Minister of Finance with regards to this report. The Minister of Finance had instructed the Attorney General's Office to the recover the sums paid to the individuals implicated in the report. The Minister of Finance also instructed the Director of Finance that staff involved in the preparation of compensation payments must complete the required forms and then submit them for payments. Furthermore the Minister said that if there is insufficient funds available, then arrangements must be made for the staff concerned to take leave or days off to compensate for their overtime hours. The Minister instructed the Director of Fiance that he must ensure that the Public Service Staff Rules regrading overtime payment is complied with in future before any payments are made.

Illegal Purchase of 11 Ministerial Cars in 1996 by Former Prime Minister Mr Serge Vohor

18 DECEMBER 1998

In October 1996, then Prime Minister Serge Vohor instructed his Minister of Transport Samson Bue to purchase 11 new cars. The cars would be used in transporting a group of Pacific region education ministers attending a USP Council meeting in Port Vila. After the USP meeting, the cars would be allocated to the government ministries. PM Vohor took this action without approval by the Council of Ministers, even though he stated in official correspondence that the COM had approved the acquisition. In fact, the COM did not review the matter until three weeks after the fact, and had little choice but to ratify the fait accompli.

The decision to purchase the new cars (at a cost of VT 20,459,000 of public funds) took effect in two days, without adherence to the procedures or Finance Regulations set out by law.

The Ombudsman recommended that the Director General of Finance ensure that all ministries, departments, directors general and councils of ministers are briefed on the tender requirements in the Finance Regulation Act and Government Contracts and Tenders Act. The Ombudsman also recommended that the Attorney General advise the Council of Ministers regarding compliance with these laws.

Responses

The Ombudsman received responses from the Attorney General and the Prime Minister. The Prime Minister made comments that he has requested the Director General of Finance and Economic Management to ensure that all ministries and department have a copy of the Financial Regulations and the newly enacted Tenders and Contract Act. Furthermore Minutes of the Council of Ministers would always include the Attorney General's advice. The Prime Minister however had the view that Regulation 361 (6) of the Financial Regulation which stipulates that 'procurement procedures may be varied by the Minister of Finance in such circumstances (for example in emergencies) as he shall deem appropriate' makes the findings of the Ombudsman baseless.

Improper Issuing of Duty Exemption by Hon. Willie Jimmy and Customs Department

23 SEPTEMBER 1998

In January 1996, the Honorary Consul for Spain asked then Minister of Finance Willie Jimmy for a duty exemption on an official vehicle. Although honorary consuls are not eligible to receive exemptions from customs duties on official vehicles, Mr Jimmy approved the request and the Customs Department endorsed this approval. This improper exemption resulted in a loss of VT 1,026,612 in duty.

The Ombudsman recommended that the exercise of ministerial discretion in granting duty exemptions be eliminated. She further recommended that the Minister of Finance work with the Department of Foreign Affairs to compile and maintain a list of persons entitled to duty exemption under international conventions or agreements.

Responses

The Ombudsman received responses from the Minister of Finance, Honourable MP Willie Jimmy, now Deputy Prime Minister and the former director of Customs and Taxes.

The former Director of Customs and Taxes, Mr. John Simbolo pointed out that the new amendments to the Vanuatu Customs Tariff have deleted the Minister of Finances powers to award exemptions. Mr. Willie Jimmy was of the view that under the Customs Import/Export Act, there are only two persons empowered under that Act to approve or refuse duty exemption applications for whatever nature they may be. The Prime Minister has also instructed the Minister of Finance that the Department of Customs work closely with the Department of Foreign Affairs in future to avoid similar incidents.

Delay on Police Investigations

30 SEPTEMBER 1998

The Ombudsman commenced an enquiry into the continuous delays in police investigations, especially in major misappropriation cases and one assault case. The accused included government leaders and political advisers. Police admitted that these

cases had not been passed on for prosecution and that they took up to seven years to complete investigations. Standard procedures for recording, investigation and supervision were not enforced. The Ombudsman also found that the Officer-In-Charge of Criminal Investigation Department did not supervise these investigations properly and that investigations were delayed for unjustified reasons. Consequently, these criminal offences have not been prosecuted and alleged offenders have not been brought to justice. Misappropriated public funds have not been recovered.

The Ombudsman recommended that the Police Service Commission investigate and take appropriate disciplinary proceedings against Police Commissioner Peter Bong and CID Officers George Namaka and Vake Rakau for failing to properly supervise their departments. In addition, the report recommended that a system of administration and investigation be reviewed to minimise undue delays and to improve the general efficiency of the Police Force.

Responses

The Ombudsman received a response from the Police Commissioner's office. The Force Legal Officer informed the Ombudsman that the Officers implicated in the Report have sought legal action and the reform that is taking place in the Force will help address the issues identified by the Ombudsman. Furthermore, Mr Vake Rakau has been transferred from OIC of CID to Commanding of Prisons Services. The Chairman of the Police Service Commission responded saying that Mr. Bong since his appointment as Commissioner of Police has tried to put some order in the Police Force. The Commissioner of Police Mr. Bong informed the Ombudsman that the delays in the police Force investigations are a result of insufficient funds.

5. AREAS OF CONCERN

5.1 Police

In the past year, we have received 130 new complaints regarding the Police. Many of these involve the delay in police criminal investigations. An even more troubling concern brought to our attention is that of police violence and police misconduct. A large number of complaints received against the police tell often disturbing stories of how suspects are brought into the police headquarters and assaulted while being detained.

Citizens have also voiced their concerns over the disorder and disorganisation of the police. Many times, citizens call the Police Department to provide evidence for or to learn the status of an ongoing investigation, only to be told that the file cannot be found or statements cannot be taken. In addition, police officers themselves have sought the Ombudsman's assistance for matters ranging from improper disciplinary proceedings to improper compulsory retirements by the Police Services Commission.

Furthermore, it would appear that either the police have no explicit policy or procedures (such as Standing Orders) or are unreasonably unwilling to comply with them when a police officer leaves. This is particularly acute when it comes to the handing-over of duties and responsibilities whenever a police officer goes on leave, attends a course or goes to Bougainville. This "voluntarily" created situation on the part of the Police Force has eventually led to inefficiency and incompetence of the same in faithfully carrying out its given mandates and thus slowing down and delaying the whole administrative process of investigation into the alleged acts.

The Police Department's administration and investigation procedures must be reviewed and reformed. The Police Force desperately needs better training and organisation in order to carry out its law enforcement function. While we understand that it receives foreign aid, most of that aid is earmarked for the defence force rather than for community services. The Criminal Investigations Department deserves more attention and training from our aid donors.

We are optimistic that the current systemic review of the CID will result in comprehensive training and administrative improvements. We also hope that the Police Services

Commission will take swift and strong measures against those members of the police force who abuse their uniforms by committing crimes against their fellow citizens.

5.2 Prisons

The Ombudsman's jurisdiction includes the administration of the prisons. The Ombudsman reviews prison operations with the goal of improving the prison services and conditions. In order to facilitate this, the Ombudsman strives to maintain a positive working relationship with prison officers, the Superintendent of Prisons and the Minister responsible for prisons.

For the past four years, an investigator from the Ombudsman's Office has visited the prisons on a monthly basis. The investigator visits for the following reasons:

- to ensure that prisoners have clear knowledge and understanding of their fundamental rights, as stated in Articles 5 and 6 of the Constitution;
- to conduct inspections and monitor prison conditions in order to guarantee that the prisoners' rights are protected;
- to receive complaints from any prisoner or prison officer, who speak to the Ombudsman's investigator in private; and
- to ensure that prisoners undergo rehabilitation programs to help them abandon criminal activities upon their release.

As a part of this program, the Ombudsman distributes information (in English, French, and Bislama) to the prisons regarding prisoners' rights under the Constitution, the Prisons (Administration) Act [CAP 20] and international conventions. The Ombudsman's investigators give advice as to what actions a prisoner can take if these rights are violated.

The following matters are of continuing concern to the Ombudsman's Office:

5.2.1 Poor conditions and services in prisons

Amnesty International's 1998 report on the Vanuatu prisons recommended urgent measures to improve prison conditions and police and prison complaints mechanisms. It urged the government to seek assistance from the international community. A joint statement by the Vanuatu Government and Police welcomed Amnesty International's report and pledged to implement its recommendations.

The mal-administration of prison services has led to an acute shortage of man-power among prison guards and officers, the need for a new prison complex, the need to increase the prison budget. In fact, the Government's own "Strategic Review: Security of the Nation, 1997" report found the prison system "in an extremely poor state" with "considerable overcrowding" and no comprehensive rehabilitation program [Strategic Review Report, p 25]. The prison conditions on Tanna, for example, are so inhumane and unhealthy that a group of church youths and private businesses donated their time and supplies to clean the Isangel prison facility.

While we commend the volunteer efforts to improve prison conditions, the fact that the prisons have become dependent upon charity indicates that the Government has failed to do its job. Despite the Government's own 1997 Strategic Review Report and its endorsement of Amnesty International's 1998 report, there has not been much improvement. The condition of prison buildings, amongst other things, will remain an issue until the authorities responsible take appropriate steps to find a solution. (See Ombudsman's Public Report of 1998 on prison buildings). Perhaps a solution can be achieved if the administration of prisons is transferred from the Police Force, which the Strategic Review Report recommended in 1997. This Office will issue a public report which will be further explained in our next annual report.

5.2.2 Police misconduct, brutality or mistreatment of prisoners

Police assaults on prisoners are widespread in various correctional services. Section 10 of the Prisons (Administration) Act requires the Prison Administration to treat prisoners with humanity and impartiality, to maintain order and discipline, and to enforce observance of the rules and regulations in regard thereto. Section 19(k) of the Act states that police violence is an offence against discipline. Nevertheless, there are many assaults that are the subject of ongoing investigations.

On several occasions, the police authority is blatantly unreasonable and negligent in delaying the investigation into police violence, not only against prisoners, but against civilians as well. That has ultimately led to the failure to take appropriate disciplinary measures against those responsible in the acts.

5.2.3 Discrimination in recommending prisoners' release on license and remission

The law provides no automatic entitlement to an early release from prison. However, a prison sentence can be shortened in three ways:

- The Court may provide that a sentence be reduced by a certain portion (such as 1/5 or 1/3) if the prisoner's behaviour is good.
- Under section 30(1) of the Prisons (Administration) Act [CAP 20], the Minister responsible for prisons can give any prisoner a "Release on License" at any time.
- Under Article 38 of the Constitution, the President of Vanuatu can pardon, commute or reduce a prisoner's sentence.

However, prisoners still wonder: "Why do the prison authorities recommend the release of a murderer or a rapist who is a constant threat to the population? What are the developed criteria for selection in the event of releasing prisoners by either the President or the Minister of Internal Affairs? Are administrative practices inconsistent with the existing laws governing the prison administration and prisoners' releases from prison? Are the laws defective?"

Despite the Ombudsman's recommendation in the Yunak report reiterating that "The Directors-General of Internal Affairs and Health, together with the Superintendent of prisons, and with the advice of the Attorney General, develop public, written criteria and procedures for the release of prisoners under the Prisons (Administration) Act (ss.30 and 31), and to ensure that the procedures include coordination with the exercise of presidential powers under Article 38 of the Constitution", no constructive and strategic plans have been implemented as yet.

5.3 Health Department

Positive response by Ministry of Health and Vila Central Hospital

Early in 1999 a complaint against the Ministry of Health was received. The complainant considered enough was not being done by the Ministry of Health to make women aware of the risk of cervical cancer and provide adequate Pap Smear testing to reduce the risk of death.

The complainant was aware of the disgusting death some women suffer in Vanuatu because of cervical cancer. Accurate figures of deaths from this type of cancer are not available but it is considered to be a higher than in the western world. Early detection of pre-cancerous changes in cells can be successful with Pap Smear testing. Very little was being done to provide and promote this testing.

The Minister of Health responded very promptly to the complaint and arranged meetings at Vila Central Hospital with the newly appointed Gynaecologist, Dr Alan Grice.

The matter was discussed with senior hospital and ministry staff and as a result the hospital agreed to carry out a pilot program of Pap Smear testing to see what effect it would have on the resources of the hospital. They also advised the office that a "Well

Women" program was being considered and that Pap Smear testing would be included in this program.

The number of pap smear tests increased at Vila Central Hospital from approximately 10 per week to 40 - 50 tests per week. The results are presently being monitored by the staff at the Hospital and the Ombudsman's Office is kept informed of progress.

The complaint remains open in the Office, however, recognition needs to be given to the positive action already taken by the Ministry and Hospital personnel.

5.4 Department of Lands

In last year's Fourth Annual Report, we described the two most significant problems that had plagued the Department of Lands: unfair allocation of government lands (through favouritism or failure to follow established procedures); and failure to collect fair market value for lands transferred by the government (resulting in a loss of much-needed revenue). These problems were illustrated in two separate public reports issued in 1999:

Granting of Leases by the Former Minister of Lands Mr Paul Barthelemy Telukluk to Himself, Family Members and Wantoks (22 April 1999)

Mismanagement of the Tender Sale of Ten (10) Deportees' Properties by the Former Minister of Lands, Mr Paul Telukluk (28 May 1999)

(These public reports are summarised above at Section 4, "Published Reports".)

These reports illustrate how a corrupt official can abuse a weak process for personal or political gain. Fortunately, corruption of this magnitude appears to have subsided since Mr Telukluk departed from the Ministry of Lands. Under the present leadership, the Department of Lands appears to be making better decisions and functioning regularly. In fact, the offices of Lands Records, Lands Survey, Lands Department and the Accounts Section have all co-operated fully in the Ombudsman's inquiries into these and other matters. However, it is essential that mandatory procedures be established and enforced to ensure fairness in the leasing of government lands, regardless of who is in charge. Accordingly, this office has made the following recommendation:

"A comprehensive policy and mandatory procedures should be put in place by the government to ensure the proper and fair lease of government lands at fair market value."

The Lands Department should also establish a set of standard criteria for property valuation and insist on better training for its valuation officers. Government lands are still frequently undervalued, resulting in lost revenue for the government. We are optimistic that the Department will continue to improve its service to the public by instituting increased professionalism of its work.

5.5 Judiciary

The Ombudsman has no authority to review the conduct or decisions of the courts or the Judicial Services Commission. The judiciary is independent of the Public Service and other branches of government, and is "subject only to the Constitution and the law." Vanuatu Constitution, Chap. 8, Sec. 47(1). However, the fact that the government budgeting process controls the funding of the courts and judicial services means that the judiciary can only be as vital and effective as the annual budget allows.

The courts dispense justice in criminal and civil matters and therefore play a fundamental role in enforcing government accountability and the Leadership Code. Without a strong court system, private parties cannot have access to justice and criminal conduct can go unpunished. It is therefore critical that the government begin to support our judiciary with adequate funding.

Once again, the Acting Chief Justice opened the Supreme Court this year by acknowledging a growing backlog of cases. As of February 1999, the Supreme Court in Vila had 371 civil matters and 48 criminal cases awaiting resolution. There were 46 land matters, some of which had been filed in 1996. The Magistrates Court had 201 pending

civil matters and 553 criminal cases awaiting conclusion. The Island Courts were similarly overloaded, with 517 civil, criminal and land matters still unresolved.

This backlog indicates that the budget allocated to the judiciary is simply inadequate to allow the courts to hear the cases filed with them. The budget must provide proper administrative and professional staff to: monitor cases filed; calendar hearings and trials; preside over court sessions; record the testimony and other evidence presented; and issue sound opinions and judgements after legal research and deliberation. At present, it appears that the court is struggling to satisfy its mandate with the current budget.

The Comprehensive Reform Program requires the government to enhance the capacity, neutrality and independence of the Judiciary. We are encouraged by the fact that the British High Commission's DFID and other foreign aid agencies have undertaken to assist in this area by funding advisory and judicial positions in the near future. We urge the government to make good on its commitment to enhance the capacity and independence of the judiciary and to give the courts a budgetary priority.

We also urge the court and other members of the legal community to explore ways to expand access to justice in the rural areas. While he was still working at the Public Solicitor's Office, Reynold Liu had worked to establish the Lakalakabulu Area Council of Chiefs as a dispute-resolution body on his home island of Ambae. He designed a system whereby the LACC could apply custom law to settle disputes and respond to certain types of criminal matters. He also developed procedural rules for lodging complaints and for appointing a panel to hear and resolve the disputes. He trained the participants to record their decisions and judgments in order to create a body of law that could apply in future matters. Mr Liu's system combined features of the traditional Melanesian way with those of the formal legal system in order to create a unique process that meets the needs of the rural communities. The LACC will serve as a lasting tribute to his legal skills, his respect for tradition and his concern for the people of his home island. Perhaps it will inspire others in the legal community to help rural areas develop their own systems along this model.

5.6 Offices of Public Prosecutor and Public Solicitor

After a lengthy vacancy, the post of Public Prosecutor was filled in March 1999 by Heather Lini Leo, a former solicitor for this office. The Prosecutor now has three solicitors and one legal adviser (funded through the AusAID Legal Strengthening Project). For the first time in many years, the Luganville branch office is now staffed full-time by a lawyer. The new Public Prosecutor recently publicised the poor physical state of the office and the lack of adequate resources to handle the caseload. As well, the Ombudsman continues to receive complaints about the delay in prosecutions of criminal matters, which unfairly denies basic justice to the public and to persons accused of crimes.

Similarly, the Public Solicitor's office is also unable to meet its enormous volume of civil and criminal defence cases, due to inadequate funding. In response to the Ombudsman's request for information, the Public Solicitor was able to assure the Ombudsman that the Public Solicitor had established satisfactory criteria for setting priorities among the cases that the Public Solicitor deals with. The criteria allow the Public Solicitor to consider the need of a litigant and the merits of the litigant's case to ensure that the Public Solicitor directs the resources of that Office appropriately.

Both these constitutional offices require increased support if they are to realistically carry out their duties to the public.

Unfortunately, adequate government and foreign aid funding can only solve part of the problem. Vanuatu will continue to suffer from a lack of qualified ni-Vanuatu lawyers to staff these offices unless our young people are encouraged to pursue law degrees and to put their skills to use here. We are hopeful that the eight ni-Vanuatu students who have recently completed their legal studies (five at USP, two at the University of PNG and one in Canada) will join the local legal community and apply their skills in the public sector. With proper training and funding, Vanuatu's civil and criminal courts can be served by high-quality legal advocacy and thereby deliver sound, timely judgments.

5.7 Statutory Bodies

The Ombudsman has jurisdiction to enquire into the conduct of board members, employees and leaders associated with the following government agencies:

Air Vanuatu
 Financial Services Commission (FSC)
 Municipal Councils
 National Bank of Vanuatu (NBV)
 National Housing Corporation (NHC)
 National Tourism Office (NTO)
 Provincial Governments
 Vanair Limited
 Vanuatu Commodities Marketing Board (VCMB)
 Vanuatu National Provident Fund (VNPF)

A more full and comprehensive list has been attached (see schedule 2) for ease of reference. This jurisdiction also extends to those companies in which provincial governments are shareholders. The Northern Island Stevedoring Company Limited (NISCOL) is one such example.

Some of these government agencies assist this office with its enquiries. As a result, a few of these complaints are sorted out and resolved.

On the other hand, most public authorities under investigation have not co-operated fully. In many cases, their co-operation appears to be half-hearted and their responses are incomplete or unreliable. This lack of co-operation leads to the following results:

A complaint involving mal-administration cannot be sorted out. The offending practice continues without remedial action taken by the authorities, and inefficiency or failure to provide the public proper service continues. Complaints involving breaches of the Leadership Code cannot be properly investigated, and these breaches continue, to the detriment of the public good.

The complainant continues to suffer and the complaint is not resolved in a manner that suits both parties.

In quite a number of inquiries, leaders are not cooperative with the investigations and refuse to answer inquiries or provide to evidence, requiring the Ombudsman to initiate criminal proceedings to force their compliance with summonses. Three of the five cases filed with the Supreme Court this year involve board members of public authorities. Failure to appear in response to a summons is a criminal act punishable by a fine. One can only assume that they do not want the Ombudsman to uncover and reveal misconduct.

6 CASE STUDIES

Not all the complaints received by the Office of the Ombudsman result in investigation and public reports. Some complaints do not fall within our jurisdiction and others are not justified. However, sometimes we can assist the parties to reach an agreement to resolve the matter (as long the matter does not involve a breach of the Leadership Code). Below is a sampling of cases where both parties were satisfied after the intervention by the Ombudsman, or where a resolution appears to have been achieved.

6.1 Travel Expenses Paid for Doctor's Family

The widow of a doctor who had worked at Norsup Hospital contacted the Ombudsman for help in obtaining a return ticket to their home in Belgium, Europe. The doctor, who had died during his assignment to Norsup, was entitled to return airfare for himself and his family under his contract with the Department of Health. After his sudden death, his wife

requested that the Health Department arrange for airline tickets for her and their baby to travel back to Belgium. The Health Department personnel representative appeared to delay at every turn.

The widow reserved her trip home and contacted the Ombudsman 10 days before her scheduled flight. The Ombudsman quickly approached the Health Department and the Public Service Commission about the matter. Once they became aware of the situation, they worked together and a Public Service Department representative paid for the return tickets 3 days before the flight, allowing the widow and baby to return to their home country under the terms of the contract.

6.2 Prisoner's Complaints Reviewed

A man who had been sentenced to 15 years in prison for murdering his wife asked the Ombudsman for help on two separate matters. First, he wanted to see his children, who were in the custody of their mother's relatives, by virtue of a court order. Second, he had contracted an infection while in prison and alleged that it was caused by poor food served in there. He alleged that he was entitled to disability pay as a result.

The Ombudsman contacted the Public Solicitor on behalf of the prisoner. The latter office advised that the prisoner had little hope of challenging the court order regarding custody while he was still in prison. However, when the man was released in 1998, the Ombudsman advised him to consult the Public Solicitor again for assistance and advice on the matter.

The Ombudsman's Office also contacted Vila Central Hospital and discovered that the prisoner had indeed undergone surgery for the infection, but that he had enjoyed a full recovery and was free from disability. The office informed him that his disability complaint was unjustified and closed the file on the case.

6.3 Improved Medical Care

A patient of Vila Central Hospital complained that he did not receive adequate examination or diagnosis from the medical staff. On several visits to the hospital, he was diagnosed and treated only for a viral infection, but he believed that his condition was more serious.

The investigator sought his medical files but discovered that some of his records and charts were missing. The doctors involved were summoned for interviews at the office and they preferred that the man undergo a thorough check-up. Upon examination, the doctors discovered that the patient suffered from cardiomyopathy, a serious disease of the heart muscle. After several more communications between the Ombudsman, Vila Central Hospital and the Attorney General, the hospital administration arranged for the man to receive specialised medical treatment in New Zealand. He has since returned to Vanuatu and reports to Vila Central Hospital for regular check-ups.

6.4 School Official's Misuse of School Funds

A school employee reported to the Ombudsman's office that the school's principal had permitted the deputy principal the use of VT 400,000 in school funds to purchase a car for private use. The complainant alleged that the deputy principal had misappropriated funds from schools at which she had previously taught.

The investigator first checked to see whether the deputy principal had a criminal record; the police confirmed that she did not. However, the Teaching Services Commission confirmed that the deputy principal had, in fact, misused school funds and acted inappropriately by disobeying transfer instructions and other TSC rules.

After the Ombudsman brought this matter to the TSC's attention, the deputy principal repaid the money and was disciplined for her misconduct. She was removed from the deputy principal position and she will no longer hold a senior position without the Director of Education's recommendation. The school principal was not disciplined for allowing the

deputy to use school funds for personal use, but he was transferred to another school, where he would receive a lower salary, for one year.

6.5 Two Matters Beyond our Jurisdiction

A Port Vila business association submitted a complaint to the Office alleging that its executive officer had misused association funds and land. Although the complaint alleges maladministration, the association is a private one, rather than a part of the government or public service, and the conduct of its executive officers therefore falls outside of the Ombudsman's jurisdiction to investigate.

A private party complained to the office that an officer of a public corporation was engaged in an adulterous affair. Although the official or professional conduct of officers and directors of public corporations falls within the Ombudsman's authority to investigate, non-criminal conduct of a personal nature does not. The office declined to investigate the matter.

7. END NOTE

As an appropriate conclusion to the 1998/1999 Annual Report from the Office of the Ombudsman, we are including samples of good wishes from citizens and the like:

Encouragement.....

Dear Mrs Ombudsman,

You are doing a great job! Be encouraged that the whole nation of Vanuatu is behind you and your good work...

This from a similar office from abroad:

...I have perused your very positive and very interesting 4th Annual Report for 1997/98.

What a year it has been for you and your staff. Your Office has produced extremely valuable work in endeavouring to make public authorities more accountable and transparent and generally improve public administration in Vanuatu. In view of the efforts made to create an environment to make life difficult or nigh impossible for your Office to continue its work, you and your officers are to be commended for your "fire in the belly" and your fortitude to stand firm and carry on the good fight...

Public Reports.....

As previously mentioned, public reports were distributed to selected posts on the outer islands of the country. A recipient wrote:

...Mi glad blong lettem yufala I save se mi recevem gud tufala pakets blong ol copies blong ol "Public Rapport" we yufala been sendem long me....Mi been presentem ol "Public Rapport" ya during wan public meeting blong school...plante invitation I kam blong mi go storian small about ol "Public Rapport" ya long ol different Nagamal long eria blong mi...plante long ol people ya I nvea gad chanve blong kasseem education some bles bifore. Olgeta stap mainly long bush nomo. Olgeta glad blong haren ol news mo Rapport olsem...

Schedule I

Recommendations of Office of the Ombudsman

* note that this list is incomplete and more information can be obtained from public reports issued.

Name	Public Report Title
DISMISSAL AND/OR NEVER AGAIN APPOINT TO COUNCIL OF MINISTERS, PUBLIC OFFICE, BOARDS, AND/OR POSITIONS OF PUBLIC RESPONSIBILITY, ETC.	
Immigration Officers Mr Wai, Mr Tofo and Mr Rex Bovenga	Immigration
Mr Aime Malere	MV Savin Fana
Mr Alexander Palavi	Deputy General Manager of VNPF
Mr Alfred Maliu	National Bank of Vanuatu, Prince II
Mr Amos Andeng	FX & BM Cleaning Service Contract, Prince II
Mr Amos Bangabiti	Land Lease By Former Minister of Foreign Affairs, MV Savin Fana, VNPF Housing Loan Scheme, Appointment of Senior PWD Staff
Mr Anatole Hymak	National Bank of Vanuatu
Mr Andre Lesines	Improper Appointment of Health Staff
Mr Andre Manamuri	Deputy General Manager of VNPF
Mrs Antoinette Coulon	Mme Coulon
Mr Barak Sope	Bank Guarantees, Cybank, Multiple Breaches of Leadership Code, Volani International
Mr Brothy Faratia	Deputy General Manager of VNPF, VNPF Housing Loan Scheme
Mr Charlie Nako	Nambawan Bottle Shop, VNPF Housing Loan Scheme
Mr Charlot Salwai	Deputy General Manager of VNPF
Mr Demis Lango	Demis Lango
Mr Edward Bani	Volani International
Mr Edward Tambisari	Newborn Twins, VNPF Housing Loan Scheme
Mr Edwin Basil	Mme Coulon
Mr François Batick	Immigration
Mr George Borugu	Bank Guarantees
Mr Irene Bongnaim	National Bank of Vanuatu
Mr Jimmy Esau	National Bank of Vanuatu
Mr John Mark Bell	Ordinary & Diplomatic Passports, Resort Las Vegas, Ordinary & Diplomatic Passports (Chen)
Mr Johnny Tensley Lulu	Mme Coulon, Forestry Department
Mr Josias Moli	VNPF Tender
Mr Knox Kalkaua	Paunangisu Village
Mr Luc Siba	Delay in Police Investigations, Paunangisu Village
Mr Maxime Carlot Korman	FX & BM Cleaning Service Contract, Land Lease by Former Minister of Foreign Affairs, VNPF Housing Loan Scheme, Betsie Account, Mme Coulon, Appointment of Senior PWD Staff
Mr Noel Tabiusu	Ordinary & Diplomatic Passports, Ordinary & Diplomatic Passports (Chen)
Mr Paul Telukluk	VNPF Housing Loan Scheme, Roger Tary & Paul Telukluk, Granting of Leases, 10 Deportees Property, Paul Telukluk & Family

Mr Peter Sali	Ordinary & Diplomatic Passports, Ordinary & Diplomatic Passports (Chen)
Mr Petre Malsungai	Cybank, Deputy General Manger VNPF, Prince II
Mr Roger Tary	Roger Tary & Paul Telukluk, 10 Deportees Property
Mr Romain Batick	Immigration, VNPF Housing Loan Scheme
Mr Samson Ngwele	Bank Guarantees
Mr Samson Toara	VNPF Tender, National Bank of Vanuatu
Mr Serge Vohor	Ordinary & Diplomatic Passports, Resort Las Vegas, Ordinary & Diplomatic Passports (Chen), VNPF Housing Loan Scheme, Volani International, Prince II
Mr Sethy Regenvanu	VNPF Housing Loan Scheme
Mr Sinker Cecil	VNPF Housing Loan Scheme
Mr Tiro Vanua	Newborn Twins
Mr Vidal Soksok	Resort Las Vegas
Mr Vincent Boulekone	Volani International
Mr William Mael	Mme Coulon
Mr Willie Jimmy	Nambawan Bottle Shop, Immigration, Deputy General Manager of VNPF, Ordinary & Diplomatic Passports, Ordinary & Diplomatic Passports (Chen), MV Savin Fana, VNPF Housing Loan Scheme, Mme Coulon, Illegal Payments of PM's Office Staff and Finance Department
Mr Yves Niowenmal	Newborn Twins, Hospital Panel Signs
DISCIPLINE/REPRIMAND	
Mr Jean Sese	Resort Las Vegas
Mr Demis Lango	Demis Lango
Mr Pakoa Samuel, re Paunangisu	Paunangisu Village
Ms Elizabeth Muliaki	Land Lease Title 11/OE22/016
Mr Peter Tulangi	10 Deportees' Properties
Mrs Russel	10 Deportees' Properties

Schedule 2

SCHEDULE OF ALL STATUTORY BODIES

(bodies established by or under a law of Vanuatu, for public or official purposes)

Assessment Commission (public utility expropriation)
 Asset Management Unit
 Board appointed to visit and inspect the mental hospital
 Censorship Boards
 Chambers of Commerce
 Civil Aviation Corporation
 Citizenship Commission
 Cocoa Appeals Committee
 Compensation Board (strikers)
 Council Committee on Political Advisors
 Development Bank of Vanuatu
 Developmental Committee of Officials (for Council of Ministers)
 District Education Boards
 Education Advisory Council
 Electoral Commission
 Expenditure Review Committee
 Foreign Investment Board
 Government Remuneration Tribunal
 Health Practitioners Board (and disciplinary committees)
 Labour Advisory Board
 Land Corporations
 Land Surveyors Board
 Land Transport Boards
 Law Commission
 Law Council (and disciplinary committees)
 Local Government Councils
 Maritime Appeal Tribunal
 Meat Advisory Board
 Minimum Wages Board
 Municipal Councils
 National Bank of Vanuatu
 National Council of Chiefs
 National Housing Corporation
 National Parks Board (and local management committees)
 National Tourism Office
 Pesticides Committee
 Pharmacists Practitioners' Commission
 Police Service Commission
 Prices Advisory Committee
 Price Control Bureau
 Prison Visiting Commission
 Public Service
 Public Service Commission
 Public Service Disciplinary Board
 Reserve Bank of Vanuatu
 School Committees
 School Councils
 South Pacific Centre for International Relations
 Statistics Committee
 Teaching Service Commission
 Teaching Service: Promotions Appeal Board
 Teaching Service: Disciplinary Appeal Board
 Tenders Board
 Urban Community Councils
 Value Added Tax Tribunal
 Vanuatu Broadcasting and Television Corp.
 Vanuatu Commodities Marketing Board
 Vanuatu Financial Services Commission

Vanuatu Maritime Authority
Vanuatu National Cultural Council [National Archives]
Vanuatu National Sports Council
Vanuatu National Provident Fund
Vanuatu Police Force
Vanuatu Teaching Service
Vanuatu Red Cross Society



Legal Officer, Ms Mary-Grace Nari and former Legal Counsel, Ms Shirley Netten make up the strong hold of this Office, the Legal Team.



Investigator Ms Delphine Kapalu met over 104 young people of Francophone countries at a Conference in Geneva. March 1999

The Ombudsman Kona is prepared by Investigator, Ms Hanaline Toa (below).





The "Workshop on Accountability and Corruption in Melanesia" held at the ANU in Canberra was attended by Director of Leadership Code, Mr Alfrd Maho (front far left) and Legal Officer, Ms MaryOGrace Nari (front, third from left). November 1998



Former Ombudsman, Marie-Noëlle Ferrieux Patterson is received at Mission Bay, Futuna. June 1998