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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF  
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Question of the New Hebrides

Note by the Secretary-General

1. The Secretary-General has the honour to transmit to the members of the General Assembly the report of the United Nations Mission to Observe the Elections in the New Hebrides, established in accordance with paragraph 8 of General Assembly resolution 34/10 of 2 November 1979.
2. The report, which was adopted by the Mission on 18 December 1979 and therefore was not available in written form before the closure of the thirty-fourth session of the General Assembly, was orally introduced by the Chairman of the Mission at the 101st plenary meeting of the thirty-fourth session of the General Assembly, on 21 December 1979 (see A/34/PV.101, pp. 76-78).

ANNEX

Report of the United Nations Mission to Observe the  
Elections in the New Hebrides

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18 December 1979

Sir,

We have the honour to transmit to you the report of the United Nations Mission to Observe the Elections in the New Hebrides, 1979, established in accordance with paragraph 8 of General Assembly resolution 34/10 of 2 November 1979.

Accept, Sir, the assurances of our highest consideration.

(Signed) Berenado VUNIBOBO

Ron S. MORRIS

Lobognon Pierre YERE

Nkwelle EKANEY

Hiss Excellency  
Mr. Kurt Waldheim  
Secretary-General of the  
United Nations  
New York

/...

## I. INTRODUCTION

### A. Mandate of the Mission

1. The question of the New Hebrides has been the subject of General Assembly resolutions since its twentieth session, in 1965. a/ At its thirty-fourth session, the General Assembly adopted resolution 34/10 of 2 November 1979, by which it welcomed the joint commitment of the two administering Powers (France and the United Kingdom of Great Britain and Northern Ireland) to the independence of the New Hebrides and noted their invitation to the Secretary-General to dispatch a mission to observe the forthcoming elections in the Territory. b/ The Assembly further requested the Secretary-General, after consultation with the Chairman of the Fourth Committee, to appoint a mission to observe the forthcoming elections in the Territory and to report thereon.

### B. Composition of the Mission

2. At the 52nd plenary meeting, on 2 November, the President of the General Assembly announced that the Secretary-General, in accordance with paragraph 8 of General Assembly resolution 34/10, had appointed the following States as members of the United Nations Mission to Observe the Elections in the New Hebrides: Australia, Fiji, Ivory Coast and United Republic of Cameroon.

3. Subsequently, the four Member States designated the following persons to represent them on the Mission:

Mr. Nkwelle Ekane (United Republic of Cameroon)

Mr. Ron S. Morris (Australia)

Mr. Berenado Vunibobo (Fiji)

Mr. Lobognon Pierre Yere (Ivory Coast)

Mr. Vunibobo served as Chairman of the Mission

4. The following staff members of the United Nations Secretariat accompanied the Mission from New York: Mr. Richard Wathen, Principal Secretary; Miss Joan Seymour,

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a/ Resolution 2069 (XX) of 16 December 1965.

b/ See A/34/616.

Political Affairs Officer; Mr. John Cabrera, Administrative Officer; and Mr. Henri Pieters, Secretary. Three interpreters from the United Nations Office at Geneva joined the Mission before its arrival in the Territory: Mr. Claude Echard, Mrs. Nicole Sion-Mathieu and Miss Catherine Pecker.

C. Itinerary and programme

5. On Monday, 5 November, in preparation for its departure from Headquarters the following day, the Mission held consultations with the following representatives of the administering Powers: Mr. Jean-Claude Brochenin of France and Messrs. Nicholas Thorne and Ian A. Woods of the United Kingdom.

6. On 7 November, the Mission arrived in Paris, where it was briefed by representatives of the Ministry of Foreign Affairs and the Ministry of the Interior (Overseas Departments and Territories) on 7 November.

7. On 8 November, having been prevented by a strike of French air-traffic controllers from flying to London to hold similar meetings with members of the United Kingdom Foreign and Commonwealth Office, the Mission proceeded to Frankfurt by train to pick up its air transportation to the Territory, where it arrived on 11 November. (For the itinerary of the Mission, see appendix I to the present report.)

8. The Mission completed its tour of the New Hebrides on 19 November and travelled from there to Suva, Fiji, on the same day. In Suva, the Mission began work on the outline of its report. The Mission departed from Fiji on 21 November for United Nations Headquarters.

9. The short notice before the dispatch of the Mission appeared to have prevented adequate advance publicity about it in the Territory. As a consequence, the Mission found upon its arrival that most people were ignorant of its purpose and were unaware that the United Nations would observe the elections. Following representation by the Mission, some publicity was provided. It should be noted, however, that there was a decided lack of balance in the languages of available press information; in particular, publicity in English was scarce.

10. The Mission wishes to make a general observation concerning the organization of missions dispatched by the United Nations. As far as the present Mission is concerned, the time elapsed between the issuance of the invitation by the administering Powers and the granting of a mandate by the General Assembly to dispatch the Mission itself left virtually no time for preparation on the part of the members of the Mission.

11. The Mission also believes that some latitude needs to be exercised in deciding the mode of travel, given the distances to be covered. In the case of the present Mission, only the four members of the Mission travelled first class and in their view it would have been preferable if the entire party had travelled first class, as the constraints of distance and travel time equally affect delegates and staff members of the Secretariat.

D. Acknowledgements

12. The Mission wishes to record its deep appreciation to the Governments of France and the United Kingdom for the full co-operation and efficient assistance accorded it in New York, in Paris and in the Territory. It recalls again that, owing to circumstances over which it had no control, it was unable to meet with the Minister of State and officials of the Foreign and Commonwealth Office in London.

13. The Mission is sincerely grateful for the warm hospitality and courtesy extended during the Mission's stay in Paris by Mr. Olivier Stirn, Secretary of State at the French Ministry of Foreign Affairs; Mr. Difenbaker, Director of the Cabinet of the Minister of Overseas Departments and Territories; Mr. Monpezat, Director of Political, Administrative and Financial Affairs, Secretariat of State at the Ministry of the Interior and by senior officials of the two Ministries of the French Government. The Mission also wishes to thank the Director of the United Nations Information Centre at Paris for his assistance. It also welcomed the assistance given it by the French Consul-General in Sydney during its brief stop there to change planes.

14. The Mission wishes to convey its particular appreciation to the Resident Commissioners, Mr. Andrew C. Stuart of the United Kingdom and Inspector-General J. J. Robert, Special Delegate of the French Republic, and to their respective staff, including Mr. Sidney Palmer and Mr. Pierre Salles, for their constant assistance and the warm hospitality extended to the Mission during its stay in the Territory.

15. The Mission would like to give special thanks to Mr. Nicholas Thorne of the New Hebrides desk at the Foreign and Commonwealth Office in London, who acted as liaison to the Mission initially in New York and subsequently when the Mission arrived in the Territory.

16. The Mission also wishes to express its profound appreciation for the warm reception accorded by the interim Government of Father Gérard Leymang, particularly as it came at a time when all were concerned with the critical period of the electoral campaign. The Mission's appreciation goes out also to the various representatives of the political parties with whom it met. Their helpful attitude and their knowledge of the Territory and its problems contributed greatly to the Mission's understanding of issues during the short time it was in the Territory.

17. Finally, the members of the Mission also wish to place on record their gratitude to the Government of Fiji, in particular to Mr. J. Kotobalavu, the Secretary of Foreign Affairs, for the hospitality extended to the Mission and for the facilities placed at its disposal during its stay in Fiji.

## II. GENERAL INFORMATION ON THE TERRITORY

### A. Description of the Territory

18. The Territory of the New Hebrides includes an irregular chain of 80 islands located in the Coral Sea between 12 and 21 degrees South latitude and 166 and 171 degrees East longitude, covering an area of 11,882 square kilometres. The largest single island is Espiritu Santo, 3,947 square kilometres, while Efate, with the capital, Port Vila, is 915 square kilometres. The islands are spread in the shape of a Y extending about 800 kilometres from north to south.

19. Besides the two islands mentioned, the larger islands of the group include Malekula, Aoba, Maewo, Pentecost, Ambrym, Epi, Erromango, Malo, Tanna and Aneityum. The Banks group, 80 kilometres due north of Espiritu Santo and the Torres group, 60 kilometres north west of the Banks group also form part of the New Hebrides.

20. The highest peak in the Territory is Mount Tabwemasana (1,877 metres), on Espiritu Santo, while Mount Lairiri, or Pic Santo, also on Espiritu Santo, reaches 1,652 metres. While half the islands are merely islets or rocky volcanic outcrops, the remainder are also punctuated by numerous peaks in a terrain dominated by mountains and plateaux with only limited coastal plains. There are a number of active volcanoes within the Territory. Some lakes are maintained in volcanic depressions, as on Gaua and Aoba.

21. The south-east trade winds prevail, with frequent calms often followed by winds from the north and east which bring rain. At Port Vila, the average year-round humidity is 83 per cent and average annual rainfall is about 2,300 millimetres. In the southern hemisphere winter (June to September), the southern islands, including Efate, can experience quite cool weather; and in the summer (December to April), all islands in the group are subject to typhoons.

22. Tropical rain-forests abound with a thick undergrowth of ferns and vines as well as large banyan trees, such as Barringtonia and Eugenia, known locally as Nabanga.

23. Archaeological studies indicate that the New Hebrides have been inhabited for many years, with sites in the southern islands dated at 420 BC and in the northern part from 1300 BC. European discovery of the New Hebrides dates from 25 April 1606, when the Spanish explorer Pedro Fernández de Quiros sighted the Banks Group and Maewo and then landed at the island he named Australia del Espiritu Santo, now called Espiritu Santo. Quiros and his party departed after 55 days, having failed to establish a settlement there. It was not until 1768 that the French navigator Louis Antoine de Bougainville happened upon the islands, and it fell to Captain James Cook to discover and chart the islands in 1774 and to give them the name New Hebrides. The Banks group was discovered by Captain William Bligh in 1789, when, following a mutiny, he sailed through the area. The discovery of the Torres Islands, among the last in the Pacific to be discovered, was confirmed by Captain J. E. Erskine in 1850.



24. The discovery of sandalwood at Tanna in 1825 led to the development of trade in this commodity; however, the methods used by the European traders often led to serious violence and resulted in the massacre of the first European missionaries who tried to land on the island in 1839. None the less, missionary activity continued during the 1840s and 1850s with some degree of success, until an epidemic of measles broke out in 1860, killing thousands of people in the southern islands. The survivors of the epidemic blamed the missionaries and revolted against them, resulting in the closure of missions at Erromango and Tanna for a period.

25. The recruitment of labour from the New Hebrides to work in New South Wales, Australia, began in 1847 and was extended to the sugar plantations of Queensland and the cotton plantations of Fiji. Abuses of this trade soon became evident, and in 1872, after missionary protests about "black-birding" (kidnapping for forced labour), the British Government passed the Pacific Islanders Protection Bill in an effort to outlaw kidnapping. The bill did not, however bring an end to the trade in labour, as cajolery and misrepresentation were substituted and in the 1880s large numbers of islanders could still be found in Queensland, Fiji, and New Caledonia.

26. At the same time, the number of traders and settlers, mainly British and French, continued to grow, as did their purchases of land from the islanders. One of the land-buyers, Mr. John Higginson, a naturalized French citizen from New Caledonia, proposed to the French Government the annexation of the New Hebrides. Although the French Government turned down this suggestion, they proposed the resettlement of liberated convicts from New Caledonia in the New Hebrides. Protests against this move were organized in Australia by Mr. J. G. Paton, a missionary, who then sought to have the New Hebrides annexed. In 1878, the French Government proposed to the United Kingdom Government that the independence of the New Hebrides be respected. During the next eight years, numerous proposals and counter-proposals were made, ending with agreement in 1886 to set up a Joint Naval Commission in the Territory. A convention was signed in 1887, and the final details were settled in Paris on 26 January 1888. The Commission, which was charged with the protection of the lives and property of the subjects of the United Kingdom and France, was composed of two British and two French naval officers from the warships of the Western Pacific, and presided over alternately by British and French commanders. There was, however, no civil law under which to enforce any kind of contract, and in 1906, the two Governments agreed to establish a condominium.

#### B. Population

27. Until 1978, the only census held in the New Hebrides was in May 1967. Although it could not be considered completely accurate, the 1967 census revealed a total population of 77,988, including the indigenous and expatriate populations. The latter are obliged under the terms of the 1914 Protocol (see para. 30 below) to choose the governmental system applicable either to the British or French "ressortissants". Among those having chosen the French system are Vietnamese, and among those having chosen the British system are Chinese, Fijians,

Gilbertese (I-Kiribati) and other Pacific islanders. The results of the 1978 census are not available.

28. At 15 January 1979, the population was estimated at 112,596. It is composed essentially of Melanesians but includes about 1,000 Polynesians or Micronesians and 5,000 Europeans of whom 2,931 are French.

29. Bislama, a sort of Pidgin English, constitutes the lingua franca of the country, English and French being the official languages. Nearly 130 Melanesian dialects are also spoken.

### C. Government and administration

#### 1. Relations between the administering Powers and the Territory

30. The status of the Territory of the New Hebrides is set out in the conventions adopted by France and the United Kingdom dated 16 November 1887 and 20 April 1906, and modified by the Anglo-French Protocol of 6 August 1914, as amended on 15 September 1977 to provide for the progressive transfer of authority to a territorial Representative Assembly and a Council of Ministers. In addition to those organs there are municipal and community councils and a Chamber of Commerce. A Chief Minister is the head of the territorial Administration. British and French resident commissioners act on behalf of non-resident High Commissioners responsible for discharging the residual responsibilities of the administering Powers. The three former services (British National Service, French National Service and Joint (Condominium) Services) are being unified and placed under the control of New Hebridean ministers.

31. French citizens also take part through the constituencies of New Caledonia in the vote for a deputy and a senator in the French National Assembly. They also have the right to vote in French referendums.

#### 2. Structure of the interim Government

##### Executive

32. In January 1978, the Representative Assembly, which had been installed as a result of the elections of 29 November 1977, chose Mr. Kalsakau as the Chief Minister. Mr. Kalsakau formed a Government in accordance with the exchange of letters dated 15 September 1977 referred to in paragraph 43 above. According to this exchange of letters, the administering Powers maintained competence only in the areas of the defence of the Territory, public order, foreign affairs and monetary issues.

33. On 15 December 1978, Mr. Kalsakau's Government was censured by the Representative Assembly which then chose Mr. Leymang, a Catholic priest who represented the island of Malekula. Mr. Leymang formed a Government composed of four ministers from the moderate parties who had been in power since January 1978, and four ministers belonging to VAP, with Mr. Lini as Deputy Chief Minister.

### Legislature

34. The 1978 Representative Assembly consisted of 42 members, including 4 representatives of the chiefs and 38 members elected by universal suffrage for a period of three years. The Assembly elected its President and Vice-President. It had general legislative competence and was responsible for the administration of the Territory.

### Judicial

35. The 1914 Protocol provided for three courts: the Joint Court and the French and British National Courts. Subsequently, the Courts of First Instance and the Native Courts were formed. There is also a Public Prosecutor. The Joint Court in theory comprises a British and a French judge, with a President of neutral nationality. c/ For some years, under special arrangements, the British and French judges have carried out jointly the duties of President. Public Prosecutors have been appointed by the Resident Commissioners jointly, as required.

36. The Joint Court is a court of final adjudication in matters of purely condominium nature, its chief function being that of a land court governing the registration of indefeasible titles to land. It may also settle cases between any parties, indigenous or non-indigenous, brought before it by consent of both. There is an appeal to the Joint Court from all judgements of the Courts of First Instance and from important civil judgements of the Native Courts.

37. Courts of First Instance are established in each of the four administrative districts. They are presided over by the British and French district agents or by a special appointee sitting with one assessor. When the accused is French, the President of the court is French and so is the assessor.

38. Native Courts are composed of either a British or French district agent or a specially appointed magistrate assisted by two New Hebridean assessors. A unified criminal code applicable to all people of the Territory, whether New Hebridean, British or French, was to be introduced in 1978.

### 3. Public service

39. In the past, each national Government has maintained its own public service and there has also been a joint or condominium service. In 1977, for example, the staff of the British administration numbered 619, of whom 117 were overseas officers, 485 New Hebrideans, 16 other Pacific islanders and 1 other expatriate. The French at that time had 1,033 personnel staff members, including 352 overseas officers, 601 New Hebrideans and 44 other Pacific islanders. The Condominium Administration employed an additional 1,033 personnel staff members: 191 from overseas, 743 New Hebrideans and 99 other Pacific islanders.

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c/ Originally, the President of the Joint Court was to be appointed by the King of Spain.

#### 4. Local government

40. For administrative purposes, the Territory is divided into four districts, each of which is in the joint charge of a British and French district agent. The four districts are Southern, Central No. 1, Central No. 2 and Northern, with headquarters at Lenakei (Tanna), Port Vila, Lakatoro/Norsup (Malekula) and Santotown, d/ respectively.

41. The first municipal councils based on the principle of the French commune were elected in August 1975 in Port Vila and Santotown as part of the political evolution agreed upon by the administering Powers in July 1975 (see para. 32 above).

42. Community councils have also been formed at Erakor (Efate), Tongoa and Lamap (Malekula). Another was planned for Nguna (Efate).

#### 5. Constitutional development

43. Until the early 1970s, the 1914 Protocol saw only occasional minor modifications. Until 1975, there was an Advisory Council, established in 1957 and enlarged in 1969 to 30 members, 24 unofficial and 6 official members, including the British and French resident commissioners. Fourteen of the unofficial members were elected. Following Anglo-French ministerial talks in November 1972 and July 1975, the administering Powers agreed, inter alia, to replace the Advisory Council with a Representative Assembly invested with new powers and responsibilities. The final meeting of the Advisory Council was held in April 1975.

44. The first elections for the Representative Assembly took place in November 1975. The new Assembly, was composed of 42 members: 4 representatives of the Chiefs, 29 members elected by universal suffrage and 9 appointed members from among the economic interests of the Territory. In that election, the New Hebrides National Party won 17 of the 29 seats contested and the Union des communautés des Nouvelles-Hébrides (UCNH), the main opposition party, won 10. The National Party, which was subsequently renamed the Vanua aku Pati (VAP), at that time sought independence within two years. e/

45. At the first meeting of the 1977 session of the Assembly, VAP introduced a motion, which was defeated, to abolish six seats held by the Chamber of Commerce. The motion would also have established a ministerial system with executive power and formulated a future government structure for the Territory. Members of VAP, which then held 21 of the 42 Assembly seats, were said to object to the representation of economic interests, on the grounds that it constituted undemocratic composition of the Assembly.

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d/ Santo or Santotown is the local name for Luganville, the capital of the island of Espiritu Santo.

e/ Information on the political parties in the Territory is set out in paras. 177-184 below.

46. Following that meeting, members of VAP absented themselves for the remainder of the session. An impasse developed and the administering Powers, recognizing the impossibility of convening a full meeting of the Assembly, held a conference at Port Vila in March 1977 to consult the leaders of all political parties on the situation. As a result, the first Assembly was dissolved and another conference was held in Paris in July 1977 to which all political parties were invited to send representatives. Pending the holding of new elections, a seven-man provisional council was established with advisory but not executive powers. VAP did not participate in the July conference, having failed to obtain certain assurances from the administering Powers that they would: (a) reduce the voting age from 21 to 18 years; (b) restrict electors to the local population; (c) allow VAP, if elected, to form a Government; (d) grant self-government immediately; and (e) hold a national referendum on independence at the same time as the elections.

47. As a result of the conference, elections for a new 39-member Assembly with increased powers were held on 29 November 1977. As VAP had boycotted those elections, only candidates from the other parties were elected, unopposed. Mr. George Kalsakau was elected Chief Minister. In December 1978, however, agreement was reached between the political parties that VAP should join a government of national unity, the task of which would be to prepare a draft constitution for the New Hebrides, to consult the people of the Territory on independence and the draft constitution, and to organize elections to take place before independence. VAP assumed half of the ministerial portfolios in the government of National Unity and Mr. Walter Lini, the President of VAP, became the Deputy Chief Minister.

48. On 5 April 1978, the Chief Minister, the President of the Representative Assembly and the President of VAP agreed to issue a public communiqué outlining a seven-point agreement on inter alia, the achievement of unity, the establishment of an ad hoc committee on electoral reform and the holding of new elections after a census had been carried out.

49. On 18 July 1978, the Representative Assembly met in extraordinary session, its chief business being the report of the Ad Hoc Committee on electoral reform. It quickly approved more than half of the 37 recommendations made by the Committee, including one that the voting age be lowered from 21 to 18 years, which would add approximately 8,000 voters.

50. The Assembly rejected the Ad Hoc Committee's recommendation that the general elections be held on 16 April 1979. The 10 members of the Committee had been evenly divided on that point, but decided to send forward the 16 April recommendation. Five did not agree that a date should be fixed, in case the Government could not keep to it. Those in favour, however, thought that a fixed date would serve as a target, which, if it proved to be too early, could be postponed. The Assembly, for its part, decided that the election should take place as soon as possible after the holding of a census, which would provide information for the electoral lists.

51. At a meeting held in London on 3 July 1979, Mr. Paul Dijoud, the French Secretary of State at the Ministry of the Interior (Overseas Departments and

Territories), and Mr. P. Blaker, Minister of State at the Foreign and Commonwealth Office, on behalf of the administering Powers and in agreement with the Government of National Unity, set forth the process which would lead the New Hebrides to independence, including the following: (a) adoption of a constitution of the new state; (b) election of the Representative Assembly and the regional councils; (c) establishment of the new Government; and (d) independence.

52. On 19 September 1979, the draft constitution, prepared by the Constitutional Council composed of representatives of the various political factions in the Territory, was approved by the Government of National Unity and the French and British ministers at Port Vila. Subsequently, the draft was the subject of a campaign of public hearings, meetings and discussion among the people of the Territory, following which the approval of the Constitution was confirmed on 5 October 1979 at Port Vila by a solemn declaration of the members of the Government and of the Constitutional Committee.

53. The Representative Assembly elected on 29 November 1977 was dissolved as at 5 October 1979 by a joint order of the Resident Commissioners of the same date (see appendix IV to the present report). After having accepted the resignation of Mr. Leymang's Government, the Resident Commissioners requested the Cabinet to form an interim Government until the new Assembly named a new Chief Minister (see appendix V to the present report).

54. The second stage included the elections of the Representative Assembly and the regional councils, the date of which was set for 14 November 1979. The procedure for these elections was defined by an exchange of letters between the two administering Powers dated 15 September 1977 as amended on 18 September and 23 October 1979 (see appendices XI-XIII to the present report).

55. As a result of the 14 November elections, VAP took 26 of the 39 seats in the Representative Assembly (see para. 317 below) and the Mission has been informed that on 27 November 1979 it was called upon to form a new Government. On 29 November, the new Representative Assembly elected Mr. Lini Chief Minister and Mr. George Kalkoa Deputy Chief Minister.

#### D. Economic and social conditions

##### 1. General

56. The economy of the New Hebrides is based mainly on subsistence gardening and the production of copra (mainly for export), which for the most part is restricted to the coastal plains and low plateaux on the islands of Malekula, Espiritu Santo, Aoba and Ambrym. Other exports are meat (both frozen and tinned), frozen fish, coffee and cocoa. Over the past year, growth has continued in the main sectors of the economy, while the tourist industry has continued to expand with an increasing number of arrivals by sea and air. Efforts to revive production of timber, once a thriving export industry, are showing results.

57. Economic progress has been dependent on overseas aid, mainly from the administering Powers, Australia, New Zealand and private investors. As previously reported, f/ there has been an expansion of Japanese investment in the areas of shipping, mineral exploration, copra production and processing, timber, beef and small-scale manufacturing.

## 2. Land

58. The New Hebrides is not considered a territorial possession of either administering Power; there are therefore no Crown lands or their equivalent. All land is considered to belong, or to have belonged until alienated, to the indigenous inhabitants. The 1914 Protocol regulates the acquisition of unregistered land from indigenous persons and the registration of land claims. Additionally, it provides for the creation of inalienable indigenous reserves and for the control of sales of land by indigenous to non-indigenous persons. In recent years, the question of land rights and distribution has caused considerable debate, and the uneven distribution of land between Europeans and New Hebrideans was the subject of a pamphlet by Mr. Barak Sope, a member of VAP. According to Mr. Sope, the ownership of 36 per cent of the land by Europeans, who make up 3 per cent of the population, "is a political problem and any steps taken to solve it entail political consequences". Mr. Sope states that VAP was founded in 1971 on the land question, with the aim of obtaining the return of all alienated lands to the indigenous people. In 1975, following the ministerial conference held in London (see also para. 32 above), it was decided to establish a new system of land tenure applicable to all inhabitants without distinction of origin. In 1976, some 9,300 hectares held by the overseas trustees of the Presbyterian Church were transferred to the Presbyterian Church of the New Hebrides Trust Association, which was empowered to return the land to interested New Hebrideans, either individually or in groups. Titles to land are granted after surveys of the properties affected and examination of the claims of opposing parties. Because of the nature of the terrain and the large parcels of land involved, surveying is necessarily slow. Recently, it was decided to accept provisional survey data as a basis for deciding claims, thereby speeding up the process.

59. Following its election in November 1977, the Representative Assembly set up an Ad Hoc Committee on land reform. The total area of the New Hebrides is 1,188,166 hectares. As at 31 March 1978, 241,686 hectares had been registered.

## 3. Agriculture and livestock

60. Over 61,000 hectares of land in the Territory, or 65 per cent of cultivated land, are planted with coconuts, making the New Hebrides the second largest

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f/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 23 (A/34/23/Rev.1), vol. III, chap. XV, annex, para. 14.

producer of copra in the South Pacific. Copra is the chief cash crop in the economy and is exported mainly in bulk to France, a smaller amount going in sacks to Japan. The crop is produced mainly on large plantations, with a major portion of the production coming from expatriate holdings. Between 1970-1978, however, owing to the increasing number of locally owned plantations, production from expatriate holdings declined from 45 per cent to 28 per cent of the total. Yield in the Territory tends to be low and to fluctuate annually according to the price obtainable on the world market which in 1976/77 varied from FNH 18,000 g/ to FNH 35,000 a metric ton. In 1978, copra exports were 44,878 metric tons (43,861 metric tons in 1977) valued at FNH 1,163 million (FNH 1,107 million in 1977).

61. It is reported that, in 1978, a coconut oil processing mill was established at Santotown with a processing capacity of 4,500 metric tons of copra per year, or 10 per cent of the local production.

62. Cocoa and coffee are the other important export crops and are encouraged by the Condominium Department of Rural Development (formerly the Condominium Department of Agriculture). However, owing to the shortage and high cost of labour, increase in production has not been substantial. In 1978, cocoa exports amounted to 1,096 metric tons with a value of FNH 176.0 million, compared to 873 metric tons valued at FNH 168.7 million in 1977. Coffee exports in 1978 declined to a value of FNH 4.0 million, compared with FNH 16.5 million in 1977.

63. The budget of the Condominium Department of Rural Development has remained at approximately FNH 50 million since 1976.

64. The cattle industry has seen steady development over the past 10 years, growing from an estimated 73,000 head in 1969 to 110,000 in 1976 and 120,000 in 1979. Conditions in the New Hebrides are considered particularly suitable for cattle grazing, and the stock used is French Charolais and Limousin. While the industry is largely in the hands of French interests, some 25,000 head of cattle are owned by New Hebrideans.

65. Exports of beef and other animal products in 1978 were as follows: 463 metric tons of frozen or chilled meat (268 metric tons in 1977); 246 metric tons of canned beef (205 metric tons in 1977). The majority of exports were destined for France, New Caledonia and Japan, and the total value of meat exports in 1978 amounted to FNH 150 million, compared with FNH 75 million in 1977. The value of live cattle exported declined from FNH 12 million in 1976 to FNH 3 million in 1978.

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g/ The pound sterling and the French franc are legal tender in the Territory. The currency in use, however, is the New Hebrides Franc (FNH). FNH 74 are equivalent to one Australian dollar (\$A 1.00). At present, \$A 1.00 equals \$US 1.10. During the Mission's stay in the Territory \$US 1.00 was equivalent to FNH 67.



66. As previously reported, h/ the New Hebrides has the potential to expand its exports of meat and live animals considerably, once it is recognized in the region as disease free. Between 1971 and 1975, an Animal Disease Survey, in which the Food and Agriculture Organization of the United Nations (FAO) was involved, was financed under the joint development plan. Subsequently, another FAO mission, the Disease Investigation Unit, visited the Territory in 1977, charged with the eradication of tuberculosis and brucellosis on Efate and Espiritu Santo and with conducting studies on animal parasites. It was reported that more than 1,000 head of cattle had been destroyed in recent years after becoming infected with brucellosis. The disease causes sterility in affected animals and is carried from herd to herd by such agents as birds, dogs and wild pigs.

67. Efforts are being made to increase exports of meat through the development of new markets, notably Japan and member countries of the European Economic Community, and through the establishment of canneries. At Santotown, a new abattoir (to which a cannery will be attached) was opened at the end of 1978, capable of handling 50 head of cattle per day. Also at the end of 1978, a new cannery came into operation at Port Vila, capable of producing 100,000 cans of meat per day.

68. The Territory is expected to become self-sufficient in eggs and poultry following the recent establishment of two new chicken farms on Efate. Previously, self-sufficiency was hampered by the need to import poultry feed for efficient production.

69. Attempts are under way to create a commercial enterprise out of the canning of snails, which have become a widespread pest in the Territory. Originally introduced into the New Hebrides inadvertently in 1973, their numbers have grown to unmanageable proportions, despite attempts to control them. On "Snail Day" in 1977 and 1978, volunteers collected 30 and 25 metric tons of snails, respectively.

#### 4. Fisheries

70. The area is regarded as potentially rich in fish resources, and in 1973 the United Nations Development Programme (UNDP) implemented a regional project to assist Governments in drawing up both short and long-term plans to develop these resources. In March 1977, UNDP approved the continuation of the project until 1981, at an estimated additional cost to UNDP of \$US 60,400. Participating Governments include Kiribati (formerly the Gilbert Islands), the New Hebrides, the Solomon Islands and Tuvalu. Fishery matters continue to be dealt with by the Condominium Department of Rural Development, pending the appointment of a fisheries officer as agreed upon by the Joint Administration in 1977. Fish,

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h/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 23 (A/33/23/Rev.1), vol. III, chap. XIII, annex, para. 39

mainly tuna and related species, are caught by a fleet of long-line fishing vessels from other Pacific island countries. In 1978, exports of fish (mainly frozen) amounted to 9,182 metric tons (down from 9,997 metric tons in 1977), valued at FNH 972 million (FNH 1,057 million in 1977). Fishing has become the second most important industry in the Territory. A commercial oyster project established at Santotown was closed in 1976, owing to problems of high salination levels and the high mortality rates of the imported species.

71. Fisheries continue to remain mainly in the hands of Japanese business concerns, which in 1957 established a base company at Palekula, on Espiritu Santo, with a freezing depot. Some 10,000 metric tons of fish, caught annually in the Coral and Solomon Seas, are processed at Palekula for export to the United States of America, Japan and Europe. Approximately 100 New Hebrideans are employed in the industry. The New Hebrides Government has recently acquired a 10 per cent interest in the company and a seat on its board for the Minister for Finance. There is a fisheries training school at Tanna, financed by the French Administration, from which trainees undertake projects to supply local and Port Vila markets.

#### 5. Forestry

72. Exports of logs and sawn timber had declined considerably since 1973, when the Société Agathis on Erromango halted production. The Compagnie Forestière de Vaté, started in 1976 with private French capital, is the only company engaged in the commercial exploitation of timber in the Territory. Small sawmills operate on Aneityum and Espiritu Santo. In 1977 the sawmills on Efate and Espiritu Santo produced about 2,000 cubic metres of sawn timber and 1,000 cubic metres of logs. The opening up of new markets in France, Italy, Spain and Australia, as well as the market for sawn timber in New Caledonia, accounts for the recent increase in exports of lumber, which had a value of FNH 36 million in 1978, compared with FNH 17 million in 1977.

73. Aerial surveys have indicated that commercially viable timber exists only on Erromanga, Efate and Aneityum. During 1976, an inventory was taken of some 5,200 hectares on the southern part of Aneityum. Some 50 species were recorded, and the average volume of exportable lumber per hectare was found to be 15 cubic metres.

74. In February 1978, following several years of study sponsored by the Japanese Government, the Chief Minister decided to permit Mitsubishi Sumitomo to establish a wood-chip mill at Santotown at a cost of more than \$A 6 million.

75. The Forestry Section of the Condominium Department of Rural Development consists of a forestry officer, four trained forest guards, a forester from Voluntary Service Overseas (VSO), and a technician from the Volontaire de l'Aide technique. The budget of the Forestry Section in 1978 was FNH 1.1 million, compared with FNH 1.4 million the previous year.

## 6. Mining

76. Manganese has been mined at Forari, on the east coast of Efate, since July 1961. The mine was originally operated by a French company, which made its first shipment to Japan in January 1962. Due to market difficulties, the mine ceased operation at the end of 1968, and no exports were recorded for 1969. In mid-1970, however, exports resumed under a new company involving French and Australian interests, which ships all the manganese to Japan directly from Forari. During 1977, 34,293 metric tons of manganese ore were extracted (31,444 metric tons in 1976), of which 23,040 metric tons were exported to Japan. While detailed figures for 1978 are not yet available, it appears that the value of manganese exports has declined from FNH 83 million in 1976, to FNH 64 million in 1977 and FNH 61 million in 1978.

77. Surveys have been carried out by the Governments of Australia and the United Kingdom for copper, bauxite and nickel exploration. In 1977/78, the budget of the Geological Survey Department was \$A 102,320.

78. In 1977, the Condominium Department of Mines and Hydrology had a budget of FNH 6.5 million (FNH 7.1 million in 1976). Its staff now includes an hydro-geologist.

## 7. Power

79. Port Vila and Santotown are the only towns with public electricity supplies. In Port Vila, electricity is supplied by the Union électrique d'Outremer (UNELCO), a public company incorporated in France in 1929, under the terms of a 40-year concession agreement signed in 1939. A 15-year extension was signed with effect from June 1976. Power is supplied at different tariffs, including a low consumer's special flat rate for those using a smaller amount of electricity, which benefits the poorer sections of the urban community. A productivity factor forms part of the standard and industrial tariffs, thereby making electricity available at a relatively lower price for larger consumers.

80. In 1978, Port Vila installed power of 6,584 kVA with 1,647 consumers, and Santotown installed power of 870 kVA with 406 consumers. Solar cells are in use on some outer islands to produce power for radio transceivers located in dispensaries.

## 8. Industry

81. The Joint Development Plan, 1971-1975, concentrated on the improvement of the governmental infrastructure, mainly in agriculture and communications. Funds for major development came from the Governments of France and the United Kingdom, with increasing donations from the Governments of Australia and New Zealand. In 1977, the Joint Office of Development Planning drew up draft development objectives which were being examined during the period under review. Present industrial units include a fish-freezing company, an abattoir and a brewery.

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9. Tourism

82. The tourist industry in the Territory has been steadily expanding since the opening of two large hotels, Le Lagon and the Intercontinental Island Inn, in the mid-1970s. In 1977, the latest year for which figures are available, visitors to the Territory numbered 55,000 arriving by cruise ship and 20,000 by air, an increase of 50 per cent over 1976. According to its January 1979 newsletter, the New Hebrides Tourist Information Bureau expected 1978 to prove the "biggest year so far". It is estimated that air arrivals in 1978 exceeded 27,000.

83. In 1977, some 2,700 Japanese tourists visited the New Hebrides, an increase of 187 per cent over 1976. Most of this increase has been attributed to improvements and reorganization of the management and services of the Le Lagon Hotel, now owned by the Tokyo Hotel Organization. Australians represent the largest group of tourists, amounting to 60,000 arrivals by sea or air in 1977.

10. Public finance

84. The Territory has three budgets. Estimated revenue and expenditure during the period indicated were as follows:

	<u>Revenue</u> (millions)	<u>Expenditure</u> (millions)
Joint (Condominium) Services <u>a/</u>	FNH 1,163.0	FNH 868.0
British National Service <u>b/</u>	\$A 9.4	\$A 9.7
French National Service <u>a/</u>	FNH 375.0	FNH 1,163.0

a/ Calendar year 1977.

b/ Fiscal year 1977/1978.

85. The budget of the Joint (Condominium) Services rose from FNH 1,060.1 million in 1978 to FNH 1,265.8 million in 1979.

86. The United Kingdom has stated its intention to continue a generous measure of aid to the Territory, amounting to £6.5 million in capital aid during 1979 and 1980. i/ Prior to 1978, overseas development aid to the Territory amounted to £5.1 million annually.

87. French development aid for 1978 was estimated at FNH 141.2 million (FNH 117.9 million in 1977 and FNH 77.0 million in 1976); there was also a possibility of extraordinary aid which would raise the total of French aid by approximately FNH 100.0 million. Australian development assistance to the New Hebrides is reported to be as follows: \$A 663,000 for 1978/79; \$A 545,000 for 1979/80; and \$A 330,000 for 1980/81.

i/ Parliamentary Debates, House of Commons, 6 March 1979, cc. 1217-1226.

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88. There is no income or corporation tax in the New Hebrides. The major portion of the income raised locally by the Joint (Condominium) Services is derived from indirect taxation, mainly import and export duties. Fees and charges for specific services such as water supply, vehicle licences, port dues and post and communications rates account for the balance of locally raised income. Business licences are required for a wide range of activities of a commercial, industrial and professional nature. Property tax, based on rental value, was to be introduced by municipalities in September 1977; local councils raise revenue through capitation taxes and rates.

89. In 1978, the value of exports increased only 4 per cent (96 per cent in 1977) from FNH 2.5 billion in 1977 to FNH 2.6 billion, while the value of imports rose 16 per cent, from FNH 3.1 billion in 1977 to FNH 3.6 billion.

90. As mentioned above (see foot-note g), the major currency in use is the New Hebrides franc. It is reported that British and French monetary experts who visited the Territory in 1979 recommended that the currency of an independent New Hebrides should be based on the New Hebrides franc, which had been "healthier" in recent years than the Australian dollar. The latter currency is also used in the Territory.

#### 11. Transport and communications

91. The island of Efate has some 150 kilometres of all-weather road, and Espiritu Santo has about 100 kilometres. At the end of 1976, there were 4,254 vehicles registered in the Territory, 3,097 on Efate and 1,018 on Espiritu Santo. Bus services are becoming increasingly accepted in Port Vila and bus fleets have grown accordingly.

92. In 1977, 280 ships entered the international ports of Port Vila, Santotown, Palekula and Forari (351 in 1976), including 64 cruise ships (74 in 1976).

93. There are three international airlines serving the Territory: Air Nauru, Union des transports aériens (UTA) and Air Pacific. In 1977, there were 1,009 international flights to the Territory (892 in 1976).

### III. CONSULTATIONS

#### A. Consultations with the administering Powers

94. On 7 November, the Mission met with Mr. Stirn, Secretary of State at the French Ministry of Foreign Affairs at the National Assembly.

95. Mr. Stirn welcomed the Mission, and compared it with the United Nations Mission to Observe the Referendum and Elections in French Somaliland (Djibouti). j/ He stated that the United Nations should be completely informed of the situation in the Territory. At present there were no major difficulties and he was pleased that the United Nations was to observe the elections.

96. Mr. Stirn gave a brief history of the New Hebrides and explained that because of the presence of early religious missions the Governments of France and the United Kingdom were now the administering Powers there. He expressed the hope that an independent New Hebrides would play an important role in the area. The Mission should play a beneficial role by going to see the situation for itself. There had previously been a risk that disturbances would break up the unity of the Territory, but that was no longer the case. Now was the best psychological time for independence. The people of the Territory desired it and everyone was ready to proceed together.

97. The Chairman, on behalf of the Mission, thanked the Minister for his welcome and for receiving the Mission. He stated that the United Nations was very interested to observe the unique administrative structure of the New Hebrides. The Mission would discuss the Constitution and other issues relating to the elections with the officials later in the day. He concluded by saying that it welcomed the opportunity of going to the Territory to observe the electoral process and was grateful to the Ministry and the officials for all they were doing at such short notice.

98. Mr. Stirn inquired how long the Mission would remain in the Territory and expressed the hope that the Mission would visit as many of the islands as possible. He looked forward to receiving a copy of the report in due course.

99. The Mission was then escorted to the National Assembly to hear the debate on the budget of the Ministry of Foreign Affairs.

#### 1. Meeting with government officials at the Ministry of the Interior (Overseas Departments and Territories)

100. On the same day, the Mission met with the following government officials: Mr. Difenbaker, Director of the Cabinet of the Minister; Mr. Monpezat, Director of Political, Administrative and Financial Affairs at the Ministry; and Mr. Gauger and Miss Rossignol of the Ministry of Foreign Affairs.

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j/ See A/32/107 and Corr.1 and Add.1.

101. Mr. Difenbaker opened the meeting by welcoming the Mission and stated that the meeting was one of initial contact. He outlined the recent constitutional arrangements leading to independence and explained why elections were now being held as a form of consultation with the people on their wishes concerning their future rather than as a referendum, as originally intended. He added that the Mission would be visiting the New Hebrides at a very sensitive time. The two administering Powers hoped that the elections would be held in the best possible circumstances. He invited questions about the arrangements.

#### Constitutional and political developments

102. The Mission inquired whether all main political groups and personalities were participating in the elections. It was informed that all parties were participating, all had gone through the registration process and all had agreed to participate in the elections. It was not expected, therefore, that any group would be able to challenge the results following the elections. The regional councils of Tanna and Espiritu Santo would be elected at the time the general election was held.

#### Drafting the constitution

103. The question of the ratification of the Constitution was raised. The Mission was informed that a Constitutional Committee, consisting of representatives of the various political parties and a legal expert appointed by both the British and French Governments, had drafted the document. The New Hebridean Government and Messrs. Dijoud and Blaker, on behalf of the French and British Governments, in a meeting held at Port Vila, had agreed on the text which had been approved by the government members and the Constitutional Committee in a ceremony held at Port Vila on 5 October 1979.

#### Regional councils

104. The Mission was advised that the creation of regional councils for both Tanna and Espiritu Santo was an important compromise in the Constitution. Following the discussions mentioned above, all the political parties, the customary chiefs and officials had met as a Constitutional Committee to ratify the Constitution.

105. Questioned as to the ethnic composition of Tanna and Espiritu Santo, the French officials replied that with the exception of those living at Santotown, the population was entirely Melanesian. At Santotown, the inhabitants included Europeans and persons of mixed races. The officials did not view regional and linguistic differences as posing any particular problem in the creation of a unified State.

#### Role of the Resident Commissioners

106. Among the questions raised were the role of the Resident Commissioners after the elections but prior to independence; the conversion of their offices to the

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status of embassies or to diplomatic representation; and the timing of such a move, i.e. after the elections or after independence.

107. It was explained that the role of the Resident Commissioners had evolved since 1975 and 1976 and would be modified by letters to be exchanged just prior to the elections. Their powers had been reduced and would be limited to matters concerning external affairs, defence, public order and finance.

108. The staffs of the Resident Commissioners had been reduced and were about the size of diplomatic missions. The French Government expected to maintain close relations with the new Government. During the transitional period following the elections and prior to independence, which the two administering Powers hoped would be as brief as possible, decisions on public order would be taken after consultation with the newly elected Government. The two security forces had not yet been fused, nor had the New Hebrides Government any force of its own as yet; however, the two groups were working together in accordance with the wishes of the New Hebrideans.

#### Citizenship

109. The Mission inquired how the French Government viewed the provisions for citizenship as set out in chapter 13 of the Constitution (see appendix II to the present report). In reply, the French officials indicated that they were aware of the difficulties for residents who had lived in the Territory for a number of years, but expressed the hope that any problems could be resolved by negotiation.

#### Public service

110. The Mission inquired whether the newly elected Government would be empowered to appoint or replace certain government officials or whether the Resident Commissioners would retain such authority. The Mission was informed that for some time the Joint (Condominium) services had been composed mainly of New Hebrideans, except for technical assistance personnel who would remain on contract until they were replaced by New Hebrideans. Provisions relating to public servants and justices of the Supreme Court had been inserted in the Constitution by New Hebrideans, and not by the administering Powers.

#### Economic conditions

111. The Mission was informed that practical solutions based on customary law of returning expatriate land to the indigenous inhabitants after independence would have to be found, but that alienated lands would have to be returned. The Société française des Nouvelles Hébrides (a public company) was returning lands which it held, and private settler lands were to be converted as well. The Constitution stated that all settler lands would be returned to Melanesians, and an agreement had to be reached on exploitation of those lands.

112. The Mission inquired whether control of finance by the Resident Commissioners would inhibit the actions of the elected Government during the transitional period. In reply, the French officials stated that there would be no problem; the

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administering Powers had made up the deficit over the years and would continue to do so at least until independence.

2. Meeting with the Resident Commissioners  
on 11 November at Port Vila

113. The Mission arrived in the New Hebrides on 11 November. It was met at the Port Vila airport by the Resident Commissioners and three ministers of the interim government: Mr. Lini, Deputy Chief Minister and Minister for Social Services; Mr. Kalkoa, Minister for Public Administration and District Affairs; and Mr. Donald Kalpokas, Minister for Education.

114. That afternoon, the Mission met with the representatives of the administering Powers, first with Mr. Stuart, the United Kingdom Resident Commissioner, and then with Mr. Robert, the Special Delegate of the French Republic. Both representatives indicated that they were at the disposal of the Mission and would give it whatever assistance they could. They were not certain how independent the Mission wished to be, but they would respect its liberty. It was stated that since the formation of the Government of National Unity in December 1978, the Resident Commissioners had reduced their role in many areas, including that of welcoming official visitors from abroad. They explained that many members of the New Hebridean Government were absent from Port Vila because they were campaigning in their electoral districts.

Constitutional development

115. Both Resident Commissioners stressed the importance of the elections of 14 November; emphasized the achievement of ratification of the Constitution by consensus of all political groups; and expressed the view that an independent New Hebrides would have an important role to play in the Pacific region. The British Resident Commissioner felt that, owing to its unique situation under the administration of both France and the United Kingdom, the New Hebrides would be the natural link between the English- and French-speaking countries of the area. The French Resident Commissioner felt that within several years the difficulties arising out of the Condominium arrangement would disappear and be replaced by a purely Melanesian outlook.

Electoral arrangements

116. The Mission inquired about the attitude of the people to the elections; whether there had been any controversy over the delineation of constituencies or residency requirements; and whether the danger of irregularities had been minimized.

117. According to the Resident Commissioners, some aspects of the electoral arrangements were simple, others more complicated. For instance, the arrangements were simple for the multiseat constituencies, which were based on natural geographical configuration such as groups of islands. On the other hand, the

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voting was more of the nature of proportional representation and unless explained properly could lead to an imbalance in representation. The role of the political parties in informing their supporters was therefore important. On the subject of voter registration, it was stated that the voting place was based on the person's place of residence at the time of the census. While provision for recourse by means of a letter of petition had been made to cover instances of gerrymandering, it was considered that in this matter established procedures would eliminate the need for recourse.

118. In response to a question as to the possibility of a voter casting more than one ballot in areas where the period of balloting extended more than one day, the Resident Commissioners indicated that the areas of a rolling ballot were very limited. That applied mainly to less accessible areas, and a voter wishing to vote twice would find it difficult to arrive in such an area in time to vote. In addition, the voters' hands would be marked with indelible ink to prevent the possibility of voting more than once. The checks and balances for the electoral process had been carefully worked out, according to the provision of the report of the Ad Hoc Committee on constitutional reform.

119. The Mission noted that expatriates were eligible to vote if they had resided six or more years in the Territory. The Mission wondered what influence the expatriate vote would have on the over-all results of the elections and questioned the implications for the future.

120. Neither Resident Commissioner saw the expatriate vote as unduly influencing the elections. The expatriates resided mainly at Port Vila and Santotown. However, difficulties could arise in the future, because the constitutional provisions for citizenship were rigorous, and many would no longer be able to vote following independence.

#### Role of the Resident Commissioners

121. The evolving role of the Resident Commissioners during the pre-electoral period, on election day and up to independence, was discussed. In the preparations for the elections the two Commissioners were acting as arbitrators. They had drawn up the provisions and were responsible for the regulation of the elections. The process was, however, under the organization of the Electoral Office, headed by Mr. Kalkoa, Minister for Public Administration and District Affairs, representatives of the two administering Powers in the Electoral Office, the deputy commissioners in Port Vila, and the district agents in each district. It was stated that those who had thought they might control the elections might make comments to the Mission about the Electoral Office. It was, however, very important to have a duly elected Government in order to take the Territory forward to independence. The role of the administering Powers would be to announce the results of the elections, establish the new Government and maintain the process leading to independence.

122. In the interim period, the role of the two administering Powers had yet to be defined and would be the subject of another exchange of letters. That was mainly a

matter for the Governments of France and the United Kingdom, in consultation with the New Hebridean Government.

123. The Mission inquired if all parties were satisfied with the security arrangements for the electoral period, and was informed that no complaints or special requests had been made. The situation was quiet and tensions were low.

#### Constitutional provisions

124. The Mission questioned certain provisions of the Constitution, which might create problems in the future, in particular if the provision for the regional councils might not cause divergencies.

125. The administering Powers stressed that that provision had been a major compromise in gaining support for the draft constitution. The French-speaking parties were regional, while VAP was more centralized. The powers of the regional councils would, however, be the subject of discussion by the New Hebridean Government. Any talks of secession in the Territory had long since ceased, and the Resident Commissioners saw no problems in that area at the present time.

126. The Mission inquired about the reasons for electing the Prime Minister from among the elected members of the Representative Assembly, and for the nomination of the Speaker of the Assembly as head of the Electoral Commission. It was told that those were purely Melanesian features of the Constitution and that the administering Powers had made little contribution in that area.

#### Internal security

127. The Mission asked about the role of the Police Force in the interim period; whether internal security measures would be taken by the administering Powers; if they would consult with the newly elected Government on that issue; and the date on which the force would come under the control of the New Hebridean Government.

128. The Resident Commissioners indicated that they would maintain control of the police until independence. That was one of the four main areas from which they would not withdraw until that day. They saw no need for special provisions for the electoral period because they expected law and order to be maintained.

#### Political education and assistance following independence

129. The Mission referred to the experiences of previous United Nations missions to Non-Self-Governing Territories, in particular those where the people had been anxious about their future and where the desire for constitutional change had been slight and the pace of such change had been slow. It asked what efforts had been made to educate the people politically regarding independence and to assure them that they were not being abandoned to an uncertain future. The Resident Commissioners stated that that had indeed been a sensitive area, and that they had proposed to assist the new Government in any area the people so desired.

130. The French Resident Commissioner stated that his Government had indicated its readiness to sign co-operation agreements to take effect from the date of independence. In the field of education, the two Governments were committed to assisting the Government of the New Hebrides in the establishment of a joint system of education, bilingual in nature, and for which they would provide financial and material assistance after independence. It was hoped that the new system could be established within a year.

131. The Mission also asked about the return of lands presently held by settlers to the indigenous people, and whether the administering Powers would assist financially in that project. The Resident Commissioners stated their agreement with the aims of that policy but did not yet know the extent of such assistance. The principle was the same as in Papua New Guinea and the Solomon Islands. Their Governments stood ready to assist the New Hebrides Government with advice and finances, particularly as it affected public order.

### 3. Meetings with the British and French Resident Commissioners on 12 November 1979

132. On 12 November, the Mission met separately with the two Resident Commissioners. These calls, originally planned as formal courtesy visits, continued the substantive discussions of the previous day.

#### Independence

133. The Mission inquired whether independence was being granted at a suitable time, or whether it was being urged on a people who were not ready for it. The French Resident Commissioner refuted any question of "indecent haste" for the granting of independence. The New Hebrides should be independent, as their neighbours were in the Solomon Islands, Papua New Guinea, Fiji, Tuvalu and Kiribati. While he admitted that perhaps the time of the interim period would be too short, it had not yet been fixed and in the view of his Government, could last as long as six months. (See appendix XIV to the present report.)

134. The Mission asked how the people perceived independence. The British Resident Commissioner felt that there were many who were not aware of the meaning of independence. Some people had expressed their fear that aid would be cut off and indeed some persons were encouraging those fears. In general, however, the people of the Territory tended to be good politicians and were aware and ready.

135. The Mission remarked that as a rule democracies tended to keep religion and the State apart; in the New Hebrides, however, pastors, because of their opportunity for education, had gravitated towards politics. The British Resident Commissioner explained that because the early schools were mission schools the best students tended to have religious backgrounds. That would continue until new generations adopted other means of educating their political leaders.

### Diplomatic relations

136. With regard to diplomatic representation after independence, the French Resident Commissioner felt that the New Hebrides should apply for membership in the United Nations for a variety of reasons, among them the fact that the new nation would not have diplomatic representation in a large number of countries. In addition, he felt that it should be represented in the capitals of the former administering Powers, and in the neighbouring countries such as Australia, Fiji, New Zealand and Papua New Guinea. Membership in both the Commonwealth and the Francophone communities was also expected.

### Aid after independence

137. The question of aid to the New Hebrides after independence was raised in more detail. According to the French Resident Commissioner, the general pattern to be followed would be that of Djibouti, where the United Nations had also sent a visiting mission (see para. 95 above). The policy of the French Government was essentially to give aid where and when requested. For example, since no threat existed to the New Hebrides, defence aid for the Territory could be given by patrolling the 200-mile economic zone. Other areas of aid were health, agriculture, public administration and financial aid to prevent budgetary difficulties in particular instances. With respect to culture and education, the French and United Kingdom Governments were committed to replacing the existing systems with a new one and would provide funds and personnel for that. Monetary matters were more complicated because of the two currencies in use: the Australian dollar and the New Hebrides franc. However, technical assistance and aid, if the New Hebrides currency needed support, would be possible. All those matters would be the subject of discussion at the Government-to-Government level. Thereafter, treaties would be submitted to the French Parliament.

138. The British Resident Commissioner indicated that different approaches to aid in the post-independence period would cause difficulties for the New Hebridean Government. In order to allow the New Hebridean Government to make its own decisions on allocations of funds, United Kingdom grants were made on a global basis, in contrast to the French policy of financing specific projects. The United Kingdom Government had indicated that the amount of its aid would be the same as the current cost of running the British Residency. That had never been done before in any other Territory, and would change in due course. New sources of revenue would have to be developed to enable the country to pay for its services.

139. The French Resident Commissioner stated that, in his view, the New Hebrides would develop economically quite rapidly. There was at present no taxation; the Territory depended on exports, mainly copra. The administering Powers had tried to diversify the economy in such areas as the cattle industry (now numbering 120,000 head), the production of cocoa, the reforestation programme and the Co-operative Federation. Those efforts had been reasonably successful, and as a result the New Hebrides should be in a better position than many newly emerging nations. There were projects under study and investors were waiting for independence before proceeding further.

### Currency

140. The Mission asked what would be the monetary system of the Territory. The Resident Commissioners explained that the New Hebrides franc and the Australian dollar were legal tender in the Territory. The value of the New Hebridean franc had remained high. Due to the fluctuations of the Australian dollar, monetary experts had recently advised that the New Hebrides franc be based on a basket of currencies. There should be one New Hebridean currency.

### Electoral process

141. The Mission asked whether any political education programmes had been carried out in the past two months. It was informed that that had been done but perhaps not sufficiently, since the decision to hold elections on 14 November had only been taken on 5 October 1979. However, voting had taken place in 1975 with no problems and there would be little change in procedure. Explanations had been given in the villages and posters distributed in Bislama, the local lingua franca. The people of Espiritu Santo and Tanna would vote twice, owing to the elections to the regional councils.

142. The Mission also inquired about the access by political parties to the media; sharing of radio time; and the financing of campaigns. The British Resident Commissioner explained that there were limited possibilities for the candidates to use newspaper publicity. Radio time was limited to five minutes per candidate, who could turn it over to the party's use if so requested in writing. The question of radio time came under the purview of the Control Committee. (See appendices VII and X to the present report.) Funds for election campaigns were raised locally for the most part, although it was possible that some came from overseas. There was no requirement for parties to be registered or to account for their finances.

143. The Mission then inquired whether any questionable situations had arisen and whether the agents in the districts had been scrupulous in their behaviour. The British Resident Commissioner stated that both he and the French Resident Commissioner were determined to ensure that the elections were seen to be fair. The Mission might hear that there had been instances of favouring, but they were minor and he was certain would not influence the outcome of the elections. He again stressed that tensions were at a low level and he had seen no real attempts at intimidation at Tanna or Espiritu Santo; the people had probably already made up their minds as to how to vote.

### Education

144. The Mission asked about the literacy rate in the Territory, the percentage of students at the tertiary level of schooling and the type of educational system envisaged in the post-independence period.

145. The Resident Commissioners agreed that approximately 70 per cent of the population was literate. Schools existed throughout the archipelago except in the extreme northern islands of the Banks and Torres groups. The number of university graduates could be in the dozens, while the number undergoing teacher training would be in the hundreds. After independence, the educational system would be unified, with attempts made to incorporate all the best features of the British, French and Melanesian ways. Language teaching might well be one of the means of bringing the two existing systems together.

B. Consultations with members of the New Hebrides Government

1. Meeting with the Council of Ministers on 12 November 1979 at the Representative Assembly building

146. The Mission held a formal meeting with those members of the Council of Ministers present at Port Vila, including Mr. Lini, Deputy Chief Minister and Minister for Social Services; Mr. Guy Prevot, Minister for Finance; Mr. Kalkoa, Minister for Public Administration and District Affairs; and Mr. Maxime Carlot, Minister for Internal Affairs and Public Works. Also present was Mr. Yves Le Borgne, Permanent Secretary, Office of the Chief Minister.

147. Mr. Lini welcomed the Mission and apologized for the absence of the other ministers, who were campaigning in their constituencies. In reply, the Chairman of the Mission thanked those present for leaving the electoral campaign at such a stage and expressed the hope that the exchange of views would be fruitful.

148. The Mission inquired whether the electorate was fully aware of the meaning of independence and what timing was envisaged for the date of independence. According to the ministers, the people had knowledge of what independence meant; it had been explained to them in the discussions on the ratification of the Constitution, and they wished to be free to decide by themselves, for themselves. As to the timing of independence, all parties had agreed that that decision should be left to the new Government.

149. The ministers did not feel that they were being abandoned by the administering Powers to an uncertain future. They hoped that aid would continue for a reasonable period, which all parties saw as necessary.

150. As to preparations for independence by the administering Powers, little had been done in that regard. Each had its own ideas of the type of independence it desired for the Territory, and had not necessarily taken into account the wishes of the people. The political realities were that some mistrusted the motives of the French Government, while others mistrusted those of the United Kingdom Government.

### Defence

151. The Mission asked what means of defence the Government saw available to it, and whether co-operation with the administering Powers on that issue was possible after independence without creating an unbalanced situation.

152. The Ministers indicated that the views of the political parties differed on that matter; although the present Government had not discussed plans for defence, it was clear, taking into account the size and means of the Territory, that it would be difficult to maintain a defence force. The new Government should immediately request the assistance of the administering Powers on the basis of a co-operation agreement, particularly with respect to the 200-mile economic zone. It should also hold discussions with its Pacific neighbours.

### Unification of services

153. The Mission inquired about the unification of the services (police, health, education and public service) in the Territory; how it would be done and whether it would be possible for the system to reflect the Melanesian character. According to the ministers, the merger of the French and British services posed a number of difficulties. The unification scheduled to begin in 1978 had not taken place and was compounded by differences of view within the Government of National Unity. Progress had, however, been made in the public service. The Minister for Public Administration and District Affairs indicated that what was required after independence was a fully Melanesian public service with no external interference. However, expatriates would continue to be needed in certain posts until localization had been completed.

154. The Minister for Internal Affairs and Public Works felt that there was also a need to harmonize services on a national level. He felt that after independence the New Hebrides Government should create its own service, then invite elements from the two existing services to join it, thereby making it truly New Hebridean. He saw the maintenance of the English and French languages in the New Hebrides as enriching the society and enhancing the culture, rather than serving as divisive factors.

### Education

155. The Ministers expressed the hope that after independence the educational system would better meet the needs of the indigenous people than in the past, and that the children would be educated to an end, rather than for the sake of being educated. They further hoped that both the English and French languages would be used at the University of the South Pacific, perhaps at an extension to be established in the New Hebrides, and that the two languages would be used for the teaching of other skills.



2. Meeting with the Chief Minister on 16 November 1979

156. Mr. Leymang, the Chief Minister, welcomed the Mission and the interest shown by the United Nations in the Territory. He said that the events of 1975 and 1977, which had been reported to the United Nations, k/ should now be forgotten, since the election which took place two days previously had been carried out in such good conditions. The Government of National Unity had performed its task well, and the Constitution could not have been ratified if there had been continual reference to past events. Now was the time for co-operation to achieve independence and that would be the task of the new Government.

157. The Chief Minister described the atmosphere during the negotiations on the draft constitution as tense. There had been a sense of "forcing". Arriving at a compromise had not been easy, and the feeling had been created that the draft had to be completed by a particular time. Later, the Constitutional Committee had divided into teams to travel around the Territory to explain the draft constitution to the people before ratification. Personally he had found the people enthusiastic about the draft constitution.

158. The Chief Minister was of the opinion that not everyone in Espiritu Santo and Tanna was in favour of the regional councils. Nevertheless, decentralization was necessary in order to respond to the needs of those areas which wanted regional government, and in order to keep tensions down.

159. The Chief Minister observed that there were political elements in the country which had not only drawn a distinction between the holding of the elections, acceptance and ratification of the Constitution, but had also been opposed to the Government of National Unity. He noted that the Ma-griamel had its own constitution and that its leader had not participated in the Constitutional Committee, although some of his followers had.

160. Concerning the events of the pre-electoral period, the Chief Minister stated that the administering Powers had withdrawn from the Minister for Public Administration and District Affairs the authority previously granted to organize the elections, but had not carried out their responsibilities to the fullest. That had been evident in the situation concerning the illegal broadcasts of Radio Vanafo, to which the Resident Commissioners had not put an end.

161. In the view of the Chief Minister, it was only after independence that the New Hebrides Government would be able to take action on those and other matters, for example the unification of the police force.

162. The Chief Minister informed the Mission that, in the post-election, pre-independence period, difficult problems would arise but that they could be solved. He saw the chief problem as being financial, and wondered how it would be possible to maintain two parallel structures. He pointed to the current budget, with revenue of FNH 1 billion and expenditure of FNH 3 billion.

163. The Chief Minister mentioned that the two administering Powers were now in agreement on independence, whereas it had been felt in the past that France had not been willing to grant it. Although there had been no definition of the role, responsibilities and relationships between the three Governments in the period prior to independence, the Chief Minister felt that the remaining powers would have to be released progressively by the British and French Governments to the New Hebrides Government. In the interim period, the new Government would try to negotiate agreements on technical co-operation with the administering Powers and with neighbouring countries. However, he did not feel that the interim period would extend too far into the second half of 1980.

164. The Chief Minister felt that the new Government should give priority to developing a national identity. Seventy years of Condominium Government had had a divisive effect, particularly with regard to language. The new Government would have to find ways in which to change the situation and to bridge the gaps in the society. The formation of a Government of National Unity had been one step towards easing the misunderstandings caused by language and structure. The continued use of the two languages, moreover, could be an enriching factor for the New Hebrides, and no political party, regardless of its support, should be permitted to eliminate use of either language.

165. The Chief Minister also touched on the form of government after the election. He felt that with a majority government there had to be a strong opposition in order to achieve true democracy; he had set out similar views in his paper on the formation of the Government of National Unity.

166. With regard to diplomatic representation after independence, the Chief Minister expressed the view that the former administering Powers could be asked to represent the New Hebrides in certain countries, since there could be dangers in over-extending scarce resources.

### 3. Meeting with the Minister for Internal Affairs and Public Works on 13 November

167. Mr. Carlot, Minister for Internal Affairs and Public Works, stated that the New Hebrides Government was faced with the obligation of unifying the services which it had inherited from the two administering Powers. The unification must be in accordance with the wishes of the people, in the Melanesian way.

168. Independence was now certain, but after independence there would be a great need for technical staff. There were enough qualified persons in the administrative area. Although many problems still remained, the difficulties would gradually disappear, he was certain, in the pre-independence period and after independence. The New Hebrides Government would inherit an inflated administration. However, as its administration consolidated, the Government would need to emphasize the indigenous culture of the country. If VAP won the election, it would have no difficulty in supporting those ideas.

169. The Minister noted that the subject of land tenure was one in which customary law varied from one village to another. In some the chiefs were considered proprietors, in others individuals or the clan. For political reasons the subject had been side-stepped. However, the country would have to face up to the problems of land ownership and find a solution. He suggested that the Solomon Islands could be taken as a basis of study.

170. The Minister stated that a national policy on international trade, including that with the two administering Powers, had to benefit the people and should therefore be within their control. There was the need to plan and to invest; trade proposals were already being offered. He felt that there were great possibilities for trade with neighbouring countries.

171. The Minister was concerned that the French language might disappear from the New Hebrides, as there was a certain tendency to use English and Bislama was based more on English than French. The New Hebrides was the only country in the South Pacific to come under the influence of both the British and the French, and both languages should remain. French could be used in contacts with other countries in the Pacific and also at the institutional level. However, the cost of a policy of bilingualism would be high. For unification of the country there should be a common language; however, bilingualism should be maintained and encouraged.

172. Commenting on the Constitution, the Minister noted that it had taken six months to draft the instrument and that agreements reached at that time might not have taken fully into account the needs of the country. The Constitution might need to be modified, but that was a matter for the new Government, which in his view would need a strong opposition.

4. Meeting with the Minister for Trade, Industry and Tourism on 13 November

173. Mr. Aimé Maléré, Minister for Trade, Industry and Tourism, stated that he foresaw no difficulty for foreign investors in the country, especially as they were under the control of a committee set up to monitor such investments.

174. He continued by saying that the South Pacific press often referred to the considerable number of Australian enterprises in the area as well as Australian aid. The Minister said that in the case of the New Hebrides, there was no conflict between the two Governments and he added that his Government welcomed all investors. Almost all the necessary goods were imported.

175. On the emergence of Japan as a major trading factor in the South Pacific, the Minister pointed out that although the Territory purchased many goods (cars, watches and radios) from Japan, the Japanese bought little or nothing in return. Several Japanese missions had arrived in the New Hebrides and were awaiting independence to begin trading. Many Japanese tourists visited the New Hebrides on package tours, always by Japan Air Lines; they spent little money outside of Japanese interests. The Hotel Le Lagon was owned by a Japanese concern.

176. As a final observation, the Minister noted that although the New Hebrides Government had prepared the electoral regulations, the administering Powers had taken responsibility for the elections.

C. Consultations with members of the political parties

177. The Mission was informed that the following political parties were expected to participate in the elections:

- (a) VAP, including its affiliate on Espiritu Santo, the Natui Tano Liliu;
- (b) Federal Party of the New Hebrides, created on 19 February 1979, which includes:
  - (i) The parties comprising the Tan Union: the Union des communautés des Nouvelles-Hébrides (UCNH), and the Kapiel, Jon Frum, 1/ and Kustom Tanna parties based in Tanna;
  - (ii) The parties comprising the Federation of Independents: the Mouvement d'action des Nouvelles-Hébrides (MANH), the Na-griamel, the Native Union Custom Party (NUCP) (based on Ambrym, attached to the Na-griamel) and the Fren Melanesian Party;
  - (iii) Natatok, based on Efate;
- (c) Nakamal Movement, created during 1979, at first called the Socialist Party of the New Hebrides;
- (d) Tabwemasana (based on Espiritu Santo).

178. Political parties in the New Hebrides developed mainly in the 1970s, with the exception of Na-griamel, which was the first political organization to be established, in the mid-1960s. Its aim was the reclamation of undeveloped land from European holdings and the establishment of a federation of self-governing communities on an independent Espiritu Santo, excluding Santotown. The President of Na-griamel is Mr. Jimmy Moli Stephens, and its members have been estimated at 20,000, mainly in the northern islands around Espiritu Santo.

179. In 1971, the New Hebrides Cultural Association was started, becoming a political party in October of that year, under the name New Hebrides National Party.

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1/ The Jon Frum Movement started on Tanna in 1940/41 and expanded after the arrival of United States forces during the Second World War. Generally, its followers believed that "Jon Frum" would deliver them from the influence of missionaries and expatriates and would bring material wealth to them. Followers of this movement, which is similar to other cargo cults in the Pacific, tend to be exclusive and non-co-operative, rather than actively against non-indigenous institutions.

Its officials then included Mr. Lini as President, Pastor Maraki Timakata as Vice-President and Mr. Sope as Secretary-General. The party aimed, inter alia, at uniting the Territory and achieving independence by 1977. At its fifth congress in January 1977, the party decided to change its name to Vanua aku Pati, and urged that the name "Vanua aku" ("our land" in Bislama) be adopted instead of "New Hebrides", which it considered a colonial relic. VAP is reported to have a following of 58,000.

180. The Mouvement autonomiste des Nouvelles-Hébrides was formed in 1972, mainly by French teachers, and later changed its name to Mouvement d'action des Nouvelles-Hébrides (MANH). Based at Santotown, it is considered the party of the French planters and its leaders are Mr. Maléré, President, and Mr. Michel Thevenin, Secretary. MANH and Na-griamel have joined forces on occasion to contest municipal elections.

181. In 1974, UCNH was started, having eventual independence as its aim. In 1974, it had a membership of 300 and was generally regarded as pro-French. Mr. Jean-Marie le Heye is President of the party; Mr. Vincent Boulekone is Vice-President, and Mr. Leymang is Secretary. Mr. Boulekone subsequently resigned and founded the Nakamal Movement with Mr. Carlot.

182. In 1973, both Natui Tano Liliu ("Children of the Land") and Tabwemasana were established on Espiritu Santo. Natui Tano Liliu seeks to unite the people of Espiritu Santo and supports VAP. Its President is Mr. Moli Tamata. Tabwemasana has supported MANH and Na-griamel in the past; Mr. Louis Vatu is its President and Mr. Michael Bernast, adviser.

183. The Federation of Independents (see para. 177 above) was formed by French businessmen on 11 February 1977; four days later the formation of the Tan Union Party (see para. 177 above) was announced. These parties were regarded as a "federation of moderate parties".

184. Natatok, which was formed at Port Vila on 12 July 1977, and the parties referred to in paragraph 183 above had in common their belief that independence in 1977, as advocated by VAP, was premature.

1. Meeting with members of the Executive Committee of VAP  
on 12 November 1979

185. Following the introduction of the Mission to the members of the Executive Committee, the Chairman of the Mission made a brief statement in which he stated that the mandate of the Mission was to observe the elections and report back to the United Nations on the manner in which they were conducted. The Mission would be particularly concerned to see that there was no undue influence in the election process. He explained that the discussions held with the administering Powers had as their basis the understanding that independence would be granted following the elections. In that regard, he noted certain inherent problems, such as two languages, two currencies and a dual administration. In its role as

observer of the elections, the Mission asked the Executive Committee for its views on the pre-electoral period and for an assessment of the electoral process.

186. According to the Executive Committee, the electoral regulations had been changed recently to allow one independent candidate to stand for election, whereas previously only political parties that were registered were able to nominate candidates. m/

187. One further point of concern was that the powers granted to the Minister for Public Administration and District Affairs to organize the elections had been withdrawn by the Resident Commissioners. The Residencies had distributed gifts in certain areas, presumably to influence the elections, and although VAP had written letters on the matter, no reply had been received. They felt that the question of bribery might perhaps be viewed differently by Europeans and Melanesians.

188. Although the registration period was over, some people were still being registered, but these did not include the newly enfranchised 18-year-olds who were very few in number.

189. Responding to the Chairman's introductory remarks, Mr. Lini, the President of VAP, stated that the Mission needed to know many things before the elections. Threats were being made; intimidation was being used by certain political parties against VAP, and in Espiritu Santo and Tanna it was being said that there would be violence if VAP won the election. He did not think that there would be fraud at the polling stations. VAP was concerned at Mr. Stephens' firm stand against the elections and wanted to ascertain whether he was participating.

190. Mr. Lini expressed the reluctance of members of VAP to talk with the Mission, because other parties might feel that it had influenced the Mission. The Mission reassured him that members of VAP could speak freely and that the Mission reported only to the Secretary-General of the United Nations, and not to the administering Powers.

191. The Mission inquired whether VAP was satisfied with the treatment given to it during the electoral period and whether fair treatment had been equally accorded to all parties.

192. Mr. Lini said that the members of VAP were in a dilemma. They wanted to trust the administering Powers, but small matters arose which made them suspicious. The administering Powers could change the laws to justify matters; nevertheless, VAP was confident it could obtain a majority. Mr. Lini referred to the illegal use of radio broadcasts for political campaigning which he said had been going on for many years, and it was the duty of the administering Powers to stop it. He and the Chief Minister had written a letter about the illegal broadcasts, but no action had been taken by the authorities.

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m/ Joint Regulation No. 19 of 1979, part 10, sects. 27, 28 (see annex III to the present report).

### Regional councils

193. Although the Mission was constantly being told that the Constitution was essentially a Melanesian one, it wondered about certain features which could be regarded as divisive, for example, the establishment of regional councils. The Executive Committee stated that VAP had been firmly against the establishment of regional councils, but had accepted them as a compromise. In any event, the Executive Committee was confident that VAP would win the elections.

### Independence

194. The Mission referred to reports in the Pacific press that VAP wanted independence in 1980 and inquired whether this was correct.

195. Mr. Lini said that the people needed to know the meaning of independence, and for that reason VAP had concentrated all its efforts in the rural areas to explain independence. He saw a danger in both a precipitate rush into independence and too long a delay. Mr. Dijoud had said that independence would be granted in January 1980 or even December 1979. Mr. Lini, however, personally would not accept 1 January 1980. It would be for the elected Government to decide upon a date, and he felt that it should not be earlier than the second half of 1980. (See appendix XIV to the present report.)

### Relationship with other political parties

196. The Mission recalled that during the thirty-third session of the General Assembly, when a member of VAP had appeared before the Fourth Committee as a petitioner, he had referred to differences between VAP and other political parties. n/ The Mission asked about the current relationships between the parties.

197. Mr. Lini said that VAP and the other parties were in complete agreement that the Constitution was the supreme law. The party which obtained power in the elections would have to decide what was best for the whole country. The acceptance of the Constitution by all parties was a great achievement. VAP believed in majority rule and in the participation of other political groups in Government; yet it saw the need for the New Hebrides to have a strong Government and a strong opposition. VAP had not joined Mr. Kalsakau's Government because of its belief in a strong, unified, one-party Government and a strong opposition. If there were to be a truly Melanesian Government, everything would be done by consensus, and everything, from the electoral process on, would be organized differently. Others did not share that view and the administering Authorities appeared to feel that a coalition Government was necessary to deal with the social problems.

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n/ Official Records of the General Assembly, Thirty-third Session, Fourth Committee, 23rd meeting, paras. 35-43.

### Unification of services

198. Referring to the opening remarks by the Chairman on the problems inherited from the Condominium arrangement, Mr. Kalkoa, Vice-President of VAP, said that the Executive Committee felt that the resources existed to fulfil manpower needs. It did not see the question as one of unification of the two services, but rather of developing a new service and incorporating elements of the existing ones. There were approximately 13 expatriate civil servants on contract for two more years and that should be sufficient, although the new Government would seek advice on that matter. The Chairman of the Mission suggested that the new Government might wish to obtain assistance from UNDP to examine the needs of the public service, in the same way other Territories had done.

### Bilingualism

199. The Mission noted that in its platform, VAP had expressed preference for one language. In the view of the Mission, both the English and French languages were very important components of the educational system, and any change should reflect a consensus of views in the country.

200. Mr. Kalkoa said that both the English and French languages would continue to be used; they had seen the values of each system and felt that eventually the New Hebrides would find a suitable way of integrating the two. Mr. Lini noted that the language question had only become a political issue five years ago. VAP was concerned with the expense of maintaining two educational systems which had different aims. The masses of the people had not generally been integrated into the French culture; in his view, the New Hebrides should have one language.

## 2. Meetings with representatives of political parties at Santotown on 13 and 14 November

### (a) Meeting with the representative of the moderate parties

201. The Mission met with Mr. Raymond Bouletaré, a representative of the moderate parties, on 13 November. The Mission explained that it was in the New Hebrides to observe the election and had come to Santotown to see the preparations and to meet with anyone who wished to discuss the electoral process in complete confidentiality. It asked Mr. Bouletaré if he had known of the Mission's arrival in the Territory before that day, whether he wished to make any comments on the way the elections had been organized, and whether all parties in Santotown were participating in the elections.

202. Mr. Bouletaré replied that these were delicate questions but that he would try to respond. He said that contrary to the 1975 elections, all the political parties were taking part in the current elections.

203. There were a number of people who had not received their registration cards, and all the political parties had signed a letter to the Electoral Office on behalf of those who had not been registered. Even if those people did not receive their cards, the parties would not prevent them from going to the polls.

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204. Mr. Bouletaré had not known of the presence of the United Nations Mission until that day. He thought the Mission was there to supervise the elections and to see that all went smoothly and calmly. That was what all the political parties were determined to see happen.

205. Asked whether some political parties were not going to participate, Mr. Bouletaré felt that those were merely rumours spread to cause confusion among the voters, although he believed that all the parties wanted the elections to be held. Since 1975 and 1977, the situation had changed; everyone realized that there could not be a stable Government without an elected Government.

(b) Meeting with representatives of VAP

206. On 13 November, the Mission met with the following members of VAP: Mr. Kalmer Vocor, Mr. Kalo Nial, Mr. Vula Vutilolo and Mr. Aidan Arugogona. After explaining the purpose of its visit, the Mission asked the group about a problem which had previously been raised regarding the registration of voters.

207. Mr. Vocor felt that many people were not registered because the registration agents in some cases were too young; others were playing politics and favouring certain groups.

208. Mr. Nial indicated that the registration was based on the census, and that for varying reasons many people had not been covered in the census and therefore were now not eligible to vote.

209. Mr. Vutilolo added that the people not being registered were from all parties, including VAP, Na-griamel and the moderate parties. He believed that approximately 2,000 people in Santotown were not registered. If all were registered, he felt certain that VAP would win the elections in Santotown.

210. In response to a question as to whether the parties had appealed to the authorities, Mr. Vocor said they had done so. He personally had taken 15 crew members to be registered, but they had not received their cards. On the other hand, Mr. Nial added that the authorities were making sure that the followers of Mr. Stephens were being registered.

211. The group then raised the question of the illegal radio transmitter Radio Vanafo, which they said Mr. Stephens used to broadcast propaganda. They felt that those broadcasts were aimed at creating divisions on Espiritu Santo, and they worried that Mr. Stephens was being influenced by foreigners such as Messrs. Michael Oliver and Eugene Peacock, o/ who were inclined to separatism. Because they were not sure whether those outside influences were good or bad for Na-griamel, they wanted VAP to win the elections on Espiritu Santo.

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o/ Ibid., Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), vol. IV, chap. XV, annex, paras. 55-56.

212. Concerning Radio Vanafo, the group told the Mission that it was being used to call people to register from distant areas and telling them how to vote. The Mission asked why the radio transmitter had not been closed down, since Joint Order No. 5 of 24 October 1979 had been issued on the limitation of broadcasts for political purposes (see appendix X to the present report).

213. The group said that that regulation appeared to apply only to Radio New Hebrides since Radio Vanafo continued its broadcasts without hindrance.

214. Finally, the group said that it felt the voting would take place peacefully and that those who might have wished to cause disturbances would not do so because of the presence of the United Nations Mission.

(c) Meeting with representatives of Na-griamel

215. On 13 and 14 November, the Mission met with Mr. Stephens, President of Na-griamel, and his followers. After the Mission had explained the purpose of its visit, Mr. Stephens said he was pleased that the Mission had come to observe the elections. He said that many people did not understand why the elections were being held or what would result from them, perhaps independence. A good deal of strain and separation existed in the Territory at the present time. In 1975, his party had refused to take part in the elections, and still did not understand why the elections were being held; it was too much like a game with Na-griamel and the moderates on one side and VAP on the other. His concern was for the "naked people" who were uneducated.

216. The Mission asked about registration cards, whether all his followers had received them and whether, as it had heard, the party had retained individual registration cards. Mr. Stephens said that many of his followers did not have registration cards, since they did not understand the purpose or benefits they would obtain from them. They needed more time to be instructed in all those matters. As to whether he had retained registration cards of his followers, he said that they had been kept for 15 to 30 days for verification purposes and many of the "bush people" had asked the party to keep the cards until the elections. The Mission, referring to the comment on the lack of understanding of the elections among his followers, asked Mr. Stephens about Na-griamel's participation in the ratification of the Constitution, whether the Constitution met with the wishes of the people of the New Hebrides and whether he felt anything was lacking in it.

217. Mr. Stephens regarded the elections and the Constitution as two separate matters. He was against a written Constitution, which was the European way of doing things. They already had a customary constitution and for that reason he had walked away from the Constitutional Committee, which had been composed of only 15 persons. The authorities had also promised to hold a referendum on the draft constitution but had not.

218. The Mission, recalling the experience of the former Trust Territories of the Cameroons which had been administered by the United Kingdom and France and which were subsequently unified, asked if Mr. Stephens similarly viewed the elections in the New Hebrides as a means of unifying the country and achieving independence. Mr. Stephens replied that the elections were necessary but that they should not change what had happened before. There should be respect for land titles, and native lands should be leased rather than sold.

219. He asked why the people should throw out the British and the French through the elections. He welcomed all who wanted to come to or remain in the New Hebrides in order to develop it. That was a problem that the United Nations should look into before the elections and independence, since the people, especially the "bush people", needed to be protected by a strong Power. The elections should not result in the removal of the Europeans, since that was not according to "custom".

220. The Mission inquired whether the establishment of regional councils satisfied the demands for decentralization in Espiritu Santo and Tanna.

221. Mr. Stephens felt that the regional councils were not entirely satisfactory, since their powers were still to be defined by the Representative Assembly. He would have wished to see a balance in the Constitution, not just to have power in the regional councils. Each island had its own traditions which should be recognized and built upon, rather than having independence imposed from above; in that way the people would be the base. The unity of the New Hebrides had been brought about by the colonial Powers, not the people themselves. Regarding the separation of Espiritu Santo from the rest of the archipelago, he felt that if he had the agreement of his people that could be done. Moreover, the situation had been further complicated by the role of the World Council of Churches in the Territory. He did not feel that "one had to follow one master". If the voters chose to support another party and not Na-griamel, he would accept the results. Mr. Stephens said that he was not happy with the way the elections had been organized. The people appeared to be caught between two movements. The British had educated many people, but now they were not helping very much. The French had not trained as many, yet now they were pouring in aid, financing roads, schools and the water supply, and providing what was needed in the Territory. He would like to see more aid and assistance from the two Governments before independence, which should not be for another 10 to 15 years.

222. The Mission informed Mr. Stephens that in its discussions with the administering Powers, it had received assurances that aid would be continued after independence.

223. Mr. Albert Rabodia, a supporter of Mr. Stephens, restated the fear that there would be no aid from the British and French Governments following independence, and the Mission suggested to him that many countries would be in a position to assist the New Hebrides.

224. Mr. Rabodia also referred to rumours that if VAP won the elections, it would expel all expatriates. He did not agree with that and felt that those who wanted to remain should be allowed to do so and to obtain citizenship. The Mission informed him that VAP had denied all such rumours. Mr. Rabodia then stated that the moderates had met from 8 to 12 November to decide on the elections and independence. The British and French ministers who had visited the New Hebrides had stated that there would be a referendum on the draft constitution, which had not taken place. The Constitution was not fair to the people, only to those in the Government. The majority of the people did not understand the Constitution. The people of Espiritu Santo did not know Bislama and were illiterate. It had been necessary to go to each village and explain the Constitution to the people. He felt that independence by 1980 was too soon and wondered whether it would be possible to have real political and economic independence. The United Kingdom and France still had much to do to prepare the Territory for independence, as nothing had been done between 1970 and 1978. He was not so much against the VAP candidates as against the way they expressed their ideas. Assistance from outside should continue for a long time.

225. Mr. Rabodia said that the regional councils might be seen as a guarantee to preserve the local autonomy of Espiritu Santo although their powers had not yet been established. The only way to carry out that guarantee was for the party to win the elections on 14 November. In that way, Espiritu Santo's development would be assured, since some members of VAP were not in favour of the regional councils. There should have been a federal system for the New Hebrides.

226. At his meeting with Mr. Stephens the following day, the Chairman pointed out that Mr. Stephens himself had a great deal of influence with the French Government and that the United Nations would also assist the new country in its development. Referring to Mr. Stephens' apprehensions, the Mission asked whether he had visited other countries in the Pacific. He replied that he had been to Fiji, but he still considered that the New Hebrides was not ready for independence. The country was not powerful enough; the New Hebrides had no rice farms; it needed schools and roads. He repeated that the people were afraid. Moreover, customs and politics should not be mixed. Mr. Stephens confirmed that his radio operated three or four hours daily and broadcast in Bislama to about 15 islands in the vicinity.

227. The Mission encouraged Mr. Stephens to have faith in his own country and people. By attaining independence, the people would have greater control over outside influences.

3. Consultations with members of the moderate parties  
on 17 November

228. The Mission met with Mr. Jean-Marie Léyé, Chairman, Federal Party; Mr. Prévot, UCNH; Mr. Aimé Maléré and Mr. Luke Dini, independent; Mr. Kalsakau and Mr. Jack Kalotiti, Natatok Party; and four others.

229. Mr. Léyé informed the Mission that he rejected the results of the elections held two days before since they had been subject to certain influences. For example, at Tanna, VAP candidates had offered bribes to the customary chiefs, and at Tangoa, the chiefs had received death threats. If that had happened in those two places, it was probably true elsewhere. Further, the provisional Government had given orders to evict those who did not belong in the Territory, and to burn houses. Mr. Léyé said that he had received letters to that effect, and for those reasons the electors had been forced to vote for VAP. Because of those pressures, the elections should be held again in Tanna and Tangoa. The United Nations should ensure that the United Kingdom, France and the newly elected Government pay indemnity to those who had suffered losses and had been injured. The leaders of VAP had also threatened other minorities, particularly religious groups. It was regrettable that the administering Powers and the United Nations had not taken action, and he requested the United Nations to carry out an inquiry based on his remarks. If the United Nations refused to do so, it would be felt that it supported VAP, especially since the United Nations flag had flown at VAP headquarters on election day. Further, Mr. Léyé said that if no action was taken, he would have to establish his own provisional Government. In addition, he had been surprised to hear the election results announced over Radio Australia before they had been made public in Port Vila. He said that Australia would do better to look after its own problems than to meddle in the affairs of the New Hebrides.

230. Mr. Kalsakau also felt that the elections had not been fair. Although VAP claimed that the elections had been free, the moderates were not happy. VAP had made the people nervous with their threats. He knew of threats to one person, and at Mélé VAP had attempted to influence the voters by giving them a feast. VAP had committed illegal acts outside Port Vila and had not acted in the European fashion. According to Mr. Kalsakau, the members of the previous Representative Assembly had been better qualified than the people elected on 14 November. The moderates wanted independence as soon as possible. The Mission should have come to the Territory earlier so as to understand the background to the elections. The United Nations should maintain an observer in the Territory after the elections to keep an eye on things and help the elected Government. None the less, the presence of the Mission in the Territory had allowed VAP to have its way. Neither VAP nor the administering Powers "were playing a good game"; the administering Powers were not to be trusted; they were helping only one party and were not investigating the crimes that had taken place.

231. Mr. Kalotiti stated that he had tried to meet with the Mission on more than one occasion to discuss the fact that he had not received a registration card. He conceded, however, that that had not been the fault of the Mission.

232. Other comments were made concerning the Constitution, which the moderates said had not been revised by the Constitutional Committee, nor had the referendum promised by the administering Powers been held.

233. The Chairman stated that the Mission was happy to meet with the group. The Mission could understand the disappointment of the moderates over the election

results, but hoped that more moderate views would prevail. The Chairman noted that Mr. Léyé had mentioned threats and bribery. Those charges, in his view, were serious matters which, if proven, would be in contravention of part 13 of the Election Regulation (see appendix III to the present report). It was surprising that those incidents had not been reported to the police and to the authorities before the electoral results had been made public. One such complaint had been reported to the Mission before election day and action had been taken.

234. The Chairman stated that if it was being suggested that the Mission was to blame for the party's loss, then that was unfair. The Mission was only in a position to observe, not to make changes. It could be said with some validity that the Mission, by spending only one week in the New Hebrides and because of lack of understanding of Bislama, might not be aware of all the undercurrents. It was contradictory, however, to accuse the Mission of assisting VAP by its presence in the Territory, and then to ask the United Nations to maintain a presence in the country until the attainment of independence. The Chairman's advice to the members of the group would be to take a long-term view and to play a role in the running of the country. VAP would need all the available talent in or outside its party.

235. If the moderate parties had proof of their charges of threats and bribery, they should take action through the recourse procedures set out in the Election Regulation. As to compensation, the Chairman recommended that they take legal action, but he cautioned them to weigh carefully any such action. With reference to the two specific complaints made by Mr. Léyé, the Chairman informed him that as soon as the Mission had noticed the United Nations flag flying from VAP headquarters, it had requested its immediate removal. The announcement of the election results by Radio Australia was a consequence of a free press and was indicative of an interest in the Territory on the part of other nations in the South Pacific.

236. Regarding prior attempts made for a meeting between the Mission and the members of the moderate parties, it was evident that communications had broken down despite every effort by the Mission to make itself available.

237. Mr. Dini made a statement which he hoped would be brought to the attention of the United Nations, which he said was a very powerful organization and highly respected. The visit of the United Nations had reinforced the five-year plan of VAP. He had been a VAP supporter and health adviser to Mr. Lini for five years, and therefore was certain of his facts. The United Nations flag was flown in the Territory wherever Mr. Lini went, and on a recent occasion at Mota Lava the United Nations flag had been flown between two VAP flags.

238. Mr. Dini indicated that he had worked with VAP while in both the Solomon Islands and Papua New Guinea and had helped to make propaganda tapes. He had left the party because its words did not match its deeds. He had supported the moderate parties for two years and did not know whether there was any foreign influence on the moderate parties. Neither he nor the moderate parties had money to finance his campaign, but VAP had money for campaigns.

239. On the future of the Territory, Mr. Dini felt that a little money and technical assistance would take the country along way. The new Government should use the talents of the French-speaking New Hebrideans, otherwise their lives would be wasted. The United Nations should maintain a presence in the Territory to observe the operations of the new Government. Finally, he explained that the announcement of the election results by Radio Australia (see paras. 229 and 235 above) had caused his absence from the National Assembly the previous evening, and he apologized for it.

240. In closing, the Chairman thanked the members of the moderate parties for their presentation and said that he would not have wished the Mission to leave the Territory without meeting them. Over the years, the United Nations had taken an interest in the New Hebrides and had asked the administering Powers to accept a mission, which had been denied until the present time. Even then, the invitation had been issued at a stage which made it difficult for the Mission to arrive much before 14 November. The Chairman suggested that the moderate parties should give VAP the chance to govern. They themselves should not only work with the party in power, but also should re-establish their credibility as an alternative Government by working within the democratic system.

4. Meeting with Mr. Maxime Carlot, an independent candidate, on 17 November

241. Mr. Carlot commented that the results of the elections to the Representative Assembly had not been finalized; therefore, it was not yet clear how many more seats VAP might take, although it had been announced the previous evening that VAP had taken 24 of the 39 seats. Conceivably, the party might gain up to 29 seats in the new Assembly, which would enable it to amend the Constitution by virtue of holding two thirds of the votes to the Assembly. Mr. Carlot felt that such action would be unwise, as it would run counter to attempts to decentralize the administration. A more flexible formula should be found to amend the Constitution, if indeed it was necessary. Abrupt change would only frighten the population and scare off investors. The first thing for the new Government to do would be to prove its ability to govern.

242. Mr. Carlot felt that VAP might not invite the opposition to participate in the Government and, since it had the required majority, it might decide to form a Government on its own. In his opinion, however, VAP should not govern alone. He noted that the role of the minority parties could perhaps be determined by the percentage of the votes they attained in the elections. Mr. Carlot thought the opposition members could play a useful role in the Government, although he considered that it would be a waste if an articulate member of the opposition were to be given a purely ceremonial position. Were the opposition to be offered positions of little importance, it might reject such invitations.

243. The Mission pointed out that in the initial year the task of nation-building should be a matter of concern to all. Doubtless, there would be intense consultations between now and 27 November, the opening date of the Representative Assembly.

244. Mr. Carlot felt that at least five or six months would be necessary to prepare for independence in 1980.

245. On the matter of maintaining expatriate experts performing governmental services (health, education, etc.), Mr. Carlot thought that it was normal to expect a certain exodus. It would perhaps be better to have new faces to replace those who were too closely identified with the ancien régime, who would find it difficult to adjust to new political realities. New technicians could come from developing countries, but that would depend on their qualifications.

246. Mr. Carlot confirmed that there was some apprehension in the expatriate community concerning the policies of VAP and stated that those apprehensions had to be allayed.

#### D. Observations and conclusions based on the consultations

247. The Mission wishes to set forth various important questions which were raised with it during the consultations.

##### 1. Constitution

248. The Mission read with interest the Constitution adopted in the Territory prior to the elections (see appendix II to the present report). Although the administering Powers emphasized the Melanesian character of the Constitution, it is the view of the Mission that they will and must continue to bear part of the responsibility associated with the present Constitution. In the Mission's view, the Constitution contains features which, if not handled carefully, will only exacerbate existing divisions, rather than being a unifying force.

249. For example, although the establishment of regional councils appears to satisfy regional and local interests, as well as the needs of various minorities, particularly on Espiritu Santo, the Mission believes that the powers of the councils need to be clearly defined.

##### 2. Public service

250. One of the issues discussed with the representatives of the administering Powers and the ministers of the New Hebridean Government was the necessity for a unified public service. The Mission was informed that the present three services (British, French and Condominium) are not only in excess of existing needs but also that their maintenance is beyond the financial ability of the New Hebridean Government. It was suggested to the Mission that urgent action should be taken to develop a unified service, a task which, based on present experience, has proved to be a difficult one. Bearing this in mind the Mission feels that if future difficulty is to be avoided action to unify the public service should be taken as soon as possible.



### 3. Education

251. In the view of the Mission, the area of education appears to require careful planning for the future. Although the cultures and traditions of the two administering Powers are realities to be taken into consideration, it is the view of the Mission that a more positive attitude and approach will enable an integrated educational system to be developed from the two existing ones. This will not only be a unifying force for the country, but will also provide a bridge to various countries of the South Pacific, and from the South Pacific to the rest of the world. This is particularly important in the development of the country's external relations.

### 4. Economic assistance

252. In its consultations with the leaders of the Territory, expressions of concern were made to the Mission regarding continued assistance from the administering Powers and the international community after independence. The Mission expresses the hope that the administering Powers, the countries of the region, the specialized agencies and organizations within the United Nations system, as well as regional institutions, will continue to provide all possible assistance to the new nation.

#### IV. ELECTIONS

##### A. Organization

##### 1. Electoral legislation

253. Joint Regulation No. 19 of 1 October 1979 (see annex III to the present report) established the provisions for the registration of voters and for elections in the Territory, which were to take effect as soon as they were published in the Official Gazette of the New Hebrides. Under the regulation, the election date would be fixed either by joint regulation, as provided for in article 21 of the Exchange of Notes of 15 September 1977 (see appendix XI to the present report) or by order of the Council of Ministers.

254. The regulation provided for a minister of the Government to be responsible for the organization and administration of the elections, subject to the powers of the Resident Commissioners. The minister would establish an electoral office with the necessary staff to carry out its functions specifically, the administrative matters relating to the registration of elections and the conduct of elections. The minister could also establish branch offices outside the capital. There was also to be a co-ordinating committee composed of the second-ranking officials of the British and French residencies, the clerk of the electoral office and any others appointed by the minister to ensure the efficient administration of the elections.

255. The functions of the Electoral Office were, inter alia, the following: (a) instruction of the registration officers; (b) preparation of electoral forms and other material; (c) arrangements for New Hebridean voters resident overseas; (d) production, distribution and publication of electoral lists; (e) provision, distribution and security of ballot papers, boxes and equipment for the polling stations; and (f) preparation of the election report.

256. Provision was also made for electoral committees, to be established by the Resident Commissioners after consultation with the Council of Ministers. The electoral committees, consisting of six members each, two of whom would be the district agents, would have as their function the establishment of electoral rolls in each registration area.

257. The regulation further made provision for inclusion in the electoral list of any person who was 18 years of age on polling day and was a New Hebridean; or who, having one New Hebridean parent, had resided for at least one year in the Territory; or who, having as his place of birth the New Hebrides, had resided in the Territory for no less than three consecutive years; or who had resided in the Territory for six consecutive years.

258. Joint Regulation No. 19 also provided that where there were sufficient numbers of New Hebrideans residing in another country that country could be declared an overseas electoral area. The Resident Commissioners would then, after consultation

with the Council of Ministers, appoint an overseas registration committee consisting of six members, two of whom would be officers of the British and French national services. They would serve as co-chairmen of the committee and would appoint overseas registration teams to draw up electoral lists for each overseas electoral area. A New Hebridean who satisfied the registration team that he could not be in the Territory on polling day would be eligible for registration in the overseas electoral list, in that part of the list relating to the constituency in which he would have voted had he not been overseas.

259. The regulation also provided that electoral lists would be made available for public inspection during a period of at least 14 days and ending no later than 7 days before the elections. Anyone could make application for inclusions, deletions and corrections of any matter on the list or on any electoral identity card. Subsequently, the co-chairman of the electoral committees would establish the rolls for each registration area.

260. Joint Regulation No. 20 of 5 October 1979 (see appendix IV to the present report) announced the dissolution of the Representative Assembly which had been elected on 29 November 1977 and set 14 November 1979 as the date of the elections. Joint Regulation No. 26 of 1979 (see appendix VIII to the present report) provided that elections to the regional councils of Espiritu Santo and Tanna would be held at the same time as elections to the Representative Assembly.

261. By Joint Order No. 5 of 24 October 1979 (see appendix X to the present report) the Resident Commissioners set out the regulations for electoral broadcasts in the Territory. The order was to go into effect from the last day on which declarations of candidature could be made and would remain in force until the close of polling for the elections on 14 November.

262. By this order the times of political broadcasts and the sequence of such were to be decided by the Committee for the Control of Broadcasting. Each candidate was entitled to a total of five minutes air-time; however, those candidates who were members of a political party had the option of renouncing, in writing, their rights to the five minutes, in favour of their political party, which could then use the accumulated time as it wished. Political broadcasting was to take place only during the period from 29 October to 12 November 1979.

## 2. Election to the Representative Assembly

263. Joint Regulation No. 22 of 8 October 1979 (see appendix VI to the present report) provided for division of the New Hebrides into 14 constituencies and established that the Representative Assembly would consist of 39 members. Polling was to be by secret ballot, and electors would vote once for one candidate. No one could vote unless his name appeared on the electoral roll and he produced a valid electoral card. Persons detained in a mental hospital or convicted of an election offence within the four years prior to polling day were not entitled to vote. Proxy voting was permitted, but no one person could cast more than two proxy votes.

264. Persons disqualified from standing as candidates in the elections included, inter alia, the Resident Commissioners and their senior officers, judges, district agents, members of the police forces and the Malfatunauri (Council of Chiefs). Other government officials were prevented from carrying out their official duties if they functioned as members of the Representative Assembly.

265. Those eligible to stand as candidates had to have attained 25 years of age and be New Hebridean or have resided in the Territory for a period of not less than 10 years preceding polling day. They should not have received a sentence of imprisonment or be in a state of bankruptcy. A candidate and his alternate were also required to have their declaration of candidature sponsored by five persons registered in their constituency who were not relatives of the candidate. A candidature could be declared invalid by the Resident Commissioners on grounds that the candidate, his alternate or his sponsors were unqualified or because the declaration of candidature was not sponsored. This section of the electoral regulation was subsequently amended by Joint Regulation No. 27 of 26 October 1979 (see appendix IX to the present report).

### 3. Elections to the regional councils

266. Elections to the regional councils of Espiritu Santo and Tanna were to take place at the same time as the election to the Representative Assembly, and the provisions of Joint Regulation No. 19 were to apply equally to elections to regional councils. The regional councils of Espiritu Santo and Tanna would be composed of 15 members elected by universal suffrage and 5 custom chiefs elected by those 15 members.

267. Candidates for election to a regional council had to be registered to vote in a constituency of the region. Each customary chief candidature had to be sponsored by at least 25 persons who were registered to vote in the regional council constituency and who, while recognizing the candidate to be a customary chief, could not be related to him.

268. The 15 members of the regional councils were to be elected by universal suffrage in a system of proportional representation, where seats were allocated to lists on the basis of a single vote. The number of names on the lists had to be equal to the number of vacant seats on the council, and seats would be allocated to candidates according to the order in which the names appeared.

269. The 15 elected councillors would, on a date to be fixed by the Resident Commissioners, elect the five customary chiefs, each casting one vote for the chief of his choice. The five chiefs obtaining the highest number of votes cast would be elected. There was no provision for proxy voting.

### 4. Organization of polling stations and voting procedures

270. There was to be one polling station in each registration area, the location of which was to be determined by the district agents, after consultation with the Electoral Office.

271. A suitable number of polling clerks to assist the presiding officer would be appointed. Each candidate or political party would nominate a representative who would attend the voting and counting and could make comments on the proceedings to the returning officer. No more than one representative could be authorized for each candidate.

272. Inside and outside the polling stations a notice was to be displayed in the Bislama, English and French languages for the guidance of voters. The hours of polling could be extended by one hour on the decision of the presiding officer and one poll clerk if in their opinion the number of voters waiting would not be able to vote in the remaining period. The polling station could, however, be closed when all the voters on the roll had voted, but the counting of votes could not start more than one hour earlier than scheduled.

273. The presiding officer was authorized to regulate the number of voters to be admitted to the polling stations and could exclude all other persons except the following: (a) polling clerks; (b) officials of the Electoral Office; (c) district agents; (d) candidates and their duly authorized representatives; (e) police officers on duty; (f) companions of disabled voters; and (g) press representatives authorized by the Electoral Office.

#### Voting procedures

274. Each voter was required to satisfy the presiding officer that his name was on the electoral roll and that he had not already voted. The presiding officer would put his signature opposite the voter's name and deliver to the voter one ballot paper for each candidate and one envelope. The voter would then enter the polling booth, place the ballot paper of the candidate of his choice in the envelope and leave all the other ballot papers in the booth. He would then show the envelope to the presiding officer and insert it into the ballot box.

275. The voter would then have his thumb marked with indelible ink, have his electoral card endorsed and returned to him and the poll clerk would sign opposite the voter's name.

#### Counting of ballots

276. There could be present at the counting of ballots in the polling station, besides officials, as many members of the public as possible without hindering the proceedings.

277. The counting of the ballots involved: (a) opening the boxes; (b) removing the envelopes; (c) extracting ballot papers from envelopes; (d) reading the name on the ballot paper; and (e) recording the number of votes cast for each candidate.

278. After the declaration of votes cast, the returning officer was required to complete an official report, stating the number of registered voters, the actual number of voters, the number of spoilt ballot papers and the number of valid votes cast for each candidate. The report was to be in duplicate, in the Bislama, English or French languages, signed by the polling officials and counter-signed

by the representatives of the candidates present, then sealed and again endorsed by those named. The sealed envelope would be delivered to the electoral committee involved, which would subsequently notify the Resident Commissioners of the results of the poll in the constituencies for which it was responsible.

279. As soon as possible afterwards, the Resident Commissioners would announce the number of votes cast for each candidate in each constituency and the number cast for each candidate in each overseas electoral area.

#### Observations by the Mission

280. Questions were raised with the Mission regarding the control of the elections. Although the Minister for Public Administration and District Affairs was originally given the responsibility and authority to organize and supervise the elections, the Mission was advised that at a later stage this control had been withdrawn from him and vested conjointly with the two Resident Commissioners, leaving the organization with the New Hebrides Government. Some political parties contended that this action enabled the administering Powers to make more liberal interpretations of the electoral regulations, which were inconsistent with fair electoral practices.

#### B. Observation of the elections by the Mission

##### 1. Activities of team A

281. On Tuesday morning, 13 November, team A of the Mission, comprising the Chairman and the representative of the Ivory Coast, met with Messrs. Vian (France) and Bresnihan (United Kingdom), the district agents at Port Vila, who, according to the electoral regulations set out in Joint Regulation No. 19 of 1979 (see para. 256 above) were the co-chairmen of the electoral committees of Efate (Central District No. 1).

282. The team asked whether the voters had been informed of the presence of the United Nations Mission during the elections. It was told that in general they had been, although those not having contact with the district headquarters might not be aware of it. The agents pointed out that it was their responsibility to co-ordinate the conduct and results of the elections in Central District No. 1.

283. The team asked about the extent of the agents' role to ensure that no improper pressures were brought to bear on the electors. It was informed that, as agents of the administering Powers, they could report malpractices directly to the police.

284. The team noted that, whereas the administering Powers were supervising the elections, the mechanics of the vote were in the hands of the New Hebrides Government. The agents stated that the Representative Assembly had enacted the regulation on the recommendation of the Resident Commissioners, in consultation with the Council of Ministers. In response to the question of whether the Chief Minister had been obliged to agree to the regulation, the Mission was informed that

no discussion had taken place at the time it was tabled. Although the regulation had been drafted by the interim Government, the administering Powers, in order to maintain the good conduct of the elections, had had to retain responsibility for it, as set out in the exchange of letters dated 15 September 1977, as modified on 18 September 1979 (see appendices XI and XII to the present report).

285. The text of the electoral regulation had been proposed by the administering Powers and then submitted to a local committee. The final text had evolved from that committee and, as a matter of courtesy, had been submitted to the Chief Minister for his agreement. It was signed by the Resident Commissioners. The New Hebrides Government was responsible only for the material organization of the election.

286. The team inquired whether those concerned were disposed to follow strictly the text of the regulation and was told that it would be scrupulously followed. On the subject of voter turn-out, it was informed that 80 per cent of the electorate was expected, although that was subject to the weather at the time of the elections. The Territory had entered the rainy season and was therefore vulnerable to the elements. Some residents of the remote islands might not be able to vote.

287. The team asked why the elections were being held at that time of the year, suggesting that the period from May to July might have been better. It learned that the elections had been planned for earlier in the year, but that there had been several delays. It had been suggested that the elections be held in the winter of 1980, but the political parties had objected. Moreover, elections had already been held in the month of November, both in 1975 and 1977.

288. When the team pointed out that some neighbouring countries spread their period of voting over two weeks or so and marvelled that these elections would take place in a matter of three days at most, the agents commented that, if the period was spread too far, pressures might change the results.

289. The complete programme followed by team A is set out in the Mission's itinerary (see appendix I to the present report).

## 2. Activities of team B

290. At Santo town, team B, comprising the representatives of Australia and the United Republic of Cameroon, met with Mr. David Browning, British District Agent, and Mr. Jean-Pierre Royanex, French District Agent. The team raised the matter of Mrs. Celestine Tamata, a VAP candidate who had reported to the Mission that threats had been made against herself and family and had asked whether protection could be arranged for them during the electoral period. She had been told that election day would be "very difficult" for her and her family. She had sent a message to VAP headquarters in Port Vila about the threats and was awaiting a response. She had stated that Radio Vanafo should be closed down for the electoral period and that the Tabwemasana members should be kept under observation until the results came in.

291. The Mission had not been able to engage in much discussion with Mrs. Tamata, who appeared very frightened. She had repeated that she and her family had been threatened and that she lived in an isolated area. She had not wanted to make her complaint directly to the district agents but had authorized the Mission to report it on her behalf. The Mission had promised to see what assistance and protection could be afforded her and had suggested that she contact the Mission on election day.

292. Both district agents expressed their surprise at the threats made and indicated that Mrs. Tamata could have approached them or the police directly. They stated that the police had not been under the control of the District Agents since the beginning of 1979. None the less, in keeping with the Mission's request, they would arrange protection for Mrs. Tamata during the elections.

293. Team B then asked about Radio Vanafo, which had reportedly been transmitting illegally since 1974 and had been used for political purposes in the pre-electoral period. The team asked why the radio transmitter had not been closed down by the authorities.

294. The British District Agent agreed that Radio Vanafo had been operating illegally since its inception in 1974. The British Residency wished to shut it down but had not been able to do so since it had been unable to obtain the agreement of the French Residency. The British Agent felt that Radio Vanafo could influence the results of the elections considerably.

295. The French District Agent indicated that the matter had been raised before. Although Radio Vanafo had transmitted in the 1975 elections, it had made no appreciable difference to the outcome of the elections. He felt that the influence of Radio Vanafo on the elections would be minimal, since its listeners were primarily supporters of Na-griamel. On the other hand, the French District Agent felt that single side band radios were being used for political purposes and could be just as prejudicial as Radio Vanafo. The British Agent stated that the two were not comparable; while Radio Vanafo could reach a wide audience, the single side band transmitters were used in the same way as a telephone.

296. The team then asked why the two types of broadcasts had not been halted under the provisions of Order No. 5, which limited the time available to political parties and individuals for campaign broadcasts.

297. The district agents explained that Order No. 5 related only to Radio New Hebrides; that it was for the British and French Residencies and the interim New Hebrides Government to close down Radio Vanafo; and that, following the request made by the two agents two weeks earlier, Radio Vanafo had considerably restrained its political activities. The agents then suggested that the team report on the matter to the two Resident Commissioners in Port Vila and request action to halt the broadcasts (see appendix XV to the present report). The difficulty with jamming Radio Vanafo, which operated illegally on a naval frequency, was that other transmissions could be adversely affected.

298. Finally, team B reported that in its meetings with all parties complaints had been made that a large number of persons in Santo town had not been registered



and would not therefore be able to vote. The Mission had been told that the political parties had sent a list to the Electoral Office containing the names of approximately 200 unregistered persons and had not received a response.

299. The district agents explained that those persons had probably not been registered because of administrative difficulty at the final stages of registration. Many persons had waited until the last moment to come forward, and when the registration period had ended they could not be included.

### 3. Visit to polling stations on election day, 14 November

300. On polling day, team A departed for Espiritu Santo and team B remained on Efate for the morning. For team A's programme, see appendix I to the present report, and for its discussions with Mr. Stephens, President of Na-griamel (see paras. 215-227 above).

#### Efate

301. Between 8 a.m. and 12 noon, team B visited all six polling stations in urban Efate (Port Vila) and two in rural Efate. The turn-out appeared to be very heavy at the commencement since voters had been waiting since 6 a.m. The crowds were generally quiet, although because of crowded conditions in the polling area in the first two hours, there was some confusion among those who had or had not voted, as well as some disorder at the entry to the stations, which was subsequently rectified through the stationing of police at entry points.

302. The team noticed in the areas of actual balloting and mentioned to Mr. Colin Redston, the Chief Electoral Officer, the presence of so-called members of the local and foreign press without official identification. On the grounds that their presence and photographing could be construed as somehow intimidating to the voters, it was suggested that the members of the press in the polling area be limited and that some form of identification be issued to them. Mr. Redston agreed to rectify the situation.

303. The team suggested that the presence and actions of some members of the French Residency in certain balloting areas might be construed as interference in the electoral process. Mr. Redston concurred and undertook to ensure that there would be no repetition of such incidents.

304. While en route from one polling station to another for spot checks, team B noticed the United Nations flag, together with the flag of VAP and two others, hanging from VAP headquarters. The team mentioned the impropriety of that action to the VAP representative at a nearby polling station and the United Nations flag was removed forthwith.

#### Tanna

305. Team B arrived in Tanna at approximately 1.30 p.m. after a two-hour flight. It was met at the air-strip by the French District Agent, the Assistant French District Agent and the Acting British District Agent and proceeded to the office of the French District Agent. After an explanation of the number and location of

polling areas on the island, the team decided, in view of the constraints of time, to visit the five polling stations nearest to the centre, Loukatau, Iwunmit British School, Middle Bush French School, Louireu and Isangel Community Centre, which involved three hours of driving, as two were located in interior areas. The French District Agent accompanied the team to the first polling station. The team questioned him about the presence of non-uniformed French police in the polling station, behind the polling officers, but did not receive a satisfactory response.

306. At all polling stations there appeared to be a heavy turn-out, but voting proceeded slowly in some cases owing to crowded conditions, and in others because of the explanations on voting being given to the voters, some of whom were illiterate. No irregularities were noticed, except those mentioned above.

#### 4. Meeting with the district agents at Santo town on 15 November

307. Team A, having spent the night at Santo town, proceeded to visit the Electoral Office there in order to be present at the tabulation of votes from the Northern District. Before its departure in the afternoon for Port Vila, team A was informed that only about 40 per cent of the votes had been counted. At a break in the counting, it asked to meet with the district agents, who kindly obliged.

308. The Chairman of the Mission thanked the district agents for taking time out to meet briefly with the team, which, he said, was impressed by the tenor and general atmosphere of the voting, as well as the lack of tension. The team inquired if everything had gone according to the rules and whether there were any irregularities, and was informed that several registration cards were not from the Northern District and that some names were not on the electoral lists. About 1 per cent of the voters was affected, which was the usual margin for error. In any case, those voters had seven days in which to appeal. It was estimated that about 90 per cent of those registered in the area had come out to vote. The district agents were surprised at the high turn-out. The team raised the question of the electoral cards about which Mr. Stephens had complained on the previous day, i.e., 13 registration cards or people whose names apparently did not appear on the list. It was informed that five persons had gone to the wrong polling station, of the four in the area, and eight were the subject of administrative errors. On the previous day, Mr. Stephens had explained to the Mission his difficulty in trying to educate his people as to their proper polling station.

309. The district agents explained that, in the beginning, Na-griamel had not wanted the registration cards for some undisclosed reason. For a period of two months they had refused to accept the cards, despite the fact that an intense campaign of registration had been carried out and a great number of voters had been registered. A Na-griamel committee had collected all the cards which had earlier been distributed by the regional office. The district agents went to Vanafo to persuade Mr. Stephens to return the cards to the voters as soon as possible. On 1 October, after it was pointed out that if the cards were not returned to the voters the collectors would be liable to prosecution, he agreed to return the cards. Since the electoral regulations had not been issued, however, the agents were not on sure ground. They could only hope that most of the cards had been returned.

310. With the added elections to the regional councils, the agents and their staff had had to work day and night, beyond the legal limit, to prepare for the elections.

311. Another problem had been the high rate of illiteracy among the electorate, which Na-griamel had claimed was the reason for holding the cards.

312. The district agents also pointed out that Mr. Stephens was not a true customary chief and was of mixed ethnic origins. Moreover, there was no real chiefdom system in any district of the New Hebrides. In Melanesia, little attention had been paid to the question of chiefdom. The religious missions had appointed chiefs through members of their respective churches. It had been the tendency of the administering Powers to reinforce that practice, but the Melanesian system had no hierarchical chiefs and therefore the process of election to the Council of Chiefs lacked a certain cohesiveness. The Council of Chiefs had been proposed at the ministerial talks held at London in November 1974 by senior officials of both administrative Powers, p/ but the proposal could not be implemented until 1976. In the process of drawing up the constitution, the Constitutional Committee had taken a very long time to resolve the question of the chiefs, and the administering Powers had had no role to play in it.

313. On the question of the New Hebrideans living in New Caledonia, the agents explained that in the late 1960s and early 1970s, during the boom period of the nickel mines, the New Hebrides had provided a source of cheap labour. New Hebrideans were also attracted by the wages; for example, a truck driver or bulldozer operator could earn as much as \$A 1,000 a month, some of which was returned to the families in the New Hebrides. But the economic bubble had burst and there was no longer any emigration in that direction. Some New Hebrideans still remained in New Caledonia; there were some 700 votes to be counted from there.

314. Concerning the possibility of the regional councils acting as deterrents to a national consciousness, the district agents felt that no real nationalism existed in the Territory, but that the unifying factor was the development of political parties.

315. At the airport, before the departure of team A for Port Vila, the Mission was informed by the police that, although Mrs. Tamata had lost the election, the threats to her had not been carried out and that they were still providing protection to her and her family (see paras. 290-292 above).

### C. Results of the elections

316. On the evening of 16 November, the Mission was invited to attend the announcement of the partial results of the elections at the Representative Assembly. At that time, VAP had won 24 of the 39 seats contested.

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p/ Ibid., Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. III, chap. XVIII, annex, para. 6.

317. Subsequently, the Mission was informed that of the 56,636 registered voters, 47,541 had voted (83.9 per cent). There were 47,122 valid votes. VAP received 29,355 votes (62.3 per cent) and won 26 seats in the Representative Assembly, while the Federal Party received 17,767 votes (37.7 per cent) and won 13 seats in the Assembly.

318. At the airport prior to departure from the Territory, the Resident Commissioners informed the Mission of the tense situation on Espiritu Santo. The relative defeat of Mr. Stephens in the regional elections, in that his party obtained only 7 of the 15 seats on the regional councils, and the fear of a Government directed exclusively by VAP had led him to threaten people from other islands with reprisals and to envisage proclaiming the unilateral independence of Espiritu Santo. Those threatened had begun to leave Santo town. The Resident Commissioners told the Mission that a joint mobile force would be dispatched to the area.

319. The Mission was subsequently informed, while in Fiji, of some disagreement concerning the dispatch of the forces to Espiritu Santo and that a similarly tense situation had developed in Tanna. On 21 November, both Mr. Lini, President of VAP, and Mr. Leymang, former Chief Minister and head of the moderate parties, had appealed for a return to peace and calm. The Mission has since learned that there has been a return to normalcy in the Territory.

320. In summing up this chapter and notwithstanding its observations concerning the general conduct of the elections, (see paras. 247-252 and 280 above) the Mission wishes to draw attention to several incidents which appeared to it to be provocative. As mentioned in paragraph 302 above, the Mission drew the attention of electoral officials to the presence of certain persons in the polling areas who had no official identification, but who claimed to represent the press. The Mission considered that presence inappropriate and, following representation, those concerned withdrew from the polling areas, although comments were subsequently made that the Mission's intervention was regarded as interference with the freedom of the press. An electoral official subsequently informed the Mission that proper identification had not been supplied to the press.

321. Although the use of broadcasts for political purposes is clearly defined in the electoral regulations, the Mission received complaints that those regulations were being violated. The violations were particularly serious because in one case, the facility involved was an illegal one. The attention of the Mission was drawn to the attempts made by the administering Powers to stop the use of such facilities. The Mission was informed that the actions taken had been ineffective. The Mission had drawn the attention of the Resident Commissioners to the issue (see appendix XV to the present report) and requested that such broadcasts cease immediately. Although the two Resident Commissioners responded to the request, it is the view of the Mission that the response left much to be desired (see appendix XVI to the present report).

322. As stated in the section on consultations with the administering Powers, (see para. 143 as well as para. 187 above) allegations were made to the Mission that gifts had been distributed by representatives of the Residencies, presumably

to influence the results of the elections. The Mission was not in a position to investigate or verify those allegations; however, it received assurances that the Resident Commissioners were determined that the elections should be seen to be free and fair.

323. During the election day in the capital, the United Nations flag was flown without authority over the headquarters of one of the political parties. When the Mission's attention was drawn to this fact it requested that the flag be immediately removed, and this was done.

## V. CONCLUSIONS

324. As reflected in the foregoing sections, in particular in the accounts of the consultations which the Mission held with various authorities, the Mission has made certain observations of a preliminary character covering various aspects of the situation prevailing in the Territory at the time of the elections, including its views on possible courses of action which might be taken in connexion with it. The conclusions set out below should therefore be read in conjunction with those earlier observations.

325. Given the nature of the terrain and the difficulty of transportation and communications in the Territory, the Mission wishes to pay tribute to the representatives of the administering Powers, including the Resident Commissioners, to the Government of National Unity and to the electoral officers for organizing the elections so efficiently.

326. In those areas it was able to visit, the Mission was impressed by the absence of tension and by the orderly nature of the proceedings at the polling stations. The Mission was also impressed with the political awareness of the people of the New Hebrides, who clearly understood the issues involved and their importance for the future. The Mission was advised that its own presence had contributed significantly to the peaceful manner in which the elections had been held.

327. The Mission considers that the elections were fairly and freely conducted according to the electoral regulations set forth, and is satisfied that the results truly reflect the will of the people. Although allegations were subsequently made that pressures had been brought to bear by interested parties, the Mission had no time to verify them and, in any event, considers such pressures not uncommon in such situation.

328. The Mission was informed in the course of its consultations with the political parties that a decision on the timing of independence would be taken by the newly elected Government. The Resident Commissioners have indicated that the duration of the transitional period will be in accordance with the wishes of the new Government. The preferred time, according to indications from all concerned, appears to be mid-1980.

APPENDIX I

Itinerary

- 6 November - New York-Paris (travel time by air: 6 hours and 15 minutes).
- 7 November - Arrival of the Mission in Paris and welcome by representatives of the Ministry of Foreign Affairs and the Ministry of the Interior (Overseas Departments and Territories) and the Director, United Nations Information Centre in Paris.
- Luncheon given by the Ministry of Foreign Affairs.
  - Meeting with the Secretary of State, Ministry of Foreign Affairs.
  - Attendance at debate in the National Assembly on the budget of the Ministry of Foreign Affairs.
  - Meeting with the Director of Political, Administrative and Financial Affairs, Office of the Secretary of State, Ministry of the Interior (Overseas Departments and Territories).
- 8 November - Paris-Frankfurt (7 hours, by train).
- 9-10 November - Bombay-Singapore-Melbourne-Nadi (Fiji): (26 1/2 hours, by air).
- 11 November - Nadi-Port Vila (1 3/4 hours, by air).  
Arrival and welcome by the two Resident Commissioners and a delegation of the New Hebrides Interim Government.
- Meeting with the British Resident Commissioner.
  - Meeting with the French Resident Commissioner.
  - Interview of the Chairman by Radio New Hebrides.
- 12 November - Meeting with the French Resident Commissioner.
- Meeting with the British Resident Commissioner.
  - Meeting with government ministers at the Representative Assembly building.
  - Working luncheon given by the British Resident Commissioner at Iririki.
  - Visit to the Electoral Office, Port Vila.
  - Meeting with the Executive Committee of the Vanua aku Pati (VAP).

13 November

Team A

- Visit to the district agencies of Central District No. 1 (Efate).
- Visit to the polling stations of the urban area: (Cultural Centre, Lycée, Public Works).
- Visit to the polling station at Erakor.
- Visit to the polling station at Fila Island.
- Meeting with the Minister for Internal Affairs and Public Works.
- Meeting with the Minister for Trade, Industry and Tourism.
- Meeting with individuals and organizations desiring to see the Mission; joined by Team B on its return from Santotown.

Team B

- Visit to the Electoral Office at Santotown.
- Meeting with representatives of political parties.
- Meeting with British and French district agents.
- Return to Port Vila.

14 November

Team A

- Departure for Lamap (Malekula); visit to polling booth.
- Departure for Norsup/Lakatoro (Malekula); visit to polling booths at Norsup, Wallarano and Unmet (Malekula) where Mission met with the Chief Minister of the interim Government.
- Departure for Santotown; visit to one of seven polling booths in the area.
- Visit to Vanafo, polling booth.
- Meeting with the President of Na-griamel.

Team B

- Visit to all polling stations at Port Vila and two in the surrounding area.
- Visit to Tanna - Office of French district agent.
- Visit to four polling stations at Tanna.
- Return to Port Vila.



15 November

Team A

- Visit to the electoral office at Santotown to be present at tabulation of the ballots for the Northern District.
- Meeting with district agents.
- Return to Port Vila.

Complete Mission

- Visit to Electoral Office for Central District No. 1 to be present at the counting of the ballots.

16 November - Meeting with the Chief Minister.

- Interview by Radio Nabanga with a member of the Mission.
- Luncheon given by the Government of the New Hebrides.
- Attendance at Representative Assembly for the official announcement of election results by the two Resident Commissioners.

17 November - Meeting with Mr. Maxime Carlot.

- Meeting with representatives of the moderate parties.
- Luncheon given by VAP.
- Reception given by the French Resident Commissioner.

18 November - Reception given by the Mission to officials of British and French Residencies and the Government of the New Hebrides.

19 November - Departure of Mission from Port Vila to Suva, Fiji (2 hours by air).

20 November - Drafting meeting - Suva.

- Luncheon hosted by Secretary of Foreign Affairs of Fiji.

21 November - Departure of the Mission for New York via Honolulu and San Francisco (16 hours by air).

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APPENDIX II

**CONSTITUTION  
OF THE  
REPUBLIC OF THE NEW HEBRIDES**

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## PREAMBLE

*WE the people of the New Hebrides,  
PROUD of our struggle for freedom,  
DETERMINED to safeguard the achievements of this struggle,  
CHERISHING our ethnic, linguistic and cultural diversity,  
MINDFUL at the same time of our common destiny,  
HEREBY proclaim the establishment of the united and free Republic  
of the New Hebrides founded on traditional Melanesian values, faith  
in God, and Christian principles,  
AND for this purpose give ourselves this Constitution.*

## CHAPTER 1

### THE STATE AND SOVEREIGNTY

- |   |        |   |
|---|--------|---|
| <b>Republic of the<br/>New Hebrides.</b>  | 1.     | The Republic of the New Hebrides is a sovereign democratic state.   |
| <b>Constitution<br/>Supreme Law.</b>  | 2.     | The Constitution is the supreme law of the New Hebrides.  |
| <b>National and<br/>official languages.</b>   | 3. (1) | The national language of the Republic is Bislama. The official languages are Bislama, English and French. The principal languages of education are English and French.  |
|   | (2)    | The Republic shall protect the different local languages which are part of the national heritage, and may declare one of them as a national language.   |
| <b>National<br/>sovereignty,<br/>the electoral<br/>franchise and<br/>political parties.</b> | 4. (1) | National sovereignty belongs to the New Hebridean people which they exercise through their elected representatives.   |
|   | (2)    | The franchise is universal, equal and secret. Subject to such conditions or restrictions as may be prescribed by Parliament, every citizen of the New Hebrides who is at least 18 years of age shall be entitled to vote. |
|   | (3)    | Political parties may be formed freely and may contest elections. They shall respect the Constitution and the principles of democracy.  |

## CHAPTER 2

### FUNDAMENTAL RIGHTS AND DUTIES

#### PART 1 — Fundamental Rights

- |   |        |  |
|---|--------|--|
| <b>Fundamental<br/>rights and<br/>freedoms of the<br/>individual.</b> | 5. (1) | The Republic of the New Hebrides recognises, that, subject to any restrictions imposed by law on non-citizens, all persons are entitled to the following fundamental rights and freedoms of the individual without discrimination on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language or sex but subject to respect for the rights and freedoms of others and to the legitimate public interest in defence, safety, public order, welfare and health:<br>(a) life;<br>(b) liberty;<br>(c) security of the person;<br>(d) protection of the law;<br>(e) freedom from inhuman treatment and forced labour; |
|---|--------|--|

- (f) freedom of conscience and worship;
  - (g) freedom of expression;
  - (h) freedom of assembly and association;
  - (i) freedom of movement;
  - (j) protection for the privacy of the home and other property and from unjust deprivation of property;
  - (k) equal treatment under the law or administrative action, except that no law shall be inconsistent with this sub-paragraph insofar as it makes provision for the special benefit, welfare, protection or advancement of females, children and young persons, members of under-privileged groups or inhabitants of less developed areas.
- (2) Protection of the law shall include the following:
- (a) everyone charged with an offence shall have a fair hearing, within a reasonable time, by an independent and impartial court and be afforded a lawyer if it is a serious offence;
  - (b) everyone is presumed innocent until a court establishes his guilt according to law;
  - (c) everyone charged shall be informed promptly in a language he understands of the offence with which he is being charged;
  - (d) if an accused does not understand the language to be used in the proceedings he shall be provided with an interpreter throughout the proceedings;
  - (e) a person shall not be tried in his absence without his consent unless he makes it impossible for the court to proceed in his presence;
  - (f) no-one shall be convicted in respect of an act or omission which did not constitute an offence known to written or custom law at the time it was committed;
  - (g) no-one shall be punished with a greater penalty than that which exists at the time of the commission of the offence;
  - (h) no person who has been pardoned, or tried and convicted or acquitted, shall be tried again for the same offence or any other offence of which he could have been convicted at his trial.

**Enforcement of  
fundamental rights.**

6. (1) Anyone who considers that any of the rights guaranteed to him by the Constitution has been, is being or is likely to be infringed may, independently of any other possible legal remedy, apply to the Supreme Court to enforce that right.
- (2) The Supreme Court may make such orders, issue such writs and give such directions, including the payment of compensation, as it considers appropriate to enforce the right.

**PART 2 — Fundamental Duties**

**Fundamental duties.**

7. Every person has the following fundamental duties to himself and his descendants and to others:
- (a) to respect and to act in the spirit of the Constitution;
  - (b) to recognise that he can fully develop his abilities and advance his true interests only by active participation in the development of the national community;
  - (c) to exercise the rights guaranteed or conferred by the Constitution and to use the opportunities made available to him under it to participate fully in the government of the Republic;
  - (d) to protect the New Hebrides and to safeguard the national wealth, resources and environ-

- ment in the interests of the present generation and of future generations;
- (e) to work according to his talents in socially useful employment and, if necessary, to create for himself legitimate opportunities for such employment;
  - (f) to respect the rights and freedoms of others and to cooperate fully with others in the interests of interdependence and solidarity;
  - (g) to contribute, as required by law, according to his means, to the revenues required for the advancement of the Republic and the attainment of national objectives;
  - (h) in the case of a parent, to support, assist and educate all his children, legitimate and illegitimate, and in particular to give them a true understanding of their fundamental rights and duties and of the national objectives and of the culture and customs of the people of the New Hebrides;
  - (i) in the case of a child, to respect his parents.
- Fundamental duties non-justiciable but public authorities to encourage compliance.** 8. Except as provided by law, the fundamental duties are non-justiciable. Nevertheless it is the duty of all public authorities to encourage compliance with them so far as lies within their respective powers.

### CHAPTER 3 CITIZENSHIP

- Automatic citizens.** 9. On the day of Independence the following persons shall automatically become citizens of the New-Hebrides:
- (a) a person who has or had 4 grandparents who belong to a tribe or community indigenous to the New Hebrides; and
  - (b) a person of New Hebridean ancestry who has no citizenship, nationality or the status of an optant.
- Entitlement to citizenship.** 10. Every person who on the day of Independence is a person of New Hebridean ancestry and has the nationality or citizenship of a foreign state or the status of an optant shall become a citizen of the New Hebrides if he makes an application, or an application is made on his behalf by his parent or lawful guardian, within 3 months of the day of Independence or such longer period as Parliament may prescribe. The New Hebrides citizenship of such a person shall automatically lapse if he has not renounced his other citizenship or nationality within 3 months of the granting of New-Hebridean citizenship or such longer period as Parliament may prescribe, except that in the case of a person under the age of 18 years the period of renunciation shall be 3 months after he has reached the age of 18 years.
- Persons born after day of Independence.** 11. Anyone born after the day of Independence, whether in the New Hebrides or abroad, shall become a citizen of the New Hebrides if at least one of his parents is a citizen of the New Hebrides.
- Naturalisation.** 12. A national of a foreign state or a stateless person may apply to be naturalised as a citizen of the New Hebrides if he has lived continuously in the New Hebrides for at least 10 years immediately before the date of the application. Parliament may prescribe further conditions of the eligibility to apply for naturalisation and shall provide for the machinery to review and decide on applications for naturalisation.

- Avoidance of dual nationality.** 13. The Republic of the New Hebrides does not recognise dual nationality. Any citizen of the New Hebrides who is or becomes a citizen of another state shall cease to be a citizen of the New Hebrides unless he renounces that other citizenship within 3 months of acquiring New Hebridean citizenship or that other citizenship, as the case may be, or such longer period as Parliament may prescribe, except that in the case of a person under the age of 18 years the period of renunciation shall be 3 months after he has reached the age of 18 years.
- Further provision for citizenship.** 14. Parliament may make provision for the acquisition of citizenship of the New Hebrides by persons not covered in the preceding Articles of this Chapter and may make provision for the deprivation and renunciation of citizenship of the New Hebrides.

#### **CHAPTER 4 PARLIAMENT**

- Parliament.** 15. The Legislature shall consist of a single chamber which shall be known as Parliament.
- Power to make laws.** 16. (1) Parliament may make laws for the peace, order and good government of the New Hebrides.  
(2) Parliament shall make laws by passing bills introduced either by one or more members or by the Prime Minister or a Minister.  
(3) When a bill has been passed by Parliament it shall be presented to the President of the Republic who shall assent to it within 2 weeks.  
(4) If the President considers that the bill is inconsistent with a provision of the Constitution he shall refer it to the Supreme Court for its opinion. The bill shall not be promulgated if the Supreme Court considers it inconsistent with a provision of the Constitution.
- Election of members of Parliament.** 17. (1) Parliament shall consist of members elected on the basis of universal franchise through an electoral system which includes an element of proportional representation so as to ensure fair representation of different political groups and opinions.  
(2) Subject to such conditions or restrictions as may be prescribed by Parliament every citizen of the New Hebrides who is at least 25 years of age shall be eligible to stand for election to Parliament.
- Electoral Commission.** 18. (1) The general responsibility for the registration of voters and the conduct of elections to Parliament, the National Council of Chiefs and the Regional Councils shall vest in an Electoral Commission.  
(2) A proposal for any law concerning the registration of voters or the election of members shall be referred to the Electoral Commission for advice before Parliament decides on it.  
(3) The Electoral Commission shall consist of the Speaker of Parliament, as Chairman, and two members appointed by the President of the Republic on the advice of the Judicial Service Commission from among persons who are not members of or candidates for election to Parliament, the National Council of Chiefs or Regional Councils.

- (4) A person shall cease to be a member of the Electoral Commission if circumstances arise that, if he were not a member, would disqualify him for appointment as such.
  - (5) The Electoral Commission shall not be subject to the direction or control of any other person or body in the exercise of its functions.
- Procedure of Parliament.**
  19. (1) Parliament shall meet twice a year in ordinary session.
  - (2) Parliament may meet in extraordinary session at the request of the majority of its members, the Speaker or the Prime Minister.
  - (3) Unless otherwise provided in the Constitution, Parliament shall make its decisions by public vote by a simple majority of the members voting.
  - (4) Unless otherwise provided in the Constitution, the quorum shall be two thirds of the members of Parliament. If there is no such quorum at the first sitting in any session Parliament shall meet three days later, and a simple majority of members shall then constitute a quorum.
  - (5) Parliament shall make its own rules of procedure.
- Speaker and Deputy Speakers.**
  20. (1) At its first sitting after any general election Parliament shall elect a Speaker and one or more Deputy Speakers.
  - (2) The Speaker shall preside at sittings of Parliament and shall be responsible for maintaining order.
  - (3) The functions of Speaker may be exercised by a Deputy Speaker.
- Committees.**
  21. Parliament may establish committees and appoint members to them.
- Proceedings to be public.**
  22. Unless otherwise provided proceedings of Parliament shall be held in public.
- Public Finance.**
  23. (1) Every year the Government shall present a bill for a budget to Parliament for its approval.
  - (2) No taxation shall be imposed or altered and no expenditure of public funds shall be incurred except by or under a law passed by Parliament.
  - (3) No motion for the levying or increase of taxation or for the expenditure of public funds shall be introduced unless it is supported by the Government.
  - (4) Parliament shall provide for the office of Auditor-General, who shall be appointed by the Public Service Commission on its own initiative.
  - (5) The function of the Auditor-General shall be to audit and report to Parliament and the Government on the public accounts of the New Hebrides.
  - (6) The Auditor-General shall not be subject to the direction or control of any other person or body in the exercise of his functions.
- Ratification of treaties.**
  24. Treaties negotiated by the Government shall be presented to Parliament for ratification when they :
    - (a) concern international organisations, peace or trade ;
    - (b) commit the expenditure of public funds ;
    - (c) affect the status of people ;
    - (d) require amendment of the laws of the New Hebrides ; or
    - (e) provide for the transfer, exchange or annexing of territory.

- Privileges of members.** 25. (1) No member of Parliament may be arrested, detained, prosecuted or proceeded against in respect of opinions given or votes cast by him in Parliament in the exercise of his office.
- (2) No member may, during a session of Parliament or of one of its Committees, be arrested or prosecuted for any offence, except with the authorisation of Parliament in exceptional circumstances.
- Life of Parliament.** 26. (1) Parliament, unless sooner dissolved under paragraph (2) or (3), shall continue for 4 years from the date of its election.
- (2) Parliament may at any time decide, by resolution supported by the votes of an absolute majority of the members at a special sitting when at least three-fourths of the members are present, to dissolve Parliament. At least one week's notice of such a motion shall be given to the Speaker before the debate and the vote on it.
- (3) The President of the Republic may, on the advice of the Council of Ministers, dissolve Parliament.
- (4) General elections shall be held not earlier than 30 days and not later than 60 days after any dissolution.
- (5) There shall be no dissolution of Parliament within 12 months of the general elections following a dissolution under paragraph (2) or (3).

## CHAPTER 5 NATIONAL COUNCIL OF CHIEFS

- National Council of Chiefs.** 27. (1) The National Council of Chiefs shall be composed of custom chiefs elected by their peers sitting in District Councils of Chiefs.
- (2) The Council shall make its own rules of procedure.
- (3) The Council shall hold at least one meeting a year. Further meetings may be held at the request of the Council, Parliament, or the Government.
- (4) During the first sitting following its election the Council shall elect its President.
- Functions of Council.** 28. (1) The National Council of Chiefs has a general competence to discuss all matters relating to custom and tradition and may make recommendations for the preservation and promotion of New Hebridean culture and languages.
- (2) The Council may be consulted on any question, particularly any question relating to tradition and custom, in connection with any bill before Parliament.
- Organisation of Council and role of Chiefs.** 29. Parliament shall by law provide for the organisation of the National Council of Chiefs and in particular for the role of chiefs at the village, island and district level.
- Privileges of Members of Council.** 30. (1) No member of the National Council of Chiefs may be arrested, detained, prosecuted or proceeded against in respect of opinions given or votes cast by him in the Council in the exercise of his office.
- (2) No member may, during a session of the Council or of one of its committees, be arrested or prosecuted for any offence, except with the authorisation of the Council in exceptional circumstances.



## CHAPTER 6 HEAD OF STATE

- President of the Republic.** 31. The head of the Republic shall be known as the President and shall symbolise the unity of the nation.
- Election of President.** 32. The President of the Republic shall be elected, in accordance with Schedule 1, by secret ballot by an electoral college consisting of Parliament and the Presidents of the Regional Councils.
- Qualifications for election as President.** 33. Any indigenous New Hebridean citizen qualified to be elected to Parliament shall be eligible for election as President of the Republic.
- Term of office and removal of President.** 34. (1) The term of office of the President of the Republic shall be 5 years.  
(2) The President of the Republic may be removed from office, only for gross misconduct or incapacity, by the electoral college provided for in Article 32 on a motion introduced by at least one-third of the members of the college and passed by at least two-thirds of its members, when at least three-fourths of its members, including at least three-fourths of the Presidents of the Regional Councils, are present.  
(3) At least two weeks notice of the motion provided for in paragraph (2) shall be given to the Speaker.  
(4) If there is no quorum at the first sitting as provided in paragraph (2), the electoral college may meet and vote on the motion provided for in paragraph (2) a week later even if there is only a quorum of two-thirds of the members of the college.
- Speaker to act as President.** 35. When there is a vacancy in the office of the President of the Republic or the President is overseas or incapacitated, the Speaker of Parliament shall perform the functions of the President. In the event of a vacancy in the office of the President of the Republic, elections to that office shall be held within 3 weeks of the vacancy arising.
- Presidential powers of pardon, commutation and reduction of sentences.** 36. The President of the Republic may pardon, commute or reduce a sentence imposed on a person convicted of an offence. Parliament may provide for a committee to advise the President in the exercise of this function.

## CHAPTER 7 THE EXECUTIVE

- Executive Power.** 37. (1) The executive power of the people of the Republic is vested in the Prime Minister and Council of Ministers and shall be exercised as provided by the Constitution or a law.  
(2) The Prime Minister shall keep the President of the Republic fully informed concerning the general conduct of the government of the Republic.  
(3) The President of the Republic may refer to the Supreme Court any regulation which he considers to be inconsistent with the Constitution.
- Council of Ministers.** 38. (1) There shall be a Council of Ministers which shall consist of the Prime Minister and other Ministers.  
(2) The number of Ministers, including the Prime Minister, shall not exceed a quarter of the number of members of Parliament.

- Election of Prime Minister.** 39. The Prime Minister shall be elected by Parliament from among its members by secret ballot in accordance with the rules in Schedule 2.
- Appointment and removal of other Ministers.** 40. (1) The Prime Minister shall appoint the other Ministers from among the members of Parliament and may designate one of them as Deputy Prime Minister.  
(2) The Prime Minister shall assign responsibilities for the conduct of government to the Ministers.  
(3) The Prime Minister may remove the Ministers from office.
- Collective responsibility of Ministers and Votes of no confidence.** 41. (1) The Council of Ministers shall be collectively responsible to Parliament.  
(2) Parliament may pass a motion of no confidence in the Prime Minister. At least one week's notice of such a motion shall be given to the Speaker and the motion must be signed by one sixth of the members of Parliament. If it is supported by an absolute majority of the members of Parliament, the Prime Minister and other Ministers shall cease to hold office forthwith but shall continue to exercise their functions until a new Prime Minister is elected.
- Termination of office of Ministers.** 42. The Council of Ministers shall cease to hold office whenever the Prime Minister resigns or dies but shall continue to exercise their functions until a new Prime Minister is elected. In the case of the death of the Prime Minister, the Deputy Prime Minister, or if there is no Deputy Prime Minister a Minister appointed by the President of the Republic, shall act as Prime Minister until a new Prime Minister is elected.
- Other times when a Minister ceases to hold office.** 43. A Minister, including the Prime Minister, shall also cease to hold office:  
(a) when, after a general election, Parliament meets to elect a new Prime Minister;  
(b) if he ceases to be a member of Parliament for any reason other than a dissolution of Parliament; or  
(c) if he is elected as President of the Republic or as Speaker of Parliament.
- Ministers to remain members of Parliament.** 44. Members of Parliament who are appointed Ministers shall retain their membership of Parliament.

## CHAPTER 8 JUSTICE

- The Judiciary.** 45. (1) The administration of justice is vested in the judiciary, who are subject only to the Constitution and the law. The function of the judiciary is to resolve proceedings according to law. If there is no rule of law applicable to a matter before it, a court shall determine the matter according to substantial justice and whenever possible in conformity with custom.  
(2) Except the Chief Justice and other judges of the Supreme Court, members of the judiciary shall be appointed by the President of the Republic on the advice of the Judicial Service Commission.

- (3) All members of the judiciary shall hold office until they reach the age or retirement. They shall only be removed from office by the President of the Republic in the event of:
    - (a) conviction and sentence on a criminal charge; or
    - (b) a determination by the Judicial Service Commission of gross misconduct, incapacity or professional incompetence.
  - (4) The promotion and transfer of members of the judiciary may only be made by the President of the Republic on the advice of the Judicial Service Commission.
- The Judicial Service Commission.**
- 46. (1) The Judicial Service Commission shall consist of the Minister responsible for justice, as Chairman, the Chief Justice, the President of the Public Service Commission, a judge appointed for three years by the President of the Republic, and a representative of the National Council of Chiefs appointed by the Council.
  - (2) The Judicial Service Commission shall not be subject to the direction or control of any other person or body in the exercise of its functions.
- The Supreme Court, the Chief Justice and other judges.**
- 47. (1) The Supreme Court has unlimited jurisdiction to hear and determine any civil or criminal proceedings, and such other jurisdiction and powers as may be conferred on it by the Constitution or by law.
  - (2) The Supreme Court shall consist of a Chief Justice and three other judges.
  - (3) The Chief Justice shall be appointed by the President of the Republic after consultation with the Prime Minister and the leader of the opposition.
  - (4) The other judges shall be appointed by the President, one being nominated by the Speaker of Parliament, one being nominated by the President of the National Council of Chiefs and one being nominated by the Presidents of the Regional Councils.
  - (5) A person shall not be qualified for appointment as Chief Justice or other judge of the Supreme Court unless he is qualified to practise as a lawyer in the New Hebrides.
- Appeals from Supreme Court to Court of Appeal.**
- 48. Parliament shall provide for appeals from the original jurisdiction of the Supreme Court and may provide for appeals from such appellate jurisdiction as it may have to a Court of Appeal which shall be constituted by two or more judges of the Supreme Court sitting together.
- Ascertainment of Rules of Custom.**
- 49. Parliament may provide for the manner of the ascertainment of relevant rules of custom, and may in particular provide for persons knowledgeable in custom to sit with the judges of the Supreme Court or the Court of Appeal and take part in its proceedings.
- Village and island courts.**
- 50. Parliament shall provide for the establishment of village or island courts with jurisdiction over customary and other matters and shall provide for the role of chiefs in such courts.
- Application to Supreme Court regarding infringements of Constitution.**
- 51. (1) Anyone who considers that a provision of the Constitution has been infringed in relation to him may, without prejudice to any other legal remedy available to him, apply to the Supreme Court for redress.

- (2) The Supreme Court has jurisdiction to determine the matter and to make such order as it considers appropriate to enforce the provisions of the Constitution.
  - (3) When a question concerning the interpretation of the Constitution arises before a subordinate court, and the court considers that the question concerns a fundamental point of law, the court shall submit the question to the Supreme Court for its determination.
- Election disputes.** 52. The jurisdiction to hear and determine any question as to whether a person has been validly elected as a member of Parliament, the National Council of Chiefs, and a Regional Council or whether he has vacated his seat or has become disqualified to hold it shall vest in the Supreme Court.
- Public Prosecutor.** 53. The function of prosecution shall vest in the Public prosecutor, who shall be appointed by the President of the Republic on the advice of the Judicial Service Commission. He shall not be subject to the direction or control of any other person or body in the exercise of his functions.
- Public Solicitor.** 54. Parliament shall provide for the office of the Public Solicitor, appointed by the President of the Republic on the advice of the Judicial Service Commission, whose function shall be to provide legal assistance to needy persons.

**CHAPTER 9**  
**ADMINISTRATION**  
**PART 1 — The Public Service.**

- Public servants.** 55. (1) Public servants owe their allegiance to the Constitution and to the people of the New Hebrides.
- (2) Only citizens of the New Hebrides shall be appointed to public office. The Public Service Commission shall determine other qualifications for appointment to the Public Service.
  - (3) No appointment shall be made to a post that has not been created in accordance with a law.
  - (4) The Prime Minister or the President of a Regional Council may, exceptionally, make provision for the recruitment of staff for a specified period to meet unforeseen needs. In urgent cases, the Public Service Commission may, after consulting the Ministers responsible for finance and public administration, make such a decision instead of the Prime Minister.
  - (5) For as long as their posts exist, public servants shall not be removed from their posts except in accordance with the Constitution.
  - (6) Public servants shall be given increments in their salary in accordance with the law.
  - (7) Public servants shall leave the Public Service upon reaching retirement age or upon being dismissed by the Public Service Commission. They shall not be demoted without consultation with the Public Service Commission.
  - (8) The security of tenure of public servants provided for in paragraph (5) shall not prevent such compulsory early retirement as may be

decided by law in order to ensure the renewal of holders of public offices.

**Exclusion of security of tenure in relation to political advisers and transfer of public servants.**

56. (1) The rule of security of tenure provided for in Article 55 (5) shall not apply to the personal political advisers of the Prime Minister and Ministers.  
(2) Senior public servants in Ministries may be transferred by the Prime Minister to other posts of equivalent rank.

**Membership of Public Service Commission.**

57. (1) The Public Service Commission shall be composed of five members appointed for three years by the President of the Republic after consultation with the Prime Minister.  
(2) The President of the Republic shall appoint every year, from among the members of the Commission, a Chairman who shall be responsible for organising its proceedings.  
(3) A person shall be disqualified for appointment as a member of the Commission if he is a member of Parliament, the National Council of Chiefs or a Regional Council or if he exercises a position of responsibility within a political party.  
(4) A person shall cease to be a member of the Commission if circumstances arise that, if he were not a member, would disqualify him for appointment as such.

**Functions of Public Service Commission.**

58. (1) The Public Service Commission shall be responsible for the appointment and promotion of public servants, and the selection of those to undergo training courses in the New Hebrides or overseas. For such purposes it may organise competitive examinations.  
(2) The Commission shall also be responsible for the discipline of public servants.  
(3) The Commission shall have no authority over the members of the judiciary, the armed forces, the police and the teaching services.  
(4) The Commission shall not be subject to the direction or control of any other person or body in the exercise of its functions.

**PART 2 — The Ombudsman**

**Ombudsman.**

59. (1) The Ombudsman shall be appointed, for five years, by the President of the Republic after consultation with the Prime Minister, the Speaker of Parliament, the leaders of the political parties represented in Parliament, the President of the National Council of Chiefs, the Presidents of the Regional Councils, and the Chairmen of the Public Service Commission and the Judicial Service Commission.  
(2) A person shall be disqualified for appointment as Ombudsman if he is a member of Parliament, the National Council of Chiefs or a Regional Council, if he holds any other public office, or if he exercises a position of responsibility within a political party.  
(3) A person shall cease to be Ombudsman if circumstances arise that, if he were not the Ombudsman, would disqualify him for appointment as such.

**Enquiries by Ombudsman.**

60. (1) The Ombudsman may enquire into the conduct of any person or body to which this Article applies :  
(a) upon receiving a complaint from a mem-

ber of the public (or, if for reasons of incapacity, from his representative or a member of his family) who claims to have been the victim of an injustice as a result of particular conduct;

- (b) at the request of a Minister, a member of Parliament, of the National Council of Chiefs or of a Regional Council;  
or
  - (c) of his own initiative.
- (2) This Article shall apply to all public servants, public authorities and ministerial departments, with the exception of the President of the Republic, the Judicial Service Commission, the Supreme Court and other judicial bodies.
  - (3) The Ombudsman may request any Minister, public servant, administrator, authority concerned or any person likely to assist him, to furnish him with information and documents needed for his enquiry.
  - (4) The Ombudsman shall grant the person or body complained of an opportunity to reply to the complaints made against them.
  - (5) The enquiries of the Ombudsman shall be conducted in private.

**Findings of  
of Ombudsman  
and reports.**

- 61. (1) Wherever, after due enquiry, the Ombudsman concludes that a complaint is unjustified, he shall so inform the complainant and the Prime Minister and the head of the public department or authority concerned.
- (2) Wherever, after due enquiry, the Ombudsman concludes that conduct was contrary to the law, based on error of law or of fact, delayed for unjustified reasons, or unjust or blatantly unreasonable and that, consequently, any decision taken should be annulled or changed or that any practice followed should be revised, he shall forward his findings to the Prime Minister and to the head of the public authority or department directly concerned.
- (3) The report of the Ombudsman shall be public unless he decides to keep the report, or parts of it, confidential to the Prime Minister and the person in charge of the relevant public service, on the grounds of public security or public interest. The complainant shall in any case be told of the findings of the Ombudsman.
- (4) The Prime Minister or the person in charge of the relevant public service shall decide upon the findings of the Ombudsman within a reasonable time and the decision, with reasons, shall be given to the complainant forthwith. Any period limiting the time in which legal proceedings may be commenced shall not begin to run until the complainant has received the decision.
- (5) The Ombudsman shall present a general report to Parliament each year and may make such additional reports as he considers necessary concerning the discharge of his functions and action taken on his findings. He may draw the attention of Parliament to any defects which appear to him to exist in the administration.

**Right of a citizen  
to services in  
own language.**

- 62. (1) A citizen of the New Hebrides may obtain, in the official language that he uses, the services which he may rightfully expect from the Republic's administration.
- (2) Where a citizen considers that there has been a breach of paragraph (1) he may make a com-

plaint to the Ombudsman who shall conduct an enquiry in accordance with Articles 60 and 61.

- (3) The Ombudsman shall, each year, make a special report to Parliament concerning the observance of multilingualism and the measures likely to ensure its respect.

**Ombudsman not subject to direction or control.**

63. The Ombudsman shall not be subject to the direction or control of any other person or body in the exercise of his functions.

## **CHAPTER 10 LEADERSHIP CODE**

**Conduct of leaders.**

64. (1) Any person defined as a leader in Article 65 has a duty to conduct himself in such a way, both in his public and private life, so as not to:
- (a) place himself in a position in which he has or could have a conflict of interests or in which the fair exercise of his public or official duties might be compromised;
  - (b) demean his office or position;
  - (c) allow his integrity to be called into question;
  - or
  - (d) endanger or diminish respect for and confidence in the integrity of the Government of the New Hebrides.
- (2) In particular, a leader shall not use his office for personal gain or enter into any transaction or engage in any enterprise or activity that might be expected to give rise to doubt in the public mind as to whether he is carrying out or has carried out the duty imposed by paragraph (1).

**Definition of a leader.**

65. For the purpose of this Chapter, a leader means the President of the Republic, the Prime Minister and other Ministers, members of Parliament, and such public servants, officers of Government agencies and other officers as may be prescribed by law.

**Parliament to give effect to this Chapter.**

66. Parliament shall by law give effect to the principles of this Chapter.

## **CHAPTER 11 EMERGENCY POWERS**

**Emergency regulations.**

67. The Council of Ministers may make regulations for dealing with a public emergency whenever:
- (a) the Republic is at war; or
  - (b) the President of the Republic acting on the advice of the Council of Ministers declares a state of emergency by reason of natural calamity or to prevent a threat to or to restore public order.

**Period of and renewals of state of emergency.**

68. (1) When Parliament is in session a state of emergency declared under Article 67 shall cease to have effect at the end of one week unless approved by a resolution of Parliament supported by two-thirds of its members.
- (2) When Parliament is not in session a state of emergency shall cease to have effect at the end of 2 weeks.
- (3) Where a resolution has been passed in accordance with paragraph (1) the state of emergency approved by it shall remain in force for

the period authorised by the resolution except that no such resolution may authorise a state of emergency for more than 3 months at one time.

- (4) Parliament may meet whenever it decides during a state of emergency.
- (5) Parliament may not be dissolved under Article 26(2) or (3) during a state of emergency. If the life of a Parliament ends in accordance with Article 26 (1) during a state of emergency the former members of that Parliament may meet for the purpose only of considering the state of emergency until the new Parliament first meets.
- (6) Parliament may at any time terminate a state of emergency by a resolution supported by an absolute majority of its members.

**Effect of emergency regulations.**

- 69. (1) Subject to paragraph (2) regulations made by the Council of Ministers in accordance with Article 67 shall have effect notwithstanding the provisions of Chapter 2, Part 1 except that no regulation shall:
  - (a) derogate from the right to life and the freedom from inhuman treatment and forced labour; and
  - (b) make provision for the detention of a person without trial for more than one month unless such person is an enemy alien.
- (2) Regulations made by the Council of Ministers in accordance with Article 67 shall be such as are reasonably necessary in the circumstances of the emergency to which they relate and as are justifiable in a democratic society.

**Complaints to Supreme Court concerning emergency regulations.**

- 70. Any citizen aggrieved by reason of regulations made by the Council of Ministers in accordance with Article 67 may complain to the Supreme Court which shall have jurisdiction to determine the validity of all or any of such regulations.

**CHAPTER 12  
LAND**

**Land belongs to custom owners.**

- 71. All land in the Republic belongs to the indigenous custom owners and their descendants.

**Basis of ownership and use.**

- 72. The rules of custom shall form the basis of ownership and use of land in the Republic.

**Perpetual ownership.**

- 73. Only indigenous citizens of the Republic who have acquired their land in accordance with a recognised system of land tenure shall have perpetual ownership of their land.

**National land law.**

- 74. Parliament, after consultation with the National Council of Chiefs, shall provide for the implementation of Articles 71, 72 and 73 in a national land law and may make different provision for different categories of land, one of which shall be urban land.

**Compensation.**

- 75. Parliament shall prescribe such criteria for the assessment of compensation and the manner of its payment as it deems appropriate to persons whose interests are adversely affected by legislation under this Chapter.



- Disputes.** 76. (1) Where, consequent on the provisions of this Chapter, there is a dispute concerning the ownership of alienated land, the Government shall hold such land until the dispute is resolved.
- (2) The Government shall arrange for the appropriate customary institutions or procedures to resolve disputes concerning the ownership of custom land.
- Land transactions.** 77. (1) Notwithstanding Articles 71, 72 and 73 land transactions between an indigenous citizen and either a non-indigenous citizen or a non-citizen shall only be permitted with the consent of the Government.
- (2) The consent required under paragraph (1) shall be given unless the transaction is prejudicial to the interests of :
- (a) the custom owner or owners of the land ;
- (b) the indigenous citizen where he is not the custom owner ;
- (c) the community in whose locality the land is situated ;
- or
- (d) the Republic.
- Government may own land.** 78. Notwithstanding Articles 71 and 72 the Government may own land acquired by it in the public interest.
- Redistribution of land.** 79. (1) Notwithstanding Articles 71 and 72 the Government may buy land from custom owners for the purpose of transferring ownership of it to indigenous citizens or indigenous communities from over-populated islands.
- (2) When redistributing land in accordance with paragraph (1), the Government shall give priority to ethnic, linguistic, customary and geographical ties.

### CHAPTER 13 DECENTRALISATION

- Legislation for decentralisation.** 80. The Republic of the New Hebrides, conscious of the importance of decentralisation to enable the people fully to participate in the government of their regions, shall enact legislation necessary to realize that ideal.
- Regional Councils** 81. (1) Each region may elect a regional council in accordance with a law which shall in particular provide for the representation of custom chiefs within such council.
- (2) As soon as the regional council is elected, it shall start negotiations with the Government in order to prepare proposals for legislation providing for the powers and administration of the region.
- (3) The proposals for legislation referred to in paragraph (2) shall be submitted to Parliament which shall adopt them by the votes of at least two-thirds of the members of Parliament.

### CHAPTER 14 AMENDMENT OF THE CONSTITUTION

- Bills for amendment of Constitution.** 82. A bill for an amendment of the Constitution may be introduced either by the Prime Minister or any other member of Parliament.

- Procedure for passing Constitutional amendments** 83. A bill for an amendment of the Constitution shall not come into effect unless it is supported by the votes of no less than two-thirds of all the members of Parliament at a special sitting of Parliament at which three-quarters of the members are present. If there is no such quorum at the first sitting, Parliament may meet and make a decision by the same majority a week later even if only two-thirds of the members are present.
- Amendments requiring support of referendums.** 84. A bill for an amendment of a provision of the Constitution regarding the status of Bislama, English and French, the electoral system, the powers and organisation of Regional Councils or the parliamentary system, passed by Parliament under Article 83, shall not come into effect unless it has been supported in a national referendum.

## CHAPTER 15 TRANSITIONAL PROVISIONS

- First President of the Republic.** 85. Notwithstanding Chapter 6 the first President of the Republic shall :
- (a) be such person as shall have been elected prior to the day of Independence by an electoral college constituted for that purpose by the Representative Assembly sitting with the Presidents of the Regional Councils if then established ;
  - (b) assume office on the day of Independence and hold office in accordance with the provisions of the Constitution.
- First Prime Minister and other Ministers.** 86. The persons who immediately before the day of Independence hold office as Chief Minister or any other Minister shall as from that day hold office as Prime Minister or other Minister, as the case may be, as if they had been elected or appointed thereto under Chapter 7.
- First Parliament.** 87. (1) The persons who immediately before the day of Independence are members of the Representative Assembly shall on that day become members of Parliament and shall hold their seats in Parliament in accordance with the Constitution.
- (2) The person who immediately before the day of Independence holds the office of Chairman of the Representative Assembly shall as from that day act in the office of Speaker of Parliament until a person is elected to hold that office.
  - (3) The standing orders of the Representative Assembly in force immediately before the day of Independence shall have effect as from that day as the standing orders of Parliament until modified or replaced under Article 19 (5) but shall be construed with such adaptations as may be necessary to bring them into conformity with the Constitution.
  - (4) Parliament shall, unless sooner dissolved, stand dissolved on the 14th November, 1983.
- Existing offices.** 88. (1) Subject to the other provisions of the Constitution, a person who immediately before the day of Independence holds or acts in an office in the service of the Government of the New Hebrides shall, as from that day, hold or act in

- that office or the corresponding office established by or under the Constitution on the same terms and conditions as those on which he holds or acts in the office immediately before that day.
- (2) Paragraph (1) is without prejudice to the power of Parliament to provide for the compulsory retirement of non-citizen officers to promote localisation of offices.
- (3) Notwithstanding Article 55 (2), until a citizen of the New Hebrides is qualified for appointment to a public office a non-citizen may be appointed to that office but, except in the case of a judge of the Supreme Court, shall be appointed for a limited period.
- Judges of the Supreme Court.** 89. Notwithstanding Chapter 8, any person who immediately before the day of Independence holds office as a judge of the pre-Independence Supreme Court or of a District Court shall as from that day act in the office of judge of the Supreme Court until a substantive appointment is made to that office in accordance with Chapter 8. The President of the Republic may appoint one of them to act as Chief Justice until a substantive appointment is made to that office.
- Rights, Liabilities and Obligations.** 90. (1) All rights, liabilities and obligations of the Government of the New Hebrides, whether arising out of contract or otherwise, shall, as from the day of Independence, be rights, liabilities and obligations of the Republic.
- (2) Nothing in paragraph (1) shall prevent the Government of the Republic renegotiating rights, liabilities or obligations assumed under that paragraph.
- Electoral System.** 91. After the general elections next following the Exchange of Notes providing for the entry into force of this Article, the Representative Assembly shall set up a Committee with equal representation of all political groups to make recommendations on an electoral system based on Article 17 (1).
- The recommendations of the Committee shall be included in a law enacted by Parliament by a two-thirds majority of its members at a special sitting of Parliament when at least three-fourths of the members are present. If there is no such quorum at the first sitting, Parliament may meet and make a decision by the same majority a week later even if only two-thirds of the members are present.
- Legal Proceedings.** 92. All legal proceedings, whether civil or criminal, pending immediately before the day of Independence before any court in the New Hebrides shall be disposed of on and after that day in accordance with general or specific directions given by the Supreme Court subject to any law which may be enacted for that purpose.
- Existing Law.** 93. (1) Until otherwise provided by Parliament, all Joint Regulations and subsidiary legislation made thereunder in force immediately before the day of Independence shall continue in operation on and after that day as if they had been made in pursuance of the Constitution and shall be construed with such adaptations as may be necessary to bring them into conformity with the Constitution.

- (2) Until otherwise provided by Parliament, the British and French laws in force or applied in the New Hebrides immediately before the day of Independence shall on and after that day continue to apply to the extent that they are not expressly revoked or incompatible with the independent status of the New Hebrides and wherever possible taking due account of custom.
- (3) Customary law shall continue to have effect as part of the law of the Republic.

**Regional Councils  
before  
Independence.**

- 94. (1) Regional Councils shall be elected in Tanna and Santo on the same day as the general elections to the Representative Assembly next following the Exchange of Notes providing for the entry into force of this Article.
- (2) The modalities of this election shall be established by an Exchange of Notes between the British and French Governments, which shall in particular provide for the representation of custom chiefs within such Regional Councils.
- (3) As soon as they are elected the Regional Councils of Tanna and Santo shall start negotiations with the Government in order to prepare proposals for legislation providing for their powers and their manner of administration. The law on decentralisation for Tanna and Santo shall be adopted by the Representative Assembly before Independence.
- (4) The Council of Ministers may provide for the election of regional councils in other constituencies before Independence in accordance with modalities established in an Exchange of Notes between the British and French Governments.

**SCHEDULE 1**  
**ELECTION OF THE PRESIDENT OF THE REPUBLIC**

1. The election of the President of the Republic shall take place within 3 weeks of the end of the term of office of the previous President.
2. (1) The electoral college may proceed to elect the President of the Republic at its first meeting if at least three fourths of its members are present.  
(2) If there is no such quorum, the electoral college shall meet again 48 hours later and may lawfully proceed to elect the President if at least two thirds of its members are present.
3. The candidate who obtains the support of two thirds of the members of the electoral college shall be elected President of the Republic.

**SCHEDULE 2**  
**ELECTION OF THE PRIME MINISTER**

1. The candidate who obtains the support of an absolute majority of the members of Parliament shall be elected Prime Minister.
2. If no candidate is elected under the preceding paragraph, a second ballot shall be taken but the candidate obtaining the lowest number of votes in the first ballot shall be eliminated.
3. If on the second ballot no candidate obtains the support specified in paragraph 1, further ballots shall be held, each time eliminating the candidate with the lowest vote in the preceding ballot until one candidate receives the support specified in paragraph 1, or if only two candidates remain the support of a simple majority.

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APPENDIX III

Election regulations: Joint regulation No. 19 of  
18 September 1979

ELECTION REGULATION

Arrangement of Sections

PART 1 - PRELIMINARY

1. Interpretation

PART 2 - ELECTORAL OFFICE AND CO-ORDINATING COMMITTEE

2. Organization and Administration of Elections by the Minister and Electoral Office
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NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 19 of 18 September 1979

To provide for registration of voters and elections

MADE by the Resident Commissioners under Article 2 (2) and Article 7 of the Anglo-French Protocol of 1914 and the Exchange of Notes between the Governments of the French Republic and the United Kingdom of Great Britain and Northern Ireland on the 18th day of September 1979.

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PART 1 - PRELIMINARY

Interpretation. 1. In this Regulation unless the context otherwise requires a person shall be related to a person if he is that persons spouse, or the brother, sister, uncle, aunt or lineal ancestor or descendant of that person or his spouse.

"Constituency" means one of the Constituencies into which the New Hebrides is divided by Joint Regulation for the purposes of elections.

"District Agent" means a person appointed to that office under Article 2:3 of the Anglo-French Protocol of 1914, or a person acting in such office, or a person carrying out the duties of such office.

"election" includes a by-election.

"election offence" means any offence provided for under this Regulation and includes an offence under section 54.

"electoral list" means the electoral list drawn up in accordance with Parts 5, 6 and 8 prior to the first elections held in accordance with this Regulation and for later elections the existing electoral roll established in accordance with section 23.

"electoral officer" means the Clerk and officers of the Electoral Office, a District Agent, a registration officer, a presiding officer, a returning officer or a polling clerk.

"general election" means an election held to fill vacancies occurring after the end of a term of the Representative Assembly or on its dissolution.

"Minister" means the Minister appointed by the Chief Minister to be responsible for organizing elections or any Minister acting on his behalf.

"New Hebridean" means a person of Pacific island origin who is not a citizen, subject or protected person of Britain France or any foreign State.

"polling day" means the date fixed for an election or the commencement of an election in accordance with Section 21 of this Regulation, or other Joint Regulation or an Exchange of Notes between Britain and France amending the Anglo-French Protocol of 1914.

Words and expressions importing the masculine general include the feminine and importing the singular include the plural and vice-versa.

#### PART 2 - ELECTORAL OFFICE AND CO-ORDINATING COMMITTEE

Organization and Administration of Elections by the Minister and Electoral Office.

2. (1) The Minister shall be responsible for the organization and administration of elections subject to the powers of the Resident Commissioners under this Regulation.
- (2) For the purposes of subsection (1) the Minister shall establish an electoral office.
- (3) The Electoral Office shall be supervised by a Clerk who shall be appointed by the Minister after consultation with the Resident Commissioners and the Council of Ministers.
- (4) The Government shall second to the Electoral Office such staff as in the opinion of the Minister shall be required for the effective discharge of its functions.
- (5) The Electoral Office shall be in Port-Vila and the Minister may establish branch offices.
- (6) There shall be a Co-ordinating Committee consisting of the Chancellor of the French Residency, the Chief Secretary of the British Residency and the Clerk of the Electoral Office or such other representative as the Minister shall appoint.
- (7) The function of the Co-ordinating Committee shall be to ensure the efficient administration of elections.

Responsibilities  
of Electoral  
Office.

3. (1) Subject to section 2 (1) the Electoral Office shall be responsible for the administrative matters relating to the registration of electors and the conduct of elections.
- (2) The Electoral Office shall in particular be responsible for:
  - (a) control of electoral expenditure;
  - (b) instruction, supervision and remuneration of Registration Officers;
  - (c) transport, travel and equipment for Registration Officers;
  - (d) the design and printing of electoral cards, forms and other material;
  - (e) arrangements for New Hebridean voters resident overseas;
  - (f) production, distribution and publication of electoral lists;
  - (g) providing information to voters and the general public;
  - (h) provision and distribution and security of ballot papers, ballot boxes and equipment for polling stations;
  - (i) preparation and distribution of instructions for Returning Officers, Presiding Officers and Polling Clerks;
  - (j) transport, travel and remuneration for Returning Officers, Presiding Officers and Polling Clerks;
  - (k) liaison with Minister, Resident Commissioners and District Agents;
  - (l) maintenance, preservation and security of all electoral records;
  - (m) preparation of the Election Report required under Section 40 (2);
  - (n) such other duties as may from time to time be assigned by the Minister or the Resident Commissioners in accordance with their respective powers under this Regulation.

PART 3 - REGISTRATION AREAS

- Division of New Hebrides into registration areas.
4. The Council of Ministers shall divide the Constituencies demarcated pursuant to the Exchange of Notes of 15 September 1977 into such number of registration areas as it shall deem fit.

PART 4 - ELECTORAL COMMITTEES

- Establishment and Procedures of Electoral Committees.
5. (1) The Resident Commissioners shall by Joint Decision after consultation with the Council of Ministers establish such number of electoral committees and for such periods as it may deem fit.
- (2) Each electoral committee shall consist of six members. Two members shall be the District Agents ex officio. The other members shall be appointed by the Resident Commissioners by Joint Decision after consultation with the Council of Ministers.
- (3) The District Agents shall be co-Chairmen of the electoral committees. In the absence of a District Agent he shall be replaced by his Assistant District Agent.
- (4) The decisions of electoral committees shall not be valid unless the co-Chairmen and not less than two other members are present.
- (5) Decisions of electoral committees shall be taken by a majority vote.
- Function of Electoral Committees.
6. (1) The function of electoral committees shall be to establish electoral rolls for each registration area.
- (2) Electoral committees shall, for the purpose of establishing electoral rolls, ascertain such information concerning persons as they may deem necessary or as the Minister may direct.

PART 5 - ELECTORAL LISTS

- Registration Officers.
7. (1) Each electoral committee shall appoint such number of registration officers as it may consider necessary.
- (2) Each assistant district agent shall be ex officio a registration officer for each electoral committee within his administrative district.

- (3) Registration officers, who shall work in teams of not less than two selected by the co-Chairmen of Electoral Committees, shall draw up electoral lists for the purpose of compiling electoral rolls.
- (4) Registration officers shall refer any matter on which they cannot agree to the Electoral Committee of the registration area to which the matter in dispute relates.
- (5) Registration officers may call upon any two inhabitants in any place to assist them in determining the age or place of residence of any person or any other matter for the purpose of drawing up an electoral list.

Persons to give assistance and information.

8. Every person called upon to assist under section 7 (5) or to give information concerning himself for determining whether or not his name should be included on an electoral roll shall give such assistance or information without undue delay and to the best of his knowledge and belief.

Declaration as to basis of claim to registration.

9. Any person may be required to furnish a declaration in the form contained in Part 1 of Schedule 1 made and signed by two persons of good standing not related to him as to the facts on which he bases his claim to be eligible for registration.

Qualifications for registration as a voter.

10. (1) A person shall be eligible for registration in the electoral list for the registration area in which he is a resident on 1 July 1979 if he:
  - (a) will have attained 18 years on or before polling day and
  - (b) (i) is a New Hebridean, or
  - (ii) is a person who will have resided for not less than one year in the New Hebrides preceding polling day and one of his parents is or was a New Hebridean, or
  - (iii) is a person who will have resided for not less than three consecutive years in the New Hebrides preceding polling day and was born in the New Hebrides, or
  - (iv) is a person who will have resided for not less than six consecutive years in the New Hebrides immediately preceding polling day and was not born in the New Hebrides.

- (2) In reckoning periods of time for the purpose of subsection (1) periods spent overseas which come to not more than 120 days per year when averaged over the relevant period of residence shall not be taken into account.
- (3) A person shall be resident in a registration area for the purposes of this section if his name is recorded as resident in that area in the demographic census of 1979.
- (4) Where a person's name is not recorded in the demographic census of 1979 as resident in a registration area and he desires to be registered there the Registration Officers shall make such inquiry as to the residential status of that person as may be necessary.
- (5) After making inquiry under subsection (4) the Registration Officers shall make a report and a recommendation to the Electoral Committee.
- (6) A report under subsection (5) shall be supported by such evidence as may be necessary and available.
- (7) Upon receipt of a report under subsection (6) an Electoral Committee shall after considering the report and evidence either enter the name of the voter on the electoral list or refuse to enter it and cause the voter to be informed of its decision.
- (8) An Electoral Committee shall not refuse to register a voter in a registration area other than the one he was recorded as being resident in under the census if that registration area and the one he wishes to be registered in are in the same constituency.
- (9) An Electoral Committee that refuses to register a person in an electoral list shall inform the Electoral Committee of the registration area in which it considers he is resident of its decision.
- (10) The Electoral Committee shall accept as proof of residence the following:
  - (a) purchase or rent of accommodation subject to a municipal property tax; or
  - (b) a certificate of employment from an employer that the voter has been employed by him for not less than three months before 1 July 1979; or

- (2) Where a registration officer is satisfied that a New Hebridean present in an overseas electoral area will be in the New Hebrides on polling day he shall apply the provisions of Section 11 to that person.
- (3) Where a registration team is satisfied that a New Hebridean present in any overseas electoral area will not be in the New Hebrides on polling day and is eligible for registration it shall register him in the overseas electoral list.
- (4) An overseas registration team which registers a person in accordance with subsection (3) shall register him in the part of the overseas electoral list relating to the constituency in which in its opinion he would have voted had he not been overseas.
- (5) For the purposes of Parts 8 and 9 the Overseas Registration Committee shall send to each Electoral Committee two copies of the parts of Overseas Electoral Lists relevant to its constituencies.
- (6) An Electoral Committee which receives the copies referred to in subsection (5) shall without delay forward to the Overseas Registration Committee such comments thereon as it shall consider necessary.

#### PART 7 - ELECTORAL IDENTITY CARDS

- Issue of Electoral Identity Cards. 16.
- (1) When a person is registered in an electoral list or overseas electoral list he shall be issued with an electoral identity card in the form and containing the particulars set out in Part 4 of Schedule 1.
  - (2) Duplicate electoral identity cards may be issued in accordance with the Rules set out in Schedule 2.

#### PART 8 - CHANGES TO AND COMPLETION OF ELECTORAL LISTS

- Special interpretation of Electoral Committees and "Electoral Lists".
17. In this Part and in Part 9 "Electoral Committees" shall include the Overseas Registration Committee and "Electoral List" shall include an overseas electoral list.



Petitions to  
Electoral  
Committees and  
appeals to the  
Resident  
Commissioners.

18. (1) Any person may petition an Electoral Committee if he considers his name has been wrongly omitted from an Electoral List and may put such evidence and declarations before the Committee as he considers appropriate.
- (2) If an Electoral Committee after receiving a petition under subsection (1) considers it reasonable that the petitioner's name should be included it shall register his name in the electoral list and issue him with an electoral identity card.
- (3) A petitioner under subsection (1) may appeal to the Resident Commissioners if an Electoral Committee does not register his name in the electoral list.
- (4) Such appeal shall be made within 24 hours of notification to the petitioner of the Committee's decision.
- (5) The Resident Commissioners may either dismiss an appeal under subsection (3) or order the registration of the appellant's name in the electoral list. Their decision shall not be questioned in any court.

Removal of names  
from electoral  
list and appeals  
to the Resident  
Commissioners.

19. (1) An Electoral Committee may remove the name of any person from an electoral list if for any reason it considers that that person should not be registered therein.
- (2) An Electoral Committee may require a person whose name has been removed from an electoral list to surrender to the Committee any electoral identity card issued to him.
- (3) A person whose name has been removed from an electoral list pursuant to subsection (1) may appeal against such removal to the Resident Commissioners.
- (4) Such appeal shall be made within 24 hours of notification of such removal to the appellant.
- (5) The Resident Commissioners may either dismiss an appeal under subsection (3) or order the reinstatement of the appellant's name in the electoral list. Their decision shall not be questioned in any court.

Electoral Committee 20. When an Electoral Committee has completed the electoral lists for each of its registration areas it shall forward to send copy of lists for each of its registration areas it shall forward electoral list to a copy of each list to the Electoral Office. Electoral Office.

PART 9 - FIXING OF ELECTION DATE AND ESTABLISHING OF ELECTORAL ROLLS

- Election date. 21. The election date shall be:
- (a) in the case of an election following the dissolution of the Representative Assembly, such date as shall be fixed by a Joint Regulation made pursuant to Article 21 of the Exchange of Notes of the 15th September 1977.
  - (b) in all other cases, such date as shall be fixed by Order made by the Council of Ministers which shall specify a date, not earlier than two months nor later than three months after the date of the publication of the Order.
- Making electoral list available for inspection and applications for changes thereto. 22. (1) As soon as practicable after the fixing of the date for an election the electoral list shall be made available for inspection by the public during a period of not less than 14 days, the dates of which shall be decided by the Minister but which shall end not later than seven days before polling day.
- (2) The electoral list shall be made available for inspection by:
- (a) each District Agent having a copy at his office,
  - (b) each registration officer having a copy available on request, and
  - (c) copies being lodged at such other places or with such other persons both in the New Hebrides and outside as the Resident Commissioners shall direct or cause to be lodged.
- (3) Before the end of the inspection period any person may make application to an Electoral Committee for:
- (a) the inclusion or deletion of any name from an electoral list,
  - (b) the correction of any matter in a list,

- (c) the addition or deletion of any matter in a list, or
- (d) the correction of any matter or the addition or removal of any matter in any electoral identity card.

Establishment of electoral rolls.

23. (1) As soon as practicable after the end of the inspection period provided for in Section 22 each Electoral Committee shall meet and determine all outstanding applications made under Section 22 (3) making such additions or deletions from the list as may be required as a result of such determinations.
- (2) Having determined all applications under subsection (1) a committee shall establish the electoral roll for each registration area for which it is responsible.
- (3) The co-Chairmen shall initial each page of two master copies of each roll.
- (4) The co-Chairmen shall endorse on each master copy roll a certificate countersigned by two other committee members stating the number of pages and entries in the roll.
- (5) One copy of each roll endorsed in the manner provided for in subsection (4) shall be sent to the Electoral Office and one copy retained by the Electoral Committee.

#### PART 10 - CANDIDATES FOR ELECTION

Disqualification of candidates and incompatibility of functions of some officers.

24. (1) The following persons shall not be qualified as candidates for election to the Representative Assembly or as their alternates:
- (a) The Resident Commissioners;
  - (b) Judges;
  - (c) The Chancellor of the French Residency, the Chief Secretary of the British Residency;
  - (d) Heads of departments in either the French or the British National Services;
  - (e) District Agents;

- (f) members of the Police Forces; and
  - (g) members of the Malfatumaauri.
- (2) The following persons may not exercise the functions of members of the Representative Assembly whilst carrying out the duties of their office:
- (a) Directors of Government departments;
  - (b) public accounting officers;
  - (c) magistrates, the Procurator-General and Assistant Procurators-General;
  - (d) all other public officers not referred to in subsection (1) or this subsection;
  - (e) all teachers and administrative staff of educational institutions paid directly or indirectly out of funds provided by the New Hebrides Government or the French or British Governments.
- (3) The Resident Commissioners may after consultation with the Council of Ministers add other persons or classes of persons to either subsection (1) or subsection (2).

Eligibility of candidates.

25. (1) Subject to section 24 a person shall be eligible to stand as a candidate for election to the Representative Assembly or be the alternate of such a candidate, if he
- (a) is not disqualified from voting, and
  - (b) has not received a sentence of a term or terms of imprisonment whether suspended or not and without complete remission totalling more than 12 months in length which has not ended three years or more before polling day;
  - (c) is not an undischarged bankrupt;
  - (d) has attained 25 years of age and either
  - (e) is a New Hebridean, or
  - (f) he shall have resided in the New Hebrides for a period of not less than 10 years preceding polling day.

- (2) Section 10 (2) shall apply to paragraph (f) of subsection (1).
- Declaration of candidature. 26. (1) Not later than a date before polling day declared by the Resident Commissioners by Joint Decision every candidate for election shall lodge with a District Agent;
- (a) a declaration of candidature signed by him and his alternate in the form and containing the particulars provided for in Part 1 of Schedule 3 which shall include declarations that the candidate and his alternate are eligible as provided for in Section 25;
  - (b) a deposit of FWH 10,000;
  - (c) a full face photograph of himself and one of his alternate;
  - (d) except for a candidate sponsored by a political party having a symbol approved by the Minister on the advice of the Electoral Office, an illustration on paper of his personal electoral symbol;
- (2) A declaration of candidature shall also contain the signatures of not less than five sponsors being persons registered to vote in the constituency of the candidate and not being related to the candidate.
- (3) No person may lodge a declaration of his own candidature;
- (a) for more than one constituency, or
  - (b) if he is a member of the Representative Assembly in the case of a by-election.
- (4) No person may be alternate for more than one candidate.
- (5) A deposit paid under subsection (1) (b) shall not be repaid unless a candidate:
- (a) is elected;
  - (b) obtains 5 per centum or more of the votes cast in his constituency; or
  - (c) withdraws his candidature not less than seven days before polling day.

- (6) A District Agent who receives a declaration of candidature shall give a receipt to the candidate in the form contained in Part 2 of Schedule 3 and forward the declaration immediately to the Electoral Committee.
- (7) Each Electoral Committee shall within 24 hours of the day declared by the Resident Commissioners under subsection (1) make a list of the candidates and alternates named in declarations of candidature received by it and send copies to the Resident Commissioners and the Electoral Office.
- (8) Each Electoral Committee shall send with the list referred to in subsection (7) such comments on the validity of the candidature of any person named in the list as it shall consider fit.

Declaration of  
invalidity of  
candidature by  
Resident  
Commissioners.

- 27. (1) When a declaration of candidature has been delivered and a deposit paid in compliance with section 26 the candidate, and his alternate shall stand sponsored for election unless and until the Resident Commissioners declare the candidature invalid or evidence is given to the satisfaction of the Resident Commissioners that the candidate or his alternate has died, or the candidate withdraws.
- (2) The Resident Commissioners shall only declare a candidature invalid because,
  - (a) the candidate, his alternate or his sponsors do not have the necessary qualifications or are disqualified; or
  - (b) the declaration of candidature is not sponsored as provided in section 26 (2).
- (3) Where the Resident Commissioners decide that a candidature is invalid they shall so endorse the declaration of candidature giving reasons for the decision.
- (4) The decision of the Resident Commissioners that a candidature is valid or invalid shall be final and not questioned in any proceedings whatsoever.
- (5) Nothing in this section shall prevent the Election Disputes Committee declaring the election of a candidate void after the election on the grounds that he was not qualified or was disqualified for election.

204. Mr. Bouletaré had not known of the presence of the United Nations Mission until that day. He thought the Mission was there to supervise the elections and to see that all went smoothly and calmly. That was what all the political parties were determined to see happen.

205. Asked whether some political parties were not going to participate, Mr. Bouletaré felt that those were merely rumours spread to cause confusion among the voters, although he believed that all the parties wanted the elections to be held. Since 1975 and 1977, the situation had changed; everyone realized that there could not be a stable Government without an elected Government.

(b) Meeting with representatives of VAP

206. On 13 November, the Mission met with the following members of VAP: Mr. Kalmer Vocor, Mr. Kalo Nial, Mr. Vula Vutilolo and Mr. Aidan Arugona. After explaining the purpose of its visit, the Mission asked the group about a problem which had previously been raised regarding the registration of voters.

207. Mr. Vocor felt that many people were not registered because the registration agents in some cases were too young; others were playing politics and favouring certain groups.

208. Mr. Nial indicated that the registration was based on the census, and that for varying reasons many people had not been covered in the census and therefore were now not eligible to vote.

209. Mr. Vutilolo added that the people not being registered were from all parties, including VAP, Na-griamel and the moderate parties. He believed that approximately 2,000 people in Santotown were not registered. If all were registered, he felt certain that VAP would win the elections in Santotown.

210. In response to a question as to whether the parties had appealed to the authorities, Mr. Vocor said they had done so. He personally had taken 15 crew members to be registered, but they had not received their cards. On the other hand, Mr. Nial added that the authorities were making sure that the followers of Mr. Stephens were being registered.

211. The group then raised the question of the illegal radio transmitter Radio Vanafo, which they said Mr. Stephens used to broadcast propaganda. They felt that those broadcasts were aimed at creating divisions on Espiritu Santo, and they worried that Mr. Stephens was being influenced by foreigners such as Messrs. Michael Oliver and Eugene Peacock, o/ who were inclined to separatism. Because they were not sure whether those outside influences were good or bad for Na-griamel, they wanted VAP to win the elections on Espiritu Santo.

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o/ Ibid., Twenty-seventh Session, Supplement No. 23 (A/8723/Rev.1), vol. IV, chap. XV, annex, paras. 55-56.

212. Concerning Radio Vanafo, the group told the Mission that it was being used to call people to register from distant areas and telling them how to vote. The Mission asked why the radio transmitter had not been closed down, since Joint Order No. 5 of 24 October 1979 had been issued on the limitation of broadcasts for political purposes (see appendix X to the present report).

213. The group said that that regulation appeared to apply only to Radio New Hebrides since Radio Vanafo continued its broadcasts without hindrance.

214. Finally, the group said that it felt the voting would take place peacefully and that those who might have wished to cause disturbances would not do so because of the presence of the United Nations Mission.

(c) Meeting with representatives of Na-griamel

215. On 13 and 14 November, the Mission met with Mr. Stephens, President of Na-griamel, and his followers. After the Mission had explained the purpose of its visit, Mr. Stephens said he was pleased that the Mission had come to observe the elections. He said that many people did not understand why the elections were being held or what would result from them, perhaps independence. A good deal of strain and separation existed in the Territory at the present time. In 1975, his party had refused to take part in the elections, and still did not understand why the elections were being held; it was too much like a game with Na-griamel and the moderates on one side and VAP on the other. His concern was for the "naked people" who were uneducated.

216. The Mission asked about registration cards, whether all his followers had received them and whether, as it had heard, the party had retained individual registration cards. Mr. Stephens said that many of his followers did not have registration cards, since they did not understand the purpose or benefits they would obtain from them. They needed more time to be instructed in all those matters. As to whether he had retained registration cards of his followers, he said that they had been kept for 15 to 30 days for verification purposes and many of the "bush people" had asked the party to keep the cards until the elections. The Mission, referring to the comment on the lack of understanding of the elections among his followers, asked Mr. Stephens about Na-griamel's participation in the ratification of the Constitution, whether the Constitution met with the wishes of the people of the New Hebrides and whether he felt anything was lacking in it.

217. Mr. Stephens regarded the elections and the Constitution as two separate matters. He was against a written Constitution, which was the European way of doing things. They already had a customary constitution and for that reason he had walked away from the Constitutional Committee, which had been composed of only 15 persons. The authorities had also promised to hold a referendum on the draft constitution but had not.



218. The Mission, recalling the experience of the former Trust Territories of the Cameroons which had been administered by the United Kingdom and France and which were subsequently unified, asked if Mr. Stephens similarly viewed the elections in the New Hebrides as a means of unifying the country and achieving independence. Mr. Stephens replied that the elections were necessary but that they should not change what had happened before. There should be respect for land titles, and native lands should be leased rather than sold.

219. He asked why the people should throw out the British and the French through the elections. He welcomed all who wanted to come to or remain in the New Hebrides in order to develop it. That was a problem that the United Nations should look into before the elections and independence, since the people, especially the "bush people", needed to be protected by a strong Power. The elections should not result in the removal of the Europeans, since that was not according to "custom".

220. The Mission inquired whether the establishment of regional councils satisfied the demands for decentralization in Espiritu Santo and Tanna.

221. Mr. Stephens felt that the regional councils were not entirely satisfactory, since their powers were still to be defined by the Representative Assembly. He would have wished to see a balance in the Constitution, not just to have power in the regional councils. Each island had its own traditions which should be recognized and built upon, rather than having independence imposed from above; in that way the people would be the base. The unity of the New Hebrides had been brought about by the colonial Powers, not the people themselves. Regarding the separation of Espiritu Santo from the rest of the archipelago, he felt that if he had the agreement of his people that could be done. Moreover, the situation had been further complicated by the role of the World Council of Churches in the Territory. He did not feel that "one had to follow one master". If the voters chose to support another party and not Na-griamel, he would accept the results. Mr. Stephens said that he was not happy with the way the elections had been organized. The people appeared to be caught between two movements. The British had educated many people, but now they were not helping very much. The French had not trained as many, yet now they were pouring in aid, financing roads, schools and the water supply, and providing what was needed in the Territory. He would like to see more aid and assistance from the two Governments before independence, which should not be for another 10 to 15 years.

222. The Mission informed Mr. Stephens that in its discussions with the administering Powers, it had received assurances that aid would be continued after independence.

223. Mr. Albert Rabodia, a supporter of Mr. Stephens, restated the fear that there would be no aid from the British and French Governments following independence, and the Mission suggested to him that many countries would be in a position to assist the New Hebrides.

224. Mr. Rabodia also referred to rumours that if VAP won the elections, it would expel all expatriates. He did not agree with that and felt that those who wanted to remain should be allowed to do so and to obtain citizenship. The Mission informed him that VAP had denied all such rumours. Mr. Rabodia then stated that the moderates had met from 8 to 12 November to decide on the elections and independence. The British and French ministers who had visited the New Hebrides had stated that there would be a referendum on the draft constitution, which had not taken place. The Constitution was not fair to the people, only to those in the Government. The majority of the people did not understand the Constitution. The people of Espiritu Santo did not know Bislama and were illiterate. It had been necessary to go to each village and explain the Constitution to the people. He felt that independence by 1980 was too soon and wondered whether it would be possible to have real political and economic independence. The United Kingdom and France still had much to do to prepare the Territory for independence, as nothing had been done between 1970 and 1978. He was not so much against the VAP candidates as against the way they expressed their ideas. Assistance from outside should continue for a long time.

225. Mr. Rabodia said that the regional councils might be seen as a guarantee to preserve the local autonomy of Espiritu Santo although their powers had not yet been established. The only way to carry out that guarantee was for the party to win the elections on 14 November. In that way, Espiritu Santo's development would be assured, since some members of VAP were not in favour of the regional councils. There should have been a federal system for the New Hebrides.

226. At his meeting with Mr. Stephens the following day, the Chairman pointed out that Mr. Stephens himself had a great deal of influence with the French Government and that the United Nations would also assist the new country in its development. Referring to Mr. Stephens' apprehensions, the Mission asked whether he had visited other countries in the Pacific. He replied that he had been to Fiji, but he still considered that the New Hebrides was not ready for independence. The country was not powerful enough; the New Hebrides had no rice farms; it needed schools and roads. He repeated that the people were afraid. Moreover, customs and politics should not be mixed. Mr. Stephens confirmed that his radio operated three or four hours daily and broadcast in Bislama to about 15 islands in the vicinity.

227. The Mission encouraged Mr. Stephens to have faith in his own country and people. By attaining independence, the people would have greater control over outside influences.

3. Consultations with members of the moderate parties  
on 17 November

228. The Mission met with Mr. Jean-Marie Léyé, Chairman, Federal Party; Mr. Prévot, UCNH; Mr. Aimé Maléré and Mr. Luke Dini, independent; Mr. Kalsakau and Mr. Jack Kalotiti, Natatok Party; and four others.

229. Mr. Léyé informed the Mission that he rejected the results of the elections held two days before since they had been subject to certain influences. For example, at Tanna, VAP candidates had offered bribes to the customary chiefs, and at Tangoa, the chiefs had received death threats. If that had happened in those two places, it was probably true elsewhere. Further, the provisional Government had given orders to evict those who did not belong in the Territory, and to burn houses. Mr. Léyé said that he had received letters to that effect, and for those reasons the electors had been forced to vote for VAP. Because of those pressures, the elections should be held again in Tanna and Tangoa. The United Nations should ensure that the United Kingdom, France and the newly elected Government pay indemnity to those who had suffered losses and had been injured. The leaders of VAP had also threatened other minorities, particularly religious groups. It was regrettable that the administering Powers and the United Nations had not taken action, and he requested the United Nations to carry out an inquiry based on his remarks. If the United Nations refused to do so, it would be felt that it supported VAP, especially since the United Nations flag had flown at VAP headquarters on election day. Further, Mr. Léyé said that if no action was taken, he would have to establish his own provisional Government. In addition, he had been surprised to hear the election results announced over Radio Australia before they had been made public in Port Vila. He said that Australia would do better to look after its own problems than to meddle in the affairs of the New Hebrides.

230. Mr. Kalsakau also felt that the elections had not been fair. Although VAP claimed that the elections had been free, the moderates were not happy. VAP had made the people nervous with their threats. He knew of threats to one person, and at Mélé VAP had attempted to influence the voters by giving them a feast. VAP had committed illegal acts outside Port Vila and had not acted in the European fashion. According to Mr. Kalsakau, the members of the previous Representative Assembly had been better qualified than the people elected on 14 November. The moderates wanted independence as soon as possible. The Mission should have come to the Territory earlier so as to understand the background to the elections. The United Nations should maintain an observer in the Territory after the elections to keep an eye on things and help the elected Government. None the less, the presence of the Mission in the Territory had allowed VAP to have its way. Neither VAP nor the administering Powers "were playing a good game"; the administering Powers were not to be trusted; they were helping only one party and were not investigating the crimes that had taken place.

231. Mr. Kalotiti stated that he had tried to meet with the Mission on more than one occasion to discuss the fact that he had not received a registration card. He conceded, however, that that had not been the fault of the Mission.

232. Other comments were made concerning the Constitution, which the moderates said had not been revised by the Constitutional Committee, nor had the referendum promised by the administering Powers been held.

233. The Chairman stated that the Mission was happy to meet with the group. The Mission could understand the disappointment of the moderates over the election

results, but hoped that more moderate views would prevail. The Chairman noted that Mr. Léyé had mentioned threats and bribery. Those charges, in his view, were serious matters which, if proven, would be in contravention of part 13 of the Election Regulation (see appendix III to the present report). It was surprising that those incidents had not been reported to the police and to the authorities before the electoral results had been made public. One such complaint had been reported to the Mission before election day and action had been taken.

234. The Chairman stated that if it was being suggested that the Mission was to blame for the party's loss, then that was unfair. The Mission was only in a position to observe, not to make changes. It could be said with some validity that the Mission, by spending only one week in the New Hebrides and because of lack of understanding of Bislama, might not be aware of all the undercurrents. It was contradictory, however, to accuse the Mission of assisting VAP by its presence in the Territory, and then to ask the United Nations to maintain a presence in the country until the attainment of independence. The Chairman's advice to the members of the group would be to take a long-term view and to play a role in the running of the country. VAP would need all the available talent in or outside its party.

235. If the moderate parties had proof of their charges of threats and bribery, they should take action through the recourse procedures set out in the Election Regulation. As to compensation, the Chairman recommended that they take legal action, but he cautioned them to weigh carefully any such action. With reference to the two specific complaints made by Mr. Léyé, the Chairman informed him that as soon as the Mission had noticed the United Nations flag flying from VAP headquarters, it had requested its immediate removal. The announcement of the election results by Radio Australia was a consequence of a free press and was indicative of an interest in the Territory on the part of other nations in the South Pacific.

236. Regarding prior attempts made for a meeting between the Mission and the members of the moderate parties, it was evident that communications had broken down despite every effort by the Mission to make itself available.

237. Mr. Dini made a statement which he hoped would be brought to the attention of the United Nations, which he said was a very powerful organization and highly respected. The visit of the United Nations had reinforced the five-year plan of VAP. He had been a VAP supporter and health adviser to Mr. Lini for five years, and therefore was certain of his facts. The United Nations flag was flown in the Territory wherever Mr. Lini went, and on a recent occasion at Mota Lava the United Nations flag had been flown between two VAP flags.

238. Mr. Dini indicated that he had worked with VAP while in both the Solomon Islands and Papua New Guinea and had helped to make propaganda tapes. He had left the party because its words did not match its deeds. He had supported the moderate parties for two years and did not know whether there was any foreign influence on the moderate parties. Neither he nor the moderate parties had money to finance his campaign, but VAP had money for campaigns.

239. On the future of the Territory, Mr. Dini felt that a little money and technical assistance would take the country along way. The new Government should use the talents of the French-speaking New Hebrideans, otherwise their lives would be wasted. The United Nations should maintain a presence in the Territory to observe the operations of the new Government. Finally, he explained that the announcement of the election results by Radio Australia (see paras. 229 and 235 above) had caused his absence from the National Assembly the previous evening, and he apologized for it.

240. In closing, the Chairman thanked the members of the moderate parties for their presentation and said that he would not have wished the Mission to leave the Territory without meeting them. Over the years, the United Nations had taken an interest in the New Hebrides and had asked the administering Powers to accept a mission, which had been denied until the present time. Even then, the invitation had been issued at a stage which made it difficult for the Mission to arrive much before 14 November. The Chairman suggested that the moderate parties should give VAP the chance to govern. They themselves should not only work with the party in power, but also should re-establish their credibility as an alternative Government by working within the democratic system.

4. Meeting with Mr. Maxime Carlot, an independent candidate, on 17 November

241. Mr. Carlot commented that the results of the elections to the Representative Assembly had not been finalized; therefore, it was not yet clear how many more seats VAP might take, although it had been announced the previous evening that VAP had taken 24 of the 39 seats. Conceivably, the party might gain up to 29 seats in the new Assembly, which would enable it to amend the Constitution by virtue of holding two thirds of the votes to the Assembly. Mr. Carlot felt that such action would be unwise, as it would run counter to attempts to decentralize the administration. A more flexible formula should be found to amend the Constitution, if indeed it was necessary. Abrupt change would only frighten the population and scare off investors. The first thing for the new Government to do would be to prove its ability to govern.

242. Mr. Carlot felt that VAP might not invite the opposition to participate in the Government and, since it had the required majority, it might decide to form a Government on its own. In his opinion, however, VAP should not govern alone. He noted that the role of the minority parties could perhaps be determined by the percentage of the votes they attained in the elections. Mr. Carlot thought the opposition members could play a useful role in the Government, although he considered that it would be a waste if an articulate member of the opposition were to be given a purely ceremonial position. Were the opposition to be offered positions of little importance, it might reject such invitations.

243. The Mission pointed out that in the initial year the task of nation-building should be a matter of concern to all. Doubtless, there would be intense consultations between now and 27 November, the opening date of the Representative Assembly.

244. Mr. Carlot felt that at least five or six months would be necessary to prepare for independence in 1980.

245. On the matter of maintaining expatriate experts performing governmental services (health, education, etc.), Mr. Carlot thought that it was normal to expect a certain exodus. It would perhaps be better to have new faces to replace those who were too closely identified with the ancien régime, who would find it difficult to adjust to new political realities. New technicians could come from developing countries, but that would depend on their qualifications.

246. Mr. Carlot confirmed that there was some apprehension in the expatriate community concerning the policies of VAP and stated that those apprehensions had to be allayed.

#### D. Observations and conclusions based on the consultations

247. The Mission wishes to set forth various important questions which were raised with it during the consultations.

##### 1. Constitution

248. The Mission read with interest the Constitution adopted in the Territory prior to the elections (see appendix II to the present report). Although the administering Powers emphasized the Melanesian character of the Constitution, it is the view of the Mission that they will and must continue to bear part of the responsibility associated with the present Constitution. In the Mission's view, the Constitution contains features which, if not handled carefully, will only exacerbate existing divisions, rather than being a unifying force.

249. For example, although the establishment of regional councils appears to satisfy regional and local interests, as well as the needs of various minorities, particularly on Espiritu Santo, the Mission believes that the powers of the councils need to be clearly defined.

##### 2. Public service

250. One of the issues discussed with the representatives of the administering Powers and the ministers of the New Hebridean Government was the necessity for a unified public service. The Mission was informed that the present three services (British, French and Condominium) are not only in excess of existing needs but also that their maintenance is beyond the financial ability of the New Hebridean Government. It was suggested to the Mission that urgent action should be taken to develop a unified service, a task which, based on present experience, has proved to be a difficult one. Bearing this in mind the Mission feels that if future difficulty is to be avoided action to unify the public service should be taken as soon as possible.

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### 3. Education

251. In the view of the Mission, the area of education appears to require careful planning for the future. Although the cultures and traditions of the two administering Powers are realities to be taken into consideration, it is the view of the Mission that a more positive attitude and approach will enable an integrated educational system to be developed from the two existing ones. This will not only be a unifying force for the country, but will also provide a bridge to various countries of the South Pacific, and from the South Pacific to the rest of the world. This is particularly important in the development of the country's external relations.

### 4. Economic assistance

252. In its consultations with the leaders of the Territory, expressions of concern were made to the Mission regarding continued assistance from the administering Powers and the international community after independence. The Mission expresses the hope that the administering Powers, the countries of the region, the specialized agencies and organizations within the United Nations system, as well as regional institutions, will continue to provide all possible assistance to the new nation.

#### IV. ELECTIONS

##### A. Organization

##### 1. Electoral legislation

253. Joint Regulation No. 19 of 1 October 1979 (see annex III to the present report) established the provisions for the registration of voters and for elections in the Territory, which were to take effect as soon as they were published in the Official Gazette of the New Hebrides. Under the regulation, the election date would be fixed either by joint regulation, as provided for in article 21 of the Exchange of Notes of 15 September 1977 (see appendix XI to the present report) or by order of the Council of Ministers.

254. The regulation provided for a minister of the Government to be responsible for the organization and administration of the elections, subject to the powers of the Resident Commissioners. The minister would establish an electoral office with the necessary staff to carry out its functions specifically, the administrative matters relating to the registration of elections and the conduct of elections. The minister could also establish branch offices outside the capital. There was also to be a co-ordinating committee composed of the second-ranking officials of the British and French residencies, the clerk of the electoral office and any others appointed by the minister to ensure the efficient administration of the elections.

255. The functions of the Electoral Office were, inter alia, the following: (a) instruction of the registration officers; (b) preparation of electoral forms and other material; (c) arrangements for New Hebridean voters resident overseas; (d) production, distribution and publication of electoral lists; (e) provision, distribution and security of ballot papers, boxes and equipment for the polling stations; and (f) preparation of the election report.

256. Provision was also made for electoral committees, to be established by the Resident Commissioners after consultation with the Council of Ministers. The electoral committees, consisting of six members each, two of whom would be the district agents, would have as their function the establishment of electoral rolls in each registration area.

257. The regulation further made provision for inclusion in the electoral list of any person who was 18 years of age on polling day and was a New Hebridean; or who, having one New Hebridean parent, had resided for at least one year in the Territory; or who, having as his place of birth the New Hebrides, had resided in the Territory for no less than three consecutive years; or who had resided in the Territory for six consecutive years.

258. Joint Regulation No. 19 also provided that where there were sufficient numbers of New Hebrideans residing in another country that country could be declared an overseas electoral area. The Resident Commissioners would then, after consultation



with the Council of Ministers, appoint an overseas registration committee consisting of six members, two of whom would be officers of the British and French national services. They would serve as co-chairmen of the committee and would appoint overseas registration teams to draw up electoral lists for each overseas electoral area. A New Hebridean who satisfied the registration team that he could not be in the Territory on polling day would be eligible for registration in the overseas electoral list, in that part of the list relating to the constituency in which he would have voted had he not been overseas.

259. The regulation also provided that electoral lists would be made available for public inspection during a period of at least 14 days and ending no later than 7 days before the elections. Anyone could make application for inclusions, deletions and corrections of any matter on the list or on any electoral identity card. Subsequently, the co-chairman of the electoral committees would establish the rolls for each registration area.

260. Joint Regulation No. 20 of 5 October 1979 (see appendix IV to the present report) announced the dissolution of the Representative Assembly which had been elected on 29 November 1977 and set 14 November 1979 as the date of the elections. Joint Regulation No. 26 of 1979 (see appendix VIII to the present report) provided that elections to the regional councils of Espiritu Santo and Tanna would be held at the same time as elections to the Representative Assembly.

261. By Joint Order No. 5 of 24 October 1979 (see appendix X to the present report) the Resident Commissioners set out the regulations for electoral broadcasts in the Territory. The order was to go into effect from the last day on which declarations of candidature could be made and would remain in force until the close of polling for the elections on 14 November.

262. By this order the times of political broadcasts and the sequence of such were to be decided by the Committee for the Control of Broadcasting. Each candidate was entitled to a total of five minutes air-time; however, those candidates who were members of a political party had the option of renouncing, in writing, their rights to the five minutes, in favour of their political party, which could then use the accumulated time as it wished. Political broadcasting was to take place only during the period from 29 October to 12 November 1979.

## 2. Election to the Representative Assembly

263. Joint Regulation No. 22 of 8 October 1979 (see appendix VI to the present report) provided for division of the New Hebrides into 14 constituencies and established that the Representative Assembly would consist of 39 members. Polling was to be by secret ballot, and electors would vote once for one candidate. No one could vote unless his name appeared on the electoral roll and he produced a valid electoral card. Persons detained in a mental hospital or convicted of an election offence within the four years prior to polling day were not entitled to vote. Proxy voting was permitted, but no one person could cast more than two proxy votes.

264. Persons disqualified from standing as candidates in the elections included, inter alia, the Resident Commissioners and their senior officers, judges, district agents, members of the police forces and the Malfatunauri (Council of Chiefs). Other government officials were prevented from carrying out their official duties if they functioned as members of the Representative Assembly.

265. Those eligible to stand as candidates had to have attained 25 years of age and be New Hebridean or have resided in the Territory for a period of not less than 10 years preceding polling day. They should not have received a sentence of imprisonment or be in a state of bankruptcy. A candidate and his alternate were also required to have their declaration of candidature sponsored by five persons registered in their constituency who were not relatives of the candidate. A candidature could be declared invalid by the Resident Commissioners on grounds that the candidate, his alternate or his sponsors were unqualified or because the declaration of candidature was not sponsored. This section of the electoral regulation was subsequently amended by Joint Regulation No. 27 of 26 October 1979 (see appendix IX to the present report).

### 3. Elections to the regional councils

266. Elections to the regional councils of Espiritu Santo and Tanna were to take place at the same time as the election to the Representative Assembly, and the provisions of Joint Regulation No. 19 were to apply equally to elections to regional councils. The regional councils of Espiritu Santo and Tanna would be composed of 15 members elected by universal suffrage and 5 custom chiefs elected by those 15 members.

267. Candidates for election to a regional council had to be registered to vote in a constituency of the region. Each customary chief candidature had to be sponsored by at least 25 persons who were registered to vote in the regional council constituency and who, while recognizing the candidate to be a customary chief, could not be related to him.

268. The 15 members of the regional councils were to be elected by universal suffrage in a system of proportional representation, where seats were allocated to lists on the basis of a single vote. The number of names on the lists had to be equal to the number of vacant seats on the council, and seats would be allocated to candidates according to the order in which the names appeared.

269. The 15 elected councillors would, on a date to be fixed by the Resident Commissioners, elect the five customary chiefs, each casting one vote for the chief of his choice. The five chiefs obtaining the highest number of votes cast would be elected. There was no provision for proxy voting.

### 4. Organization of polling stations and voting procedures

270. There was to be one polling station in each registration area, the location of which was to be determined by the district agents, after consultation with the Electoral Office.

271. A suitable number of polling clerks to assist the presiding officer would be appointed. Each candidate or political party would nominate a representative who would attend the voting and counting and could make comments on the proceedings to the returning officer. No more than one representative could be authorized for each candidate.

272. Inside and outside the polling stations a notice was to be displayed in the Bislama, English and French languages for the guidance of voters. The hours of polling could be extended by one hour on the decision of the presiding officer and one poll clerk if in their opinion the number of voters waiting would not be able to vote in the remaining period. The polling station could, however, be closed when all the voters on the roll had voted, but the counting of votes could not start more than one hour earlier than scheduled.

273. The presiding officer was authorized to regulate the number of voters to be admitted to the polling stations and could exclude all other persons except the following: (a) polling clerks; (b) officials of the Electoral Office; (c) district agents; (d) candidates and their duly authorized representatives; (e) police officers on duty; (f) companions of disabled voters; and (g) press representatives authorized by the Electoral Office.

#### Voting procedures

274. Each voter was required to satisfy the presiding officer that his name was on the electoral roll and that he had not already voted. The presiding officer would put his signature opposite the voter's name and deliver to the voter one ballot paper for each candidate and one envelope. The voter would then enter the polling booth, place the ballot paper of the candidate of his choice in the envelope and leave all the other ballot papers in the booth. He would then show the envelope to the presiding officer and insert it into the ballot box.

275. The voter would then have his thumb marked with indelible ink, have his electoral card endorsed and returned to him and the poll clerk would sign opposite the voter's name.

#### Counting of ballots

276. There could be present at the counting of ballots in the polling station, besides officials, as many members of the public as possible without hindering the proceedings.

277. The counting of the ballots involved: (a) opening the boxes; (b) removing the envelopes; (c) extracting ballot papers from envelopes; (d) reading the name on the ballot paper; and (e) recording the number of votes cast for each candidate.

278. After the declaration of votes cast, the returning officer was required to complete an official report, stating the number of registered voters, the actual number of voters, the number of spoilt ballot papers and the number of valid votes cast for each candidate. The report was to be in duplicate, in the Bislama, English or French languages, signed by the polling officials and counter-signed

by the representatives of the candidates present, then sealed and again endorsed by those named. The sealed envelope would be delivered to the electoral committee involved, which would subsequently notify the Resident Commissioners of the results of the poll in the constituencies for which it was responsible.

279. As soon as possible afterwards, the Resident Commissioners would announce the number of votes cast for each candidate in each constituency and the number cast for each candidate in each overseas electoral area.

#### Observations by the Mission

280. Questions were raised with the Mission regarding the control of the elections. Although the Minister for Public Administration and District Affairs was originally given the responsibility and authority to organize and supervise the elections, the Mission was advised that at a later stage this control had been withdrawn from him and vested conjointly with the two Resident Commissioners, leaving the organization with the New Hebrides Government. Some political parties contended that this action enabled the administering Powers to make more liberal interpretations of the electoral regulations, which were inconsistent with fair electoral practices.

#### B. Observation of the elections by the Mission

##### 1. Activities of team A

281. On Tuesday morning, 13 November, team A of the Mission, comprising the Chairman and the representative of the Ivory Coast, met with Messrs. Vian (France) and Bresnihan (United Kingdom), the district agents at Port Vila, who, according to the electoral regulations set out in Joint Regulation No. 19 of 1979 (see para. 256 above) were the co-chairmen of the electoral committees of Efate (Central District No. 1).

282. The team asked whether the voters had been informed of the presence of the United Nations Mission during the elections. It was told that in general they had been, although those not having contact with the district headquarters might not be aware of it. The agents pointed out that it was their responsibility to co-ordinate the conduct and results of the elections in Central District No. 1.

283. The team asked about the extent of the agents' role to ensure that no improper pressures were brought to bear on the electors. It was informed that, as agents of the administering Powers, they could report malpractices directly to the police.

284. The team noted that, whereas the administering Powers were supervising the elections, the mechanics of the vote were in the hands of the New Hebrides Government. The agents stated that the Representative Assembly had enacted the regulation on the recommendation of the Resident Commissioners, in consultation with the Council of Ministers. In response to the question of whether the Chief Minister had been obliged to agree to the regulation, the Mission was informed that

no discussion had taken place at the time it was tabled. Although the regulation had been drafted by the interim Government, the administering Powers, in order to maintain the good conduct of the elections, had had to retain responsibility for it, as set out in the exchange of letters dated 15 September 1977, as modified on 18 September 1979 (see appendices XI and XII to the present report).

285. The text of the electoral regulation had been proposed by the administering Powers and then submitted to a local committee. The final text had evolved from that committee and, as a matter of courtesy, had been submitted to the Chief Minister for his agreement. It was signed by the Resident Commissioners. The New Hebrides Government was responsible only for the material organization of the election.

286. The team inquired whether those concerned were disposed to follow strictly the text of the regulation and was told that it would be scrupulously followed. On the subject of voter turn-out, it was informed that 80 per cent of the electorate was expected, although that was subject to the weather at the time of the elections. The Territory had entered the rainy season and was therefore vulnerable to the elements. Some residents of the remote islands might not be able to vote.

287. The team asked why the elections were being held at that time of the year, suggesting that the period from May to July might have been better. It learned that the elections had been planned for earlier in the year, but that there had been several delays. It had been suggested that the elections be held in the winter of 1980, but the political parties had objected. Moreover, elections had already been held in the month of November, both in 1975 and 1977.

288. When the team pointed out that some neighbouring countries spread their period of voting over two weeks or so and marvelled that these elections would take place in a matter of three days at most, the agents commented that, if the period was spread too far, pressures might change the results.

289. The complete programme followed by team A is set out in the Mission's itinerary (see appendix I to the present report).

## 2. Activities of team B

290. At Santo town, team B, comprising the representatives of Australia and the United Republic of Cameroon, met with Mr. David Browning, British District Agent, and Mr. Jean-Pierre Royanex, French District Agent. The team raised the matter of Mrs. Celestine Tamata, a VAP candidate who had reported to the Mission that threats had been made against herself and family and had asked whether protection could be arranged for them during the electoral period. She had been told that election day would be "very difficult" for her and her family. She had sent a message to VAP headquarters in Port Vila about the threats and was awaiting a response. She had stated that Radio Vanafo should be closed down for the electoral period and that the Tabwemasana members should be kept under observation until the results came in.

291. The Mission had not been able to engage in much discussion with Mrs. Tamata, who appeared very frightened. She had repeated that she and her family had been threatened and that she lived in an isolated area. She had not wanted to make her complaint directly to the district agents but had authorized the Mission to report it on her behalf. The Mission had promised to see what assistance and protection could be afforded her and had suggested that she contact the Mission on election day.

292. Both district agents expressed their surprise at the threats made and indicated that Mrs. Tamata could have approached them or the police directly. They stated that the police had not been under the control of the District Agents since the beginning of 1979. None the less, in keeping with the Mission's request, they would arrange protection for Mrs. Tamata during the elections.

293. Team B then asked about Radio Vanafo, which had reportedly been transmitting illegally since 1974 and had been used for political purposes in the pre-electoral period. The team asked why the radio transmitter had not been closed down by the authorities.

294. The British District Agent agreed that Radio Vanafo had been operating illegally since its inception in 1974. The British Residency wished to shut it down but had not been able to do so since it had been unable to obtain the agreement of the French Residency. The British Agent felt that Radio Vanafo could influence the results of the elections considerably.

295. The French District Agent indicated that the matter had been raised before. Although Radio Vanafo had transmitted in the 1975 elections, it had made no appreciable difference to the outcome of the elections. He felt that the influence of Radio Vanafo on the elections would be minimal, since its listeners were primarily supporters of Na-griamel. On the other hand, the French District Agent felt that single side band radios were being used for political purposes and could be just as prejudicial as Radio Vanafo. The British Agent stated that the two were not comparable; while Radio Vanafo could reach a wide audience, the single side band transmitters were used in the same way as a telephone.

296. The team then asked why the two types of broadcasts had not been halted under the provisions of Order No. 5, which limited the time available to political parties and individuals for campaign broadcasts.

297. The district agents explained that Order No. 5 related only to Radio New Hebrides; that it was for the British and French Residencies and the interim New Hebrides Government to close down Radio Vanafo; and that, following the request made by the two agents two weeks earlier, Radio Vanafo had considerably restrained its political activities. The agents then suggested that the team report on the matter to the two Resident Commissioners in Port Vila and request action to halt the broadcasts (see appendix XV to the present report). The difficulty with jamming Radio Vanafo, which operated illegally on a naval frequency, was that other transmissions could be adversely affected.

298. Finally, team B reported that in its meetings with all parties complaints had been made that a large number of persons in Santo town had not been registered

and would not therefore be able to vote. The Mission had been told that the political parties had sent a list to the Electoral Office containing the names of approximately 200 unregistered persons and had not received a response.

299. The district agents explained that those persons had probably not been registered because of administrative difficulty at the final stages of registration. Many persons had waited until the last moment to come forward, and when the registration period had ended they could not be included.

### 3. Visit to polling stations on election day, 14 November

300. On polling day, team A departed for Espiritu Santo and team B remained on Efate for the morning. For team A's programme, see appendix I to the present report, and for its discussions with Mr. Stephens, President of Na-griamel (see paras. 215-227 above).

#### Efate

301. Between 8 a.m. and 12 noon, team B visited all six polling stations in urban Efate (Port Vila) and two in rural Efate. The turn-out appeared to be very heavy at the commencement since voters had been waiting since 6 a.m. The crowds were generally quiet, although because of crowded conditions in the polling area in the first two hours, there was some confusion among those who had or had not voted, as well as some disorder at the entry to the stations, which was subsequently rectified through the stationing of police at entry points.

302. The team noticed in the areas of actual balloting and mentioned to Mr. Colin Redston, the Chief Electoral Officer, the presence of so-called members of the local and foreign press without official identification. On the grounds that their presence and photographing could be construed as somehow intimidating to the voters, it was suggested that the members of the press in the polling area be limited and that some form of identification be issued to them. Mr. Redston agreed to rectify the situation.

303. The team suggested that the presence and actions of some members of the French Residency in certain balloting areas might be construed as interference in the electoral process. Mr. Redston concurred and undertook to ensure that there would be no repetition of such incidents.

304. While en route from one polling station to another for spot checks, team B noticed the United Nations flag, together with the flag of VAP and two others, hanging from VAP headquarters. The team mentioned the impropriety of that action to the VAP representative at a nearby polling station and the United Nations flag was removed forthwith.

#### Tanna

305. Team B arrived in Tanna at approximately 1.30 p.m. after a two-hour flight. It was met at the air-strip by the French District Agent, the Assistant French District Agent and the Acting British District Agent and proceeded to the office of the French District Agent. After an explanation of the number and location of

polling areas on the island, the team decided, in view of the constraints of time, to visit the five polling stations nearest to the centre, Loukatau, Iwunmit British School, Middle Bush French School, Louireu and Isangel Community Centre, which involved three hours of driving, as two were located in interior areas. The French District Agent accompanied the team to the first polling station. The team questioned him about the presence of non-uniformed French police in the polling station, behind the polling officers, but did not receive a satisfactory response.

306. At all polling stations there appeared to be a heavy turn-out, but voting proceeded slowly in some cases owing to crowded conditions, and in others because of the explanations on voting being given to the voters, some of whom were illiterate. No irregularities were noticed, except those mentioned above.

#### 4. Meeting with the district agents at Santo town on 15 November

307. Team A, having spent the night at Santo town, proceeded to visit the Electoral Office there in order to be present at the tabulation of votes from the Northern District. Before its departure in the afternoon for Port Vila, team A was informed that only about 40 per cent of the votes had been counted. At a break in the counting, it asked to meet with the district agents, who kindly obliged.

308. The Chairman of the Mission thanked the district agents for taking time out to meet briefly with the team, which, he said, was impressed by the tenor and general atmosphere of the voting, as well as the lack of tension. The team inquired if everything had gone according to the rules and whether there were any irregularities, and was informed that several registration cards were not from the Northern District and that some names were not on the electoral lists. About 1 per cent of the voters was affected, which was the usual margin for error. In any case, those voters had seven days in which to appeal. It was estimated that about 90 per cent of those registered in the area had come out to vote. The district agents were surprised at the high turn-out. The team raised the question of the electoral cards about which Mr. Stephens had complained on the previous day, i.e., 13 registration cards or people whose names apparently did not appear on the list. It was informed that five persons had gone to the wrong polling station, of the four in the area, and eight were the subject of administrative errors. On the previous day, Mr. Stephens had explained to the Mission his difficulty in trying to educate his people as to their proper polling station.

309. The district agents explained that, in the beginning, Na-griamel had not wanted the registration cards for some undisclosed reason. For a period of two months they had refused to accept the cards, despite the fact that an intense campaign of registration had been carried out and a great number of voters had been registered. A Na-griamel committee had collected all the cards which had earlier been distributed by the regional office. The district agents went to Vanafo to persuade Mr. Stephens to return the cards to the voters as soon as possible. On 1 October, after it was pointed out that if the cards were not returned to the voters the collectors would be liable to prosecution, he agreed to return the cards. Since the electoral regulations had not been issued, however, the agents were not on sure ground. They could only hope that most of the cards had been returned.



310. With the added elections to the regional councils, the agents and their staff had had to work day and night, beyond the legal limit, to prepare for the elections.

311. Another problem had been the high rate of illiteracy among the electorate, which Na-griamel had claimed was the reason for holding the cards.

312. The district agents also pointed out that Mr. Stephens was not a true customary chief and was of mixed ethnic origins. Moreover, there was no real chiefdom system in any district of the New Hebrides. In Melanesia, little attention had been paid to the question of chiefdom. The religious missions had appointed chiefs through members of their respective churches. It had been the tendency of the administering Powers to reinforce that practice, but the Melanesian system had no hierarchical chiefs and therefore the process of election to the Council of Chiefs lacked a certain cohesiveness. The Council of Chiefs had been proposed at the ministerial talks held at London in November 1974 by senior officials of both administrative Powers, p/ but the proposal could not be implemented until 1976. In the process of drawing up the constitution, the Constitutional Committee had taken a very long time to resolve the question of the chiefs, and the administering Powers had had no role to play in it.

313. On the question of the New Hebrideans living in New Caledonia, the agents explained that in the late 1960s and early 1970s, during the boom period of the nickel mines, the New Hebrides had provided a source of cheap labour. New Hebrideans were also attracted by the wages; for example, a truck driver or bulldozer operator could earn as much as \$A 1,000 a month, some of which was returned to the families in the New Hebrides. But the economic bubble had burst and there was no longer any emigration in that direction. Some New Hebrideans still remained in New Caledonia; there were some 700 votes to be counted from there.

314. Concerning the possibility of the regional councils acting as deterrents to a national consciousness, the district agents felt that no real nationalism existed in the Territory, but that the unifying factor was the development of political parties.

315. At the airport, before the departure of team A for Port Vila, the Mission was informed by the police that, although Mrs. Tamata had lost the election, the threats to her had not been carried out and that they were still providing protection to her and her family (see paras. 290-292 above).

### C. Results of the elections

316. On the evening of 16 November, the Mission was invited to attend the announcement of the partial results of the elections at the Representative Assembly. At that time, VAP had won 24 of the 39 seats contested.

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p/ Ibid., Thirtieth Session, Supplement No. 23 (A/10023/Rev.1), vol. III, chap. XVIII, annex, para. 6.

317. Subsequently, the Mission was informed that of the 56,636 registered voters, 47,541 had voted (83.9 per cent). There were 47,122 valid votes. VAP received 29,355 votes (62.3 per cent) and won 26 seats in the Representative Assembly, while the Federal Party received 17,767 votes (37.7 per cent) and won 13 seats in the Assembly.

318. At the airport prior to departure from the Territory, the Resident Commissioners informed the Mission of the tense situation on Espiritu Santo. The relative defeat of Mr. Stephens in the regional elections, in that his party obtained only 7 of the 15 seats on the regional councils, and the fear of a Government directed exclusively by VAP had led him to threaten people from other islands with reprisals and to envisage proclaiming the unilateral independence of Espiritu Santo. Those threatened had begun to leave Santo town. The Resident Commissioners told the Mission that a joint mobile force would be dispatched to the area.

319. The Mission was subsequently informed, while in Fiji, of some disagreement concerning the dispatch of the forces to Espiritu Santo and that a similarly tense situation had developed in Tanna. On 21 November, both Mr. Lini, President of VAP, and Mr. Leymang, former Chief Minister and head of the moderate parties, had appealed for a return to peace and calm. The Mission has since learned that there has been a return to normalcy in the Territory.

320. In summing up this chapter and notwithstanding its observations concerning the general conduct of the elections, (see paras. 247-252 and 280 above) the Mission wishes to draw attention to several incidents which appeared to it to be provocative. As mentioned in paragraph 302 above, the Mission drew the attention of electoral officials to the presence of certain persons in the polling areas who had no official identification, but who claimed to represent the press. The Mission considered that presence inappropriate and, following representation, those concerned withdrew from the polling areas, although comments were subsequently made that the Mission's intervention was regarded as interference with the freedom of the press. An electoral official subsequently informed the Mission that proper identification had not been supplied to the press.

321. Although the use of broadcasts for political purposes is clearly defined in the electoral regulations, the Mission received complaints that those regulations were being violated. The violations were particularly serious because in one case, the facility involved was an illegal one. The attention of the Mission was drawn to the attempts made by the administering Powers to stop the use of such facilities. The Mission was informed that the actions taken had been ineffective. The Mission had drawn the attention of the Resident Commissioners to the issue (see appendix XV to the present report) and requested that such broadcasts cease immediately. Although the two Resident Commissioners responded to the request, it is the view of the Mission that the response left much to be desired (see appendix XVI to the present report).

322. As stated in the section on consultations with the administering Powers, (see para. 143 as well as para. 187 above) allegations were made to the Mission that gifts had been distributed by representatives of the Residencies, presumably

to influence the results of the elections. The Mission was not in a position to investigate or verify those allegations; however, it received assurances that the Resident Commissioners were determined that the elections should be seen to be free and fair.

323. During the election day in the capital, the United Nations flag was flown without authority over the headquarters of one of the political parties. When the Mission's attention was drawn to this fact it requested that the flag be immediately removed, and this was done.

## V. CONCLUSIONS

324. As reflected in the foregoing sections, in particular in the accounts of the consultations which the Mission held with various authorities, the Mission has made certain observations of a preliminary character covering various aspects of the situation prevailing in the Territory at the time of the elections, including its views on possible courses of action which might be taken in connexion with it. The conclusions set out below should therefore be read in conjunction with those earlier observations.

325. Given the nature of the terrain and the difficulty of transportation and communications in the Territory, the Mission wishes to pay tribute to the representatives of the administering Powers, including the Resident Commissioners, to the Government of National Unity and to the electoral officers for organizing the elections so efficiently.

326. In those areas it was able to visit, the Mission was impressed by the absence of tension and by the orderly nature of the proceedings at the polling stations. The Mission was also impressed with the political awareness of the people of the New Hebrides, who clearly understood the issues involved and their importance for the future. The Mission was advised that its own presence had contributed significantly to the peaceful manner in which the elections had been held.

327. The Mission considers that the elections were fairly and freely conducted according to the electoral regulations set forth, and is satisfied that the results truly reflect the will of the people. Although allegations were subsequently made that pressures had been brought to bear by interested parties, the Mission had no time to verify them and, in any event, considers such pressures not uncommon in such situation.

328. The Mission was informed in the course of its consultations with the political parties that a decision on the timing of independence would be taken by the newly elected Government. The Resident Commissioners have indicated that the duration of the transitional period will be in accordance with the wishes of the new Government. The preferred time, according to indications from all concerned, appears to be mid-1980.

APPENDIX I

Itinerary

- 6 November - New York-Paris (travel time by air: 6 hours and 15 minutes).
- 7 November - Arrival of the Mission in Paris and welcome by representatives of the Ministry of Foreign Affairs and the Ministry of the Interior (Overseas Departments and Territories) and the Director, United Nations Information Centre in Paris.
- Luncheon given by the Ministry of Foreign Affairs.
  - Meeting with the Secretary of State, Ministry of Foreign Affairs.
  - Attendance at debate in the National Assembly on the budget of the Ministry of Foreign Affairs.
  - Meeting with the Director of Political, Administrative and Financial Affairs, Office of the Secretary of State, Ministry of the Interior (Overseas Departments and Territories).
- 8 November - Paris-Frankfurt (7 hours, by train).
- 9-10 November - Bombay-Singapore-Melbourne-Nadi (Fiji): (26 1/2 hours, by air).
- 11 November - Nadi-Port Vila (1 3/4 hours, by air).  
Arrival and welcome by the two Resident Commissioners and a delegation of the New Hebrides Interim Government.
- Meeting with the British Resident Commissioner.
  - Meeting with the French Resident Commissioner.
  - Interview of the Chairman by Radio New Hebrides.
- 12 November - Meeting with the French Resident Commissioner.
- Meeting with the British Resident Commissioner.
  - Meeting with government ministers at the Representative Assembly building.
  - Working luncheon given by the British Resident Commissioner at Iririki.
  - Visit to the Electoral Office, Port Vila.
  - Meeting with the Executive Committee of the Vanua aku Pati (VAP).

13 November

Team A

- Visit to the district agencies of Central District No. 1 (Efate).
- Visit to the polling stations of the urban area: (Cultural Centre, Lycée, Public Works).
- Visit to the polling station at Erakor.
- Visit to the polling station at Fila Island.
- Meeting with the Minister for Internal Affairs and Public Works.
- Meeting with the Minister for Trade, Industry and Tourism.
- Meeting with individuals and organizations desiring to see the Mission; joined by Team B on its return from Santotown.

Team B

- Visit to the Electoral Office at Santotown.
- Meeting with representatives of political parties.
- Meeting with British and French district agents.
- Return to Port Vila.

14 November

Team A

- Departure for Lamap (Malekula); visit to polling booth.
- Departure for Norsup/Lakatoro (Malekula); visit to polling booths at Norsup, Wallarano and Unmet (Malekula) where Mission met with the Chief Minister of the interim Government.
- Departure for Santotown; visit to one of seven polling booths in the area.
- Visit to Vanafo, polling booth.
- Meeting with the President of Na-griamel.

Team B

- Visit to all polling stations at Port Vila and two in the surrounding area.
- Visit to Tanna - Office of French district agent.
- Visit to four polling stations at Tanna.
- Return to Port Vila.

15 November

Team A

- Visit to the electoral office at Santotown to be present at tabulation of the ballots for the Northern District.
- Meeting with district agents.
- Return to Port Vila.

Complete Mission

- Visit to Electoral Office for Central District No. 1 to be present at the counting of the ballots.

16 November - Meeting with the Chief Minister.

- Interview by Radio Nabanga with a member of the Mission.
- Luncheon given by the Government of the New Hebrides.
- Attendance at Representative Assembly for the official announcement of election results by the two Resident Commissioners.

17 November - Meeting with Mr. Maxime Carlot.

- Meeting with representatives of the moderate parties.
- Luncheon given by VAP.
- Reception given by the French Resident Commissioner.

18 November - Reception given by the Mission to officials of British and French Residencies and the Government of the New Hebrides.

19 November - Departure of Mission from Port Vila to Suva, Fiji (2 hours by air).

20 November - Drafting meeting - Suva.

- Luncheon hosted by Secretary of Foreign Affairs of Fiji.

21 November - Departure of the Mission for New York via Honolulu and San Francisco (16 hours by air).

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APPENDIX II

**CONSTITUTION  
OF THE  
REPUBLIC OF THE NEW HEBRIDES**

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## PREAMBLE

*WE the people of the New Hebrides,  
PROUD of our struggle for freedom,  
DETERMINED to safeguard the achievements of this struggle,  
CHERISHING our ethnic, linguistic and cultural diversity,  
MINDFUL at the same time of our common destiny,  
HEREBY proclaim the establishment of the united and free Republic  
of the New Hebrides founded on traditional Melanesian values, faith  
in God, and Christian principles,  
AND for this purpose give ourselves this Constitution.*

## CHAPTER 1

### THE STATE AND SOVEREIGNTY

- |   |        |   |
|---|--------|---|
| <b>Republic of the<br/>New Hebrides.</b>  | 1.     | The Republic of the New Hebrides is a sovereign democratic state.   |
| <b>Constitution<br/>Supreme Law.</b>  | 2.     | The Constitution is the supreme law of the New Hebrides.  |
| <b>National and<br/>official languages.</b>   | 3. (1) | The national language of the Republic is Bislama. The official languages are Bislama, English and French. The principal languages of education are English and French.  |
|   | (2)    | The Republic shall protect the different local languages which are part of the national heritage, and may declare one of them as a national language.   |
| <b>National<br/>sovereignty,<br/>the electoral<br/>franchise and<br/>political parties.</b> | 4. (1) | National sovereignty belongs to the New Hebridean people which they exercise through their elected representatives.   |
|   | (2)    | The franchise is universal, equal and secret. Subject to such conditions or restrictions as may be prescribed by Parliament, every citizen of the New Hebrides who is at least 18 years of age shall be entitled to vote. |
|   | (3)    | Political parties may be formed freely and may contest elections. They shall respect the Constitution and the principles of democracy.  |

## CHAPTER 2

### FUNDAMENTAL RIGHTS AND DUTIES

#### PART 1 — Fundamental Rights

- |   |        |  |
|---|--------|--|
| <b>Fundamental<br/>rights and<br/>freedoms of the<br/>individual.</b> | 5. (1) | The Republic of the New Hebrides recognises, that, subject to any restrictions imposed by law on non-citizens, all persons are entitled to the following fundamental rights and freedoms of the individual without discrimination on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language or sex but subject to respect for the rights and freedoms of others and to the legitimate public interest in defence, safety, public order, welfare and health:<br>(a) life;<br>(b) liberty;<br>(c) security of the person;<br>(d) protection of the law;<br>(e) freedom from inhuman treatment and forced labour; |
|---|--------|--|

- (f) freedom of conscience and worship;
  - (g) freedom of expression;
  - (h) freedom of assembly and association;
  - (i) freedom of movement;
  - (j) protection for the privacy of the home and other property and from unjust deprivation of property;
  - (k) equal treatment under the law or administrative action, except that no law shall be inconsistent with this sub-paragraph insofar as it makes provision for the special benefit, welfare, protection or advancement of females, children and young persons, members of under-privileged groups or inhabitants of less developed areas.
- (2) Protection of the law shall include the following:
- (a) everyone charged with an offence shall have a fair hearing, within a reasonable time, by an independent and impartial court and be afforded a lawyer if it is a serious offence;
  - (b) everyone is presumed innocent until a court establishes his guilt according to law;
  - (c) everyone charged shall be informed promptly in a language he understands of the offence with which he is being charged;
  - (d) if an accused does not understand the language to be used in the proceedings he shall be provided with an interpreter throughout the proceedings;
  - (e) a person shall not be tried in his absence without his consent unless he makes it impossible for the court to proceed in his presence;
  - (f) no-one shall be convicted in respect of an act or omission which did not constitute an offence known to written or custom law at the time it was committed;
  - (g) no-one shall be punished with a greater penalty than that which exists at the time of the commission of the offence;
  - (h) no person who has been pardoned, or tried and convicted or acquitted, shall be tried again for the same offence or any other offence of which he could have been convicted at his trial.

**Enforcement of  
fundamental rights.**

6. (1) Anyone who considers that any of the rights guaranteed to him by the Constitution has been, is being or is likely to be infringed may, independently of any other possible legal remedy, apply to the Supreme Court to enforce that right.
- (2) The Supreme Court may make such orders, issue such writs and give such directions, including the payment of compensation, as it considers appropriate to enforce the right.

**PART 2 — Fundamental Duties**

**Fundamental duties.**

7. Every person has the following fundamental duties to himself and his descendants and to others:
- (a) to respect and to act in the spirit of the Constitution;
  - (b) to recognise that he can fully develop his abilities and advance his true interests only by active participation in the development of the national community;
  - (c) to exercise the rights guaranteed or conferred by the Constitution and to use the opportunities made available to him under it to participate fully in the government of the Republic;
  - (d) to protect the New Hebrides and to safeguard the national wealth, resources and environ-

- ment in the interests of the present generation and of future generations;
- (e) to work according to his talents in socially useful employment and, if necessary, to create for himself legitimate opportunities for such employment;
  - (f) to respect the rights and freedoms of others and to cooperate fully with others in the interests of interdependence and solidarity;
  - (g) to contribute, as required by law, according to his means, to the revenues required for the advancement of the Republic and the attainment of national objectives;
  - (h) in the case of a parent, to support, assist and educate all his children, legitimate and illegitimate, and in particular to give them a true understanding of their fundamental rights and duties and of the national objectives and of the culture and customs of the people of the New Hebrides;
  - (i) in the case of a child, to respect his parents.
- Fundamental duties non-justiciable but public authorities to encourage compliance.** 8. Except as provided by law, the fundamental duties are non-justiciable. Nevertheless it is the duty of all public authorities to encourage compliance with them so far as lies within their respective powers.

### CHAPTER 3 CITIZENSHIP

- Automatic citizens.** 9. On the day of Independence the following persons shall automatically become citizens of the New-Hebrides:
- (a) a person who has or had 4 grandparents who belong to a tribe or community indigenous to the New Hebrides; and
  - (b) a person of New Hebridean ancestry who has no citizenship, nationality or the status of an optant.
- Entitlement to citizenship.** 10. Every person who on the day of Independence is a person of New Hebridean ancestry and has the nationality or citizenship of a foreign state or the status of an optant shall become a citizen of the New Hebrides if he makes an application, or an application is made on his behalf by his parent or lawful guardian, within 3 months of the day of Independence or such longer period as Parliament may prescribe. The New Hebrides citizenship of such a person shall automatically lapse if he has not renounced his other citizenship or nationality within 3 months of the granting of New-Hebridean citizenship or such longer period as Parliament may prescribe, except that in the case of a person under the age of 18 years the period of renunciation shall be 3 months after he has reached the age of 18 years.
- Persons born after day of Independence.** 11. Anyone born after the day of Independence, whether in the New Hebrides or abroad, shall become a citizen of the New Hebrides if at least one of his parents is a citizen of the New Hebrides.
- Naturalisation.** 12. A national of a foreign state or a stateless person may apply to be naturalised as a citizen of the New Hebrides if he has lived continuously in the New Hebrides for at least 10 years immediately before the date of the application. Parliament may prescribe further conditions of the eligibility to apply for naturalisation and shall provide for the machinery to review and decide on applications for naturalisation.

**Avoidance of dual nationality.**

13. The Republic of the New Hebrides does not recognise dual nationality. Any citizen of the New Hebrides who is or becomes a citizen of another state shall cease to be a citizen of the New Hebrides unless he renounces that other citizenship within 3 months of acquiring New Hebridean citizenship or that other citizenship, as the case may be, or such longer period as Parliament may prescribe, except that in the case of a person under the age of 18 years the period of renunciation shall be 3 months after he has reached the age of 18 years.

**Further provision for citizenship.**

14. Parliament may make provision for the acquisition of citizenship of the New Hebrides by persons not covered in the preceding Articles of this Chapter and may make provision for the deprivation and renunciation of citizenship of the New Hebrides.

**CHAPTER 4  
PARLIAMENT**

**Parliament.**

15. The Legislature shall consist of a single chamber which shall be known as Parliament.

**Power to make laws.**

16. (1) Parliament may make laws for the peace, order and good government of the New Hebrides.  
(2) Parliament shall make laws by passing bills introduced either by one or more members or by the Prime Minister or a Minister.  
(3) When a bill has been passed by Parliament it shall be presented to the President of the Republic who shall assent to it within 2 weeks.  
(4) If the President considers that the bill is inconsistent with a provision of the Constitution he shall refer it to the Supreme Court for its opinion. The bill shall not be promulgated if the Supreme Court considers it inconsistent with a provision of the Constitution.

**Election of members of Parliament.**

17. (1) Parliament shall consist of members elected on the basis of universal franchise through an electoral system which includes an element of proportional representation so as to ensure fair representation of different political groups and opinions.  
(2) Subject to such conditions or restrictions as may be prescribed by Parliament every citizen of the New Hebrides who is at least 25 years of age shall be eligible to stand for election to Parliament.

**Electoral Commission.**

18. (1) The general responsibility for the registration of voters and the conduct of elections to Parliament, the National Council of Chiefs and the Regional Councils shall vest in an Electoral Commission.  
(2) A proposal for any law concerning the registration of voters or the election of members shall be referred to the Electoral Commission for advice before Parliament decides on it.  
(3) The Electoral Commission shall consist of the Speaker of Parliament, as Chairman, and two members appointed by the President of the Republic on the advice of the Judicial Service Commission from among persons who are not members of or candidates for election to Parliament, the National Council of Chiefs or Regional Councils.

- (4) A person shall cease to be a member of the Electoral Commission if circumstances arise that, if he were not a member, would disqualify him for appointment as such.
  - (5) The Electoral Commission shall not be subject to the direction or control of any other person or body in the exercise of its functions.
- Procedure of Parliament.**
  19. (1) Parliament shall meet twice a year in ordinary session.
  - (2) Parliament may meet in extraordinary session at the request of the majority of its members, the Speaker or the Prime Minister.
  - (3) Unless otherwise provided in the Constitution, Parliament shall make its decisions by public vote by a simple majority of the members voting.
  - (4) Unless otherwise provided in the Constitution, the quorum shall be two thirds of the members of Parliament. If there is no such quorum at the first sitting in any session Parliament shall meet three days later, and a simple majority of members shall then constitute a quorum.
  - (5) Parliament shall make its own rules of procedure.
- Speaker and Deputy Speakers.**
  20. (1) At its first sitting after any general election Parliament shall elect a Speaker and one or more Deputy Speakers.
  - (2) The Speaker shall preside at sittings of Parliament and shall be responsible for maintaining order.
  - (3) The functions of Speaker may be exercised by a Deputy Speaker.
- Committees.**
  21. Parliament may establish committees and appoint members to them.
- Proceedings to be public.**
  22. Unless otherwise provided proceedings of Parliament shall be held in public.
- Public Finance.**
  23. (1) Every year the Government shall present a bill for a budget to Parliament for its approval.
  - (2) No taxation shall be imposed or altered and no expenditure of public funds shall be incurred except by or under a law passed by Parliament.
  - (3) No motion for the levying or increase of taxation or for the expenditure of public funds shall be introduced unless it is supported by the Government.
  - (4) Parliament shall provide for the office of Auditor-General, who shall be appointed by the Public Service Commission on its own initiative.
  - (5) The function of the Auditor-General shall be to audit and report to Parliament and the Government on the public accounts of the New Hebrides.
  - (6) The Auditor-General shall not be subject to the direction or control of any other person or body in the exercise of his functions.
- Ratification of treaties.**
  24. Treaties negotiated by the Government shall be presented to Parliament for ratification when they :
    - (a) concern international organisations, peace or trade ;
    - (b) commit the expenditure of public funds ;
    - (c) affect the status of people ;
    - (d) require amendment of the laws of the New Hebrides ; or
    - (e) provide for the transfer, exchange or annexing of territory.

- Privileges of members.** 25. (1) No member of Parliament may be arrested, detained, prosecuted or proceeded against in respect of opinions given or votes cast by him in Parliament in the exercise of his office.
- (2) No member may, during a session of Parliament or of one of its Committees, be arrested or prosecuted for any offence, except with the authorisation of Parliament in exceptional circumstances.
- Life of Parliament.** 26. (1) Parliament, unless sooner dissolved under paragraph (2) or (3), shall continue for 4 years from the date of its election.
- (2) Parliament may at any time decide, by resolution supported by the votes of an absolute majority of the members at a special sitting when at least three-fourths of the members are present, to dissolve Parliament. At least one week's notice of such a motion shall be given to the Speaker before the debate and the vote on it.
- (3) The President of the Republic may, on the advice of the Council of Ministers, dissolve Parliament.
- (4) General elections shall be held not earlier than 30 days and not later than 60 days after any dissolution.
- (5) There shall be no dissolution of Parliament within 12 months of the general elections following a dissolution under paragraph (2) or (3).

## **CHAPTER 5 NATIONAL COUNCIL OF CHIEFS**

- National Council of Chiefs.** 27. (1) The National Council of Chiefs shall be composed of custom chiefs elected by their peers sitting in District Councils of Chiefs.
- (2) The Council shall make its own rules of procedure.
- (3) The Council shall hold at least one meeting a year. Further meetings may be held at the request of the Council, Parliament, or the Government.
- (4) During the first sitting following its election the Council shall elect its President.
- Functions of Council.** 28. (1) The National Council of Chiefs has a general competence to discuss all matters relating to custom and tradition and may make recommendations for the preservation and promotion of New Hebridean culture and languages.
- (2) The Council may be consulted on any question, particularly any question relating to tradition and custom, in connection with any bill before Parliament.
- Organisation of Council and role of Chiefs.** 29. Parliament shall by law provide for the organisation of the National Council of Chiefs and in particular for the role of chiefs at the village, island and district level.
- Privileges of Members of Council.** 30. (1) No member of the National Council of Chiefs may be arrested, detained, prosecuted or proceeded against in respect of opinions given or votes cast by him in the Council in the exercise of his office.
- (2) No member may, during a session of the Council or of one of its committees, be arrested or prosecuted for any offence, except with the authorisation of the Council in exceptional circumstances.

## CHAPTER 6 HEAD OF STATE

- President of the Republic.** 31. The head of the Republic shall be known as the President and shall symbolise the unity of the nation.
- Election of President.** 32. The President of the Republic shall be elected, in accordance with Schedule 1, by secret ballot by an electoral college consisting of Parliament and the Presidents of the Regional Councils.
- Qualifications for election as President.** 33. Any indigenous New Hebridean citizen qualified to be elected to Parliament shall be eligible for election as President of the Republic.
- Term of office and removal of President.** 34. (1) The term of office of the President of the Republic shall be 5 years.  
(2) The President of the Republic may be removed from office, only for gross misconduct or incapacity, by the electoral college provided for in Article 32 on a motion introduced by at least one-third of the members of the college and passed by at least two-thirds of its members, when at least three-fourths of its members, including at least three-fourths of the Presidents of the Regional Councils, are present.  
(3) At least two weeks notice of the motion provided for in paragraph (2) shall be given to the Speaker.  
(4) If there is no quorum at the first sitting as provided in paragraph (2), the electoral college may meet and vote on the motion provided for in paragraph (2) a week later even if there is only a quorum of two-thirds of the members of the college.
- Speaker to act as President.** 35. When there is a vacancy in the office of the President of the Republic or the President is overseas or incapacitated, the Speaker of Parliament shall perform the functions of the President. In the event of a vacancy in the office of the President of the Republic, elections to that office shall be held within 3 weeks of the vacancy arising.
- Presidential powers of pardon, commutation and reduction of sentences.** 36. The President of the Republic may pardon, commute or reduce a sentence imposed on a person convicted of an offence. Parliament may provide for a committee to advise the President in the exercise of this function.

## CHAPTER 7 THE EXECUTIVE

- Executive Power.** 37. (1) The executive power of the people of the Republic is vested in the Prime Minister and Council of Ministers and shall be exercised as provided by the Constitution or a law.  
(2) The Prime Minister shall keep the President of the Republic fully informed concerning the general conduct of the government of the Republic.  
(3) The President of the Republic may refer to the Supreme Court any regulation which he considers to be inconsistent with the Constitution.
- Council of Ministers.** 38. (1) There shall be a Council of Ministers which shall consist of the Prime Minister and other Ministers.  
(2) The number of Ministers, including the Prime Minister, shall not exceed a quarter of the number of members of Parliament.

- Election of Prime Minister.** 39. The Prime Minister shall be elected by Parliament from among its members by secret ballot in accordance with the rules in Schedule 2.
- Appointment and removal of other Ministers.** 40. (1) The Prime Minister shall appoint the other Ministers from among the members of Parliament and may designate one of them as Deputy Prime Minister.  
(2) The Prime Minister shall assign responsibilities for the conduct of government to the Ministers.  
(3) The Prime Minister may remove the Ministers from office.
- Collective responsibility of Ministers and Votes of no confidence.** 41. (1) The Council of Ministers shall be collectively responsible to Parliament.  
(2) Parliament may pass a motion of no confidence in the Prime Minister. At least one week's notice of such a motion shall be given to the Speaker and the motion must be signed by one sixth of the members of Parliament. If it is supported by an absolute majority of the members of Parliament, the Prime Minister and other Ministers shall cease to hold office forthwith but shall continue to exercise their functions until a new Prime Minister is elected.
- Termination of office of Ministers.** 42. The Council of Ministers shall cease to hold office whenever the Prime Minister resigns or dies but shall continue to exercise their functions until a new Prime Minister is elected. In the case of the death of the Prime Minister, the Deputy Prime Minister, or if there is no Deputy Prime Minister a Minister appointed by the President of the Republic, shall act as Prime Minister until a new Prime Minister is elected.
- Other times when a Minister ceases to hold office.** 43. A Minister, including the Prime Minister, shall also cease to hold office:  
(a) when, after a general election, Parliament meets to elect a new Prime Minister;  
(b) if he ceases to be a member of Parliament for any reason other than a dissolution of Parliament; or  
(c) if he is elected as President of the Republic or as Speaker of Parliament.
- Ministers to remain members of Parliament.** 44. Members of Parliament who are appointed Ministers shall retain their membership of Parliament.

## CHAPTER 8 JUSTICE

- The Judiciary.** 45. (1) The administration of justice is vested in the judiciary, who are subject only to the Constitution and the law. The function of the judiciary is to resolve proceedings according to law. If there is no rule of law applicable to a matter before it, a court shall determine the matter according to substantial justice and whenever possible in conformity with custom.  
(2) Except the Chief Justice and other judges of the Supreme Court, members of the judiciary shall be appointed by the President of the Republic on the advice of the Judicial Service Commission.



- (3) All members of the judiciary shall hold office until they reach the age or retirement. They shall only be removed from office by the President of the Republic in the event of:
      - (a) conviction and sentence on a criminal charge; or
      - (b) a determination by the Judicial Service Commission of gross misconduct, incapacity or professional incompetence.
    - (4) The promotion and transfer of members of the judiciary may only be made by the President of the Republic on the advice of the Judicial Service Commission.
- The Judicial Service Commission.** 46. (1) The Judicial Service Commission shall consist of the Minister responsible for justice, as Chairman, the Chief Justice, the President of the Public Service Commission, a judge appointed for three years by the President of the Republic, and a representative of the National Council of Chiefs appointed by the Council.
  - (2) The Judicial Service Commission shall not be subject to the direction or control of any other person or body in the exercise of its functions.
- The Supreme Court, the Chief Justice and other judges.** 47. (1) The Supreme Court has unlimited jurisdiction to hear and determine any civil or criminal proceedings, and such other jurisdiction and powers as may be conferred on it by the Constitution or by law.
  - (2) The Supreme Court shall consist of a Chief Justice and three other judges.
  - (3) The Chief Justice shall be appointed by the President of the Republic after consultation with the Prime Minister and the leader of the opposition.
  - (4) The other judges shall be appointed by the President, one being nominated by the Speaker of Parliament, one being nominated by the President of the National Council of Chiefs and one being nominated by the Presidents of the Regional Councils.
  - (5) A person shall not be qualified for appointment as Chief Justice or other judge of the Supreme Court unless he is qualified to practise as a lawyer in the New Hebrides.
- Appeals from Supreme Court to Court of Appeal.** 48. Parliament shall provide for appeals from the original jurisdiction of the Supreme Court and may provide for appeals from such appellate jurisdiction as it may have to a Court of Appeal which shall be constituted by two or more judges of the Supreme Court sitting together.
- Ascertainment of Rules of Custom.** 49. Parliament may provide for the manner of the ascertainment of relevant rules of custom, and may in particular provide for persons knowledgeable in custom to sit with the judges of the Supreme Court or the Court of Appeal and take part in its proceedings.
- Village and island courts.** 50. Parliament shall provide for the establishment of village or island courts with jurisdiction over customary and other matters and shall provide for the role of chiefs in such courts.
- Application to Supreme Court regarding infringements of Constitution.** 51. (1) Anyone who considers that a provision of the Constitution has been infringed in relation to him may, without prejudice to any other legal remedy available to him, apply to the Supreme Court for redress.

- (2) The Supreme Court has jurisdiction to determine the matter and to make such order as it considers appropriate to enforce the provisions of the Constitution.
  - (3) When a question concerning the interpretation of the Constitution arises before a subordinate court, and the court considers that the question concerns a fundamental point of law, the court shall submit the question to the Supreme Court for its determination.
- Election disputes.** 52. The jurisdiction to hear and determine any question as to whether a person has been validly elected as a member of Parliament, the National Council of Chiefs, and a Regional Council or whether he has vacated his seat or has become disqualified to hold it shall vest in the Supreme Court.
- Public Prosecutor.** 53. The function of prosecution shall vest in the Public prosecutor, who shall be appointed by the President of the Republic on the advice of the Judicial Service Commission. He shall not be subject to the direction or control of any other person or body in the exercise of his functions.
- Public Solicitor.** 54. Parliament shall provide for the office of the Public Solicitor, appointed by the President of the Republic on the advice of the Judicial Service Commission, whose function shall be to provide legal assistance to needy persons.

**CHAPTER 9**  
**ADMINISTRATION**  
**PART 1 — The Public Service.**

- Public servants.** 55. (1) Public servants owe their allegiance to the Constitution and to the people of the New Hebrides.
- (2) Only citizens of the New Hebrides shall be appointed to public office. The Public Service Commission shall determine other qualifications for appointment to the Public Service.
  - (3) No appointment shall be made to a post that has not been created in accordance with a law.
  - (4) The Prime Minister or the President of a Regional Council may, exceptionally, make provision for the recruitment of staff for a specified period to meet unforeseen needs. In urgent cases, the Public Service Commission may, after consulting the Ministers responsible for finance and public administration, make such a decision instead of the Prime Minister.
  - (5) For as long as their posts exist, public servants shall not be removed from their posts except in accordance with the Constitution.
  - (6) Public servants shall be given increments in their salary in accordance with the law.
  - (7) Public servants shall leave the Public Service upon reaching retirement age or upon being dismissed by the Public Service Commission. They shall not be demoted without consultation with the Public Service Commission.
  - (8) The security of tenure of public servants provided for in paragraph (5) shall not prevent such compulsory early retirement as may be

decided by law in order to ensure the renewal of holders of public offices.

**Exclusion of security of tenure in relation to political advisers and transfer of public servants.**

56. (1) The rule of security of tenure provided for in Article 55 (5) shall not apply to the personal political advisers of the Prime Minister and Ministers.  
(2) Senior public servants in Ministries may be transferred by the Prime Minister to other posts of equivalent rank.

**Membership of Public Service Commission.**

57. (1) The Public Service Commission shall be composed of five members appointed for three years by the President of the Republic after consultation with the Prime Minister.  
(2) The President of the Republic shall appoint every year, from among the members of the Commission, a Chairman who shall be responsible for organising its proceedings.  
(3) A person shall be disqualified for appointment as a member of the Commission if he is a member of Parliament, the National Council of Chiefs or a Regional Council or if he exercises a position of responsibility within a political party.  
(4) A person shall cease to be a member of the Commission if circumstances arise that, if he were not a member, would disqualify him for appointment as such.

**Functions of Public Service Commission.**

58. (1) The Public Service Commission shall be responsible for the appointment and promotion of public servants, and the selection of those to undergo training courses in the New Hebrides or overseas. For such purposes it may organise competitive examinations.  
(2) The Commission shall also be responsible for the discipline of public servants.  
(3) The Commission shall have no authority over the members of the judiciary, the armed forces, the police and the teaching services.  
(4) The Commission shall not be subject to the direction or control of any other person or body in the exercise of its functions.

**PART 2 — The Ombudsman**

**Ombudsman.**

59. (1) The Ombudsman shall be appointed, for five years, by the President of the Republic after consultation with the Prime Minister, the Speaker of Parliament, the leaders of the political parties represented in Parliament, the President of the National Council of Chiefs, the Presidents of the Regional Councils, and the Chairmen of the Public Service Commission and the Judicial Service Commission.  
(2) A person shall be disqualified for appointment as Ombudsman if he is a member of Parliament, the National Council of Chiefs or a Regional Council, if he holds any other public office, or if he exercises a position of responsibility within a political party.  
(3) A person shall cease to be Ombudsman if circumstances arise that, if he were not the Ombudsman, would disqualify him for appointment as such.

**Enquiries by Ombudsman.**

60. (1) The Ombudsman may enquire into the conduct of any person or body to which this Article applies :  
(a) upon receiving a complaint from a mem-

ber of the public (or, if for reasons of incapacity, from his representative or a member of his family) who claims to have been the victim of an injustice as a result of particular conduct;

- (b) at the request of a Minister, a member of Parliament, of the National Council of Chiefs or of a Regional Council;  
or
  - (c) of his own initiative.
- (2) This Article shall apply to all public servants, public authorities and ministerial departments, with the exception of the President of the Republic, the Judicial Service Commission, the Supreme Court and other judicial bodies.
  - (3) The Ombudsman may request any Minister, public servant, administrator, authority concerned or any person likely to assist him, to furnish him with information and documents needed for his enquiry.
  - (4) The Ombudsman shall grant the person or body complained of an opportunity to reply to the complaints made against them.
  - (5) The enquiries of the Ombudsman shall be conducted in private.

**Findings of  
of Ombudsman  
and reports.**

- 61. (1) Wherever, after due enquiry, the Ombudsman concludes that a complaint is unjustified, he shall so inform the complainant and the Prime Minister and the head of the public department or authority concerned.
- (2) Wherever, after due enquiry, the Ombudsman concludes that conduct was contrary to the law, based on error of law or of fact, delayed for unjustified reasons, or unjust or blatantly unreasonable and that, consequently, any decision taken should be annulled or changed or that any practice followed should be revised, he shall forward his findings to the Prime Minister and to the head of the public authority or department directly concerned.
- (3) The report of the Ombudsman shall be public unless he decides to keep the report, or parts of it, confidential to the Prime Minister and the person in charge of the relevant public service, on the grounds of public security or public interest. The complainant shall in any case be told of the findings of the Ombudsman.
- (4) The Prime Minister or the person in charge of the relevant public service shall decide upon the findings of the Ombudsman within a reasonable time and the decision, with reasons, shall be given to the complainant forthwith. Any period limiting the time in which legal proceedings may be commenced shall not begin to run until the complainant has received the decision.
- (5) The Ombudsman shall present a general report to Parliament each year and may make such additional reports as he considers necessary concerning the discharge of his functions and action taken on his findings. He may draw the attention of Parliament to any defects which appear to him to exist in the administration.

**Right of a citizen  
to services in  
own language.**

- 62. (1) A citizen of the New Hebrides may obtain, in the official language that he uses, the services which he may rightfully expect from the Republic's administration.
- (2) Where a citizen considers that there has been a breach of paragraph (1) he may make a com-

plaint to the Ombudsman who shall conduct an enquiry in accordance with Articles 60 and 61.

- (3) The Ombudsman shall, each year, make a special report to Parliament concerning the observance of multilingualism and the measures likely to ensure its respect.

**Ombudsman not subject to direction or control.**

63. The Ombudsman shall not be subject to the direction or control of any other person or body in the exercise of his functions.

## **CHAPTER 10 LEADERSHIP CODE**

**Conduct of leaders.**

64. (1) Any person defined as a leader in Article 65 has a duty to conduct himself in such a way, both in his public and private life, so as not to:
- (a) place himself in a position in which he has or could have a conflict of interests or in which the fair exercise of his public or official duties might be compromised;
  - (b) demean his office or position;
  - (c) allow his integrity to be called into question;
  - or
  - (d) endanger or diminish respect for and confidence in the integrity of the Government of the New Hebrides.
- (2) In particular, a leader shall not use his office for personal gain or enter into any transaction or engage in any enterprise or activity that might be expected to give rise to doubt in the public mind as to whether he is carrying out or has carried out the duty imposed by paragraph (1).

**Definition of a leader.**

65. For the purpose of this Chapter, a leader means the President of the Republic, the Prime Minister and other Ministers, members of Parliament, and such public servants, officers of Government agencies and other officers as may be prescribed by law.

**Parliament to give effect to this Chapter.**

66. Parliament shall by law give effect to the principles of this Chapter.

## **CHAPTER 11 EMERGENCY POWERS**

**Emergency regulations.**

67. The Council of Ministers may make regulations for dealing with a public emergency whenever:
- (a) the Republic is at war; or
  - (b) the President of the Republic acting on the advice of the Council of Ministers declares a state of emergency by reason of natural calamity or to prevent a threat to or to restore public order.

**Period of and renewals of state of emergency.**

68. (1) When Parliament is in session a state of emergency declared under Article 67 shall cease to have effect at the end of one week unless approved by a resolution of Parliament supported by two-thirds of its members.
- (2) When Parliament is not in session a state of emergency shall cease to have effect at the end of 2 weeks.
- (3) Where a resolution has been passed in accordance with paragraph (1) the state of emergency approved by it shall remain in force for

the period authorised by the resolution except that no such resolution may authorise a state of emergency for more than 3 months at one time.

- (4) Parliament may meet whenever it decides during a state of emergency.
- (5) Parliament may not be dissolved under Article 26(2) or (3) during a state of emergency. If the life of a Parliament ends in accordance with Article 26 (1) during a state of emergency the former members of that Parliament may meet for the purpose only of considering the state of emergency until the new Parliament first meets.
- (6) Parliament may at any time terminate a state of emergency by a resolution supported by an absolute majority of its members.

**Effect of emergency regulations.**

- 69. (1) Subject to paragraph (2) regulations made by the Council of Ministers in accordance with Article 67 shall have effect notwithstanding the provisions of Chapter 2, Part 1 except that no regulation shall:
  - (a) derogate from the right to life and the freedom from inhuman treatment and forced labour; and
  - (b) make provision for the detention of a person without trial for more than one month unless such person is an enemy alien.
- (2) Regulations made by the Council of Ministers in accordance with Article 67 shall be such as are reasonably necessary in the circumstances of the emergency to which they relate and as are justifiable in a democratic society.

**Complaints to Supreme Court concerning emergency regulations.**

- 70. Any citizen aggrieved by reason of regulations made by the Council of Ministers in accordance with Article 67 may complain to the Supreme Court which shall have jurisdiction to determine the validity of all or any of such regulations.

**CHAPTER 12  
LAND**

**Land belongs to custom owners.**

- 71. All land in the Republic belongs to the indigenous custom owners and their descendants.

**Basis of ownership and use.**

- 72. The rules of custom shall form the basis of ownership and use of land in the Republic.

**Perpetual ownership.**

- 73. Only indigenous citizens of the Republic who have acquired their land in accordance with a recognised system of land tenure shall have perpetual ownership of their land.

**National land law.**

- 74. Parliament, after consultation with the National Council of Chiefs, shall provide for the implementation of Articles 71, 72 and 73 in a national land law and may make different provision for different categories of land, one of which shall be urban land.

**Compensation.**

- 75. Parliament shall prescribe such criteria for the assessment of compensation and the manner of its payment as it deems appropriate to persons whose interests are adversely affected by legislation under this Chapter.

- Disputes.** 76. (1) Where, consequent on the provisions of this Chapter, there is a dispute concerning the ownership of alienated land, the Government shall hold such land until the dispute is resolved.
- (2) The Government shall arrange for the appropriate customary institutions or procedures to resolve disputes concerning the ownership of custom land.
- Land transactions.** 77. (1) Notwithstanding Articles 71, 72 and 73 land transactions between an indigenous citizen and either a non-indigenous citizen or a non-citizen shall only be permitted with the consent of the Government.
- (2) The consent required under paragraph (1) shall be given unless the transaction is prejudicial to the interests of :
- (a) the custom owner or owners of the land ;
  - (b) the indigenous citizen where he is not the custom owner ;
  - (c) the community in whose locality the land is situated ;
  - or
  - (d) the Republic.
- Government may own land.** 78. Notwithstanding Articles 71 and 72 the Government may own land acquired by it in the public interest.
- Redistribution of land.** 79. (1) Notwithstanding Articles 71 and 72 the Government may buy land from custom owners for the purpose of transferring ownership of it to indigenous citizens or indigenous communities from over-populated islands.
- (2) When redistributing land in accordance with paragraph (1), the Government shall give priority to ethnic, linguistic, customary and geographical ties.

### CHAPTER 13 DECENTRALISATION

- Legislation for decentralisation.** 80. The Republic of the New Hebrides, conscious of the importance of decentralisation to enable the people fully to participate in the government of their regions, shall enact legislation necessary to realize that ideal.
- Regional Councils** 81. (1) Each region may elect a regional council in accordance with a law which shall in particular provide for the representation of custom chiefs within such council.
- (2) As soon as the regional council is elected, it shall start negotiations with the Government in order to prepare proposals for legislation providing for the powers and administration of the region.
- (3) The proposals for legislation referred to in paragraph (2) shall be submitted to Parliament which shall adopt them by the votes of at least two-thirds of the members of Parliament.

### CHAPTER 14 AMENDMENT OF THE CONSTITUTION

- Bills for amendment of Constitution.** 82. A bill for an amendment of the Constitution may be introduced either by the Prime Minister or any other member of Parliament.

- Procedure for passing Constitutional amendments** 83. A bill for an amendment of the Constitution shall not come into effect unless it is supported by the votes of no less than two-thirds of all the members of Parliament at a special sitting of Parliament at which three-quarters of the members are present. If there is no such quorum at the first sitting, Parliament may meet and make a decision by the same majority a week later even if only two-thirds of the members are present.
- Amendments requiring support of referendums.** 84. A bill for an amendment of a provision of the Constitution regarding the status of Bislama, English and French, the electoral system, the powers and organisation of Regional Councils or the parliamentary system, passed by Parliament under Article 83, shall not come into effect unless it has been supported in a national referendum.

## CHAPTER 15 TRANSITIONAL PROVISIONS

- First President of the Republic.** 85. Notwithstanding Chapter 6 the first President of the Republic shall :
- (a) be such person as shall have been elected prior to the day of Independence by an electoral college constituted for that purpose by the Representative Assembly sitting with the Presidents of the Regional Councils if then established ;
  - (b) assume office on the day of Independence and hold office in accordance with the provisions of the Constitution.
- First Prime Minister and other Ministers.** 86. The persons who immediately before the day of Independence hold office as Chief Minister or any other Minister shall as from that day hold office as Prime Minister or other Minister, as the case may be, as if they had been elected or appointed thereto under Chapter 7.
- First Parliament.** 87. (1) The persons who immediately before the day of Independence are members of the Representative Assembly shall on that day become members of Parliament and shall hold their seats in Parliament in accordance with the Constitution.
- (2) The person who immediately before the day of Independence holds the office of Chairman of the Representative Assembly shall as from that day act in the office of Speaker of Parliament until a person is elected to hold that office.
  - (3) The standing orders of the Representative Assembly in force immediately before the day of Independence shall have effect as from that day as the standing orders of Parliament until modified or replaced under Article 19 (5) but shall be construed with such adaptations as may be necessary to bring them into conformity with the Constitution.
  - (4) Parliament shall, unless sooner dissolved, stand dissolved on the 14th November, 1983.
- Existing offices.** 88. (1) Subject to the other provisions of the Constitution, a person who immediately before the day of Independence holds or acts in an office in the service of the Government of the New Hebrides shall, as from that day, hold or act in



- that office or the corresponding office established by or under the Constitution on the same terms and conditions as those on which he holds or acts in the office immediately before that day.
- (2) Paragraph (1) is without prejudice to the power of Parliament to provide for the compulsory retirement of non-citizen officers to promote localisation of offices.
- (3) Notwithstanding Article 55 (2), until a citizen of the New Hebrides is qualified for appointment to a public office a non-citizen may be appointed to that office but, except in the case of a judge of the Supreme Court, shall be appointed for a limited period.
- Judges of the Supreme Court.** 89. Notwithstanding Chapter 8, any person who immediately before the day of Independence holds office as a judge of the pre-Independence Supreme Court or of a District Court shall as from that day act in the office of judge of the Supreme Court until a substantive appointment is made to that office in accordance with Chapter 8. The President of the Republic may appoint one of them to act as Chief Justice until a substantive appointment is made to that office.
- Rights, Liabilities and Obligations.** 90. (1) All rights, liabilities and obligations of the Government of the New Hebrides, whether arising out of contract or otherwise, shall, as from the day of Independence, be rights, liabilities and obligations of the Republic.
- (2) Nothing in paragraph (1) shall prevent the Government of the Republic renegotiating rights, liabilities or obligations assumed under that paragraph.
- Electoral System.** 91. After the general elections next following the Exchange of Notes providing for the entry into force of this Article, the Representative Assembly shall set up a Committee with equal representation of all political groups to make recommendations on an electoral system based on Article 17 (1).
- The recommendations of the Committee shall be included in a law enacted by Parliament by a two-thirds majority of its members at a special sitting of Parliament when at least three-fourths of the members are present. If there is no such quorum at the first sitting, Parliament may meet and make a decision by the same majority a week later even if only two-thirds of the members are present.
- Legal Proceedings.** 92. All legal proceedings, whether civil or criminal, pending immediately before the day of Independence before any court in the New Hebrides shall be disposed of on and after that day in accordance with general or specific directions given by the Supreme Court subject to any law which may be enacted for that purpose.
- Existing Law.** 93. (1) Until otherwise provided by Parliament, all Joint Regulations and subsidiary legislation made thereunder in force immediately before the day of Independence shall continue in operation on and after that day as if they had been made in pursuance of the Constitution and shall be construed with such adaptations as may be necessary to bring them into conformity with the Constitution.

- (2) Until otherwise provided by Parliament, the British and French laws in force or applied in the New Hebrides immediately before the day of Independence shall on and after that day continue to apply to the extent that they are not expressly revoked or incompatible with the independent status of the New Hebrides and wherever possible taking due account of custom.
- (3) Customary law shall continue to have effect as part of the law of the Republic.

**Regional Councils  
before  
Independence.**

- 94. (1) Regional Councils shall be elected in Tanna and Santo on the same day as the general elections to the Representative Assembly next following the Exchange of Notes providing for the entry into force of this Article.
- (2) The modalities of this election shall be established by an Exchange of Notes between the British and French Governments, which shall in particular provide for the representation of custom chiefs within such Regional Councils.
- (3) As soon as they are elected the Regional Councils of Tanna and Santo shall start negotiations with the Government in order to prepare proposals for legislation providing for their powers and their manner of administration. The law on decentralisation for Tanna and Santo shall be adopted by the Representative Assembly before Independence.
- (4) The Council of Ministers may provide for the election of regional councils in other constituencies before Independence in accordance with modalities established in an Exchange of Notes between the British and French Governments.

**SCHEDULE 1**  
**ELECTION OF THE PRESIDENT OF THE REPUBLIC**

1. The election of the President of the Republic shall take place within 3 weeks of the end of the term of office of the previous President.
2. (1) The electoral college may proceed to elect the President of the Republic at its first meeting if at least three fourths of its members are present.  
(2) If there is no such quorum, the electoral college shall meet again 48 hours later and may lawfully proceed to elect the President if at least two thirds of its members are present.
3. The candidate who obtains the support of two thirds of the members of the electoral college shall be elected President of the Republic.

**SCHEDULE 2**  
**ELECTION OF THE PRIME MINISTER**

1. The candidate who obtains the support of an absolute majority of the members of Parliament shall be elected Prime Minister.
2. If no candidate is elected under the preceding paragraph, a second ballot shall be taken but the candidate obtaining the lowest number of votes in the first ballot shall be eliminated.
3. If on the second ballot no candidate obtains the support specified in paragraph 1, further ballots shall be held, each time eliminating the candidate with the lowest vote in the preceding ballot until one candidate receives the support specified in paragraph 1, or if only two candidates remain the support of a simple majority.

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APPENDIX III

Election regulations: Joint regulation No. 19 of  
18 September 1979

ELECTION REGULATION

Arrangement of Sections

PART 1 - PRELIMINARY

1. Interpretation

PART 2 - ELECTORAL OFFICE AND CO-ORDINATING COMMITTEE

2. Organization and Administration of Elections by the Minister and Electoral Office
3. Responsibilities of Electoral Office

PART 3 - REGISTRATION AREAS

4. Division of New Hebrides into Registration Areas

PART 4 - ELECTORAL COMMITTEES

5. Establishment and Procedures of Electoral Committees
6. Function of Electoral Committees

PART 5 - ELECTORAL LISTS

7. Registration Officers
8. Persons to give Assistance and Information
9. Declaration as to Basis of Claim to Registration
10. Qualifications for Registration as a Voter
11. Registration of Person from Outside Registration Area and of Persons in their Place of Origin

PART 6 - REGISTRATION OF OVERSEAS VOTERS

12. Declaration of Overseas Electoral Area
13. Overseas Registration Committee
14. Overseas Registration Teams
15. Registration of Overseas Voters

PART 7 - ELECTORAL IDENTITY CARDS

16. Issue of Electoral Identity Cards

PART 8 - CHANGES TO AND COMPLETION OF ELECTORAL LISTS

17. Special Interpretation of "Electoral Committees" and "Electoral Lists"
18. Petitions to Electoral Committees and Appeals to the Resident Commissioners
19. Removal of Names from Electoral List and Appeals to the Resident Commissioners
20. Electoral Committee to send copy of Electoral Lists to Electoral Office

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NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 19 of 18 September 1979

To provide for registration of voters and elections

MADE by the Resident Commissioners under Article 2 (2) and Article 7 of the Anglo-French Protocol of 1914 and the Exchange of Notes between the Governments of the French Republic and the United Kingdom of Great Britain and Northern Ireland on the 18th day of September 1979.

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PART 1 - PRELIMINARY

Interpretation. 1. In this Regulation unless the context otherwise requires a person shall be related to a person if he is that persons spouse, or the brother, sister, uncle, aunt or lineal ancestor or descendant of that person or his spouse.

"Constituency" means one of the Constituencies into which the New Hebrides is divided by Joint Regulation for the purposes of elections.

"District Agent" means a person appointed to that office under Article 2:3 of the Anglo-French Protocol of 1914, or a person acting in such office, or a person carrying out the duties of such office.

"election" includes a by-election.

"election offence" means any offence provided for under this Regulation and includes an offence under section 54.

"electoral list" means the electoral list drawn up in accordance with Parts 5, 6 and 8 prior to the first elections held in accordance with this Regulation and for later elections the existing electoral roll established in accordance with section 23.

"electoral officer" means the Clerk and officers of the Electoral Office, a District Agent, a registration officer, a presiding officer, a returning officer or a polling clerk.

"general election" means an election held to fill vacancies occurring after the end of a term of the Representative Assembly or on its dissolution.



"Minister" means the Minister appointed by the Chief Minister to be responsible for organizing elections or any Minister acting on his behalf.

"New Hebridean" means a person of Pacific island origin who is not a citizen, subject or protected person of Britain France or any foreign State.

"polling day" means the date fixed for an election or the commencement of an election in accordance with Section 21 of this Regulation, or other Joint Regulation or an Exchange of Notes between Britain and France amending the Anglo-French Protocol of 1914.

Words and expressions importing the masculine general include the feminine and importing the singular include the plural and vice-versa.

#### PART 2 - ELECTORAL OFFICE AND CO-ORDINATING COMMITTEE

Organization and Administration of Elections by the Minister and Electoral Office.

2. (1) The Minister shall be responsible for the organization and administration of elections subject to the powers of the Resident Commissioners under this Regulation.
- (2) For the purposes of subsection (1) the Minister shall establish an electoral office.
- (3) The Electoral Office shall be supervised by a Clerk who shall be appointed by the Minister after consultation with the Resident Commissioners and the Council of Ministers.
- (4) The Government shall second to the Electoral Office such staff as in the opinion of the Minister shall be required for the effective discharge of its functions.
- (5) The Electoral Office shall be in Port-Vila and the Minister may establish branch offices.
- (6) There shall be a Co-ordinating Committee consisting of the Chancellor of the French Residency, the Chief Secretary of the British Residency and the Clerk of the Electoral Office or such other representative as the Minister shall appoint.
- (7) The function of the Co-ordinating Committee shall be to ensure the efficient administration of elections.

Responsibilities  
of Electoral  
Office.

3. (1) Subject to section 2 (1) the Electoral Office shall be responsible for the administrative matters relating to the registration of electors and the conduct of elections.
- (2) The Electoral Office shall in particular be responsible for:
  - (a) control of electoral expenditure;
  - (b) instruction, supervision and remuneration of Registration Officers;
  - (c) transport, travel and equipment for Registration Officers;
  - (d) the design and printing of electoral cards, forms and other material;
  - (e) arrangements for New Hebridean voters resident overseas;
  - (f) production, distribution and publication of electoral lists;
  - (g) providing information to voters and the general public;
  - (h) provision and distribution and security of ballot papers, ballot boxes and equipment for polling stations;
  - (i) preparation and distribution of instructions for Returning Officers, Presiding Officers and Polling Clerks;
  - (j) transport, travel and remuneration for Returning Officers, Presiding Officers and Polling Clerks;
  - (k) liaison with Minister, Resident Commissioners and District Agents;
  - (l) maintenance, preservation and security of all electoral records;
  - (m) preparation of the Election Report required under Section 40 (2);
  - (n) such other duties as may from time to time be assigned by the Minister or the Resident Commissioners in accordance with their respective powers under this Regulation.

PART 3 - REGISTRATION AREAS

- Division of New Hebrides into registration areas.
4. The Council of Ministers shall divide the Constituencies demarcated pursuant to the Exchange of Notes of 15 September 1977 into such number of registration areas as it shall deem fit.

PART 4 - ELECTORAL COMMITTEES

- Establishment and Procedures of Electoral Committees.
5. (1) The Resident Commissioners shall by Joint Decision after consultation with the Council of Ministers establish such number of electoral committees and for such periods as it may deem fit.
- (2) Each electoral committee shall consist of six members. Two members shall be the District Agents ex officio. The other members shall be appointed by the Resident Commissioners by Joint Decision after consultation with the Council of Ministers.
- (3) The District Agents shall be co-Chairmen of the electoral committees. In the absence of a District Agent he shall be replaced by his Assistant District Agent.
- (4) The decisions of electoral committees shall not be valid unless the co-Chairmen and not less than two other members are present.
- (5) Decisions of electoral committees shall be taken by a majority vote.
- Function of Electoral Committees.
6. (1) The function of electoral committees shall be to establish electoral rolls for each registration area.
- (2) Electoral committees shall, for the purpose of establishing electoral rolls, ascertain such information concerning persons as they may deem necessary or as the Minister may direct.

PART 5 - ELECTORAL LISTS

- Registration Officers.
7. (1) Each electoral committee shall appoint such number of registration officers as it may consider necessary.
- (2) Each assistant district agent shall be ex officio a registration officer for each electoral committee within his administrative district.

- (3) Registration officers, who shall work in teams of not less than two selected by the co-Chairmen of Electoral Committees, shall draw up electoral lists for the purpose of compiling electoral rolls.
- (4) Registration officers shall refer any matter on which they cannot agree to the Electoral Committee of the registration area to which the matter in dispute relates.
- (5) Registration officers may call upon any two inhabitants in any place to assist them in determining the age or place of residence of any person or any other matter for the purpose of drawing up an electoral list.

Persons to give assistance and information.

8. Every person called upon to assist under section 7 (5) or to give information concerning himself for determining whether or not his name should be included on an electoral roll shall give such assistance or information without undue delay and to the best of his knowledge and belief.

Declaration as to basis of claim to registration.

9. Any person may be required to furnish a declaration in the form contained in Part 1 of Schedule 1 made and signed by two persons of good standing not related to him as to the facts on which he bases his claim to be eligible for registration.

Qualifications for registration as a voter.

10. (1) A person shall be eligible for registration in the electoral list for the registration area in which he is a resident on 1 July 1979 if he:
  - (a) will have attained 18 years on or before polling day and
  - (b) (i) is a New Hebridean, or
  - (ii) is a person who will have resided for not less than one year in the New Hebrides preceding polling day and one of his parents is or was a New Hebridean, or
  - (iii) is a person who will have resided for not less than three consecutive years in the New Hebrides preceding polling day and was born in the New Hebrides, or
  - (iv) is a person who will have resided for not less than six consecutive years in the New Hebrides immediately preceding polling day and was not born in the New Hebrides.

- (2) In reckoning periods of time for the purpose of subsection (1) periods spent overseas which come to not more than 120 days per year when averaged over the relevant period of residence shall not be taken into account.
- (3) A person shall be resident in a registration area for the purposes of this section if his name is recorded as resident in that area in the demographic census of 1979.
- (4) Where a person's name is not recorded in the demographic census of 1979 as resident in a registration area and he desires to be registered there the Registration Officers shall make such inquiry as to the residential status of that person as may be necessary.
- (5) After making inquiry under subsection (4) the Registration Officers shall make a report and a recommendation to the Electoral Committee.
- (6) A report under subsection (5) shall be supported by such evidence as may be necessary and available.
- (7) Upon receipt of a report under subsection (6) an Electoral Committee shall after considering the report and evidence either enter the name of the voter on the electoral list or refuse to enter it and cause the voter to be informed of its decision.
- (8) An Electoral Committee shall not refuse to register a voter in a registration area other than the one he was recorded as being resident in under the census if that registration area and the one he wishes to be registered in are in the same constituency.
- (9) An Electoral Committee that refuses to register a person in an electoral list shall inform the Electoral Committee of the registration area in which it considers he is resident of its decision.
- (10) The Electoral Committee shall accept as proof of residence the following:
  - (a) purchase or rent of accommodation subject to a municipal property tax; or
  - (b) a certificate of employment from an employer that the voter has been employed by him for not less than three months before 1 July 1979; or

- (2) Where a registration officer is satisfied that a New Hebridean present in an overseas electoral area will be in the New Hebrides on polling day he shall apply the provisions of Section 11 to that person.
- (3) Where a registration team is satisfied that a New Hebridean present in any overseas electoral area will not be in the New Hebrides on polling day and is eligible for registration it shall register him in the overseas electoral list.
- (4) An overseas registration team which registers a person in accordance with subsection (3) shall register him in the part of the overseas electoral list relating to the constituency in which in its opinion he would have voted had he not been overseas.
- (5) For the purposes of Parts 8 and 9 the Overseas Registration Committee shall send to each Electoral Committee two copies of the parts of Overseas Electoral Lists relevant to its constituencies.
- (6) An Electoral Committee which receives the copies referred to in subsection (5) shall without delay forward to the Overseas Registration Committee such comments thereon as it shall consider necessary.

#### PART 7 - ELECTORAL IDENTITY CARDS

- Issue of Electoral Identity Cards. 16.
- (1) When a person is registered in an electoral list or overseas electoral list he shall be issued with an electoral identity card in the form and containing the particulars set out in Part 4 of Schedule 1.
  - (2) Duplicate electoral identity cards may be issued in accordance with the Rules set out in Schedule 2.

#### PART 8 - CHANGES TO AND COMPLETION OF ELECTORAL LISTS

- Special interpretation of Electoral Committees and "Electoral Lists".
17. In this Part and in Part 9 "Electoral Committees" shall include the Overseas Registration Committee and "Electoral List" shall include an overseas electoral list.

Petitions to  
Electoral  
Committees and  
appeals to the  
Resident  
Commissioners.

18. (1) Any person may petition an Electoral Committee if he considers his name has been wrongly omitted from an Electoral List and may put such evidence and declarations before the Committee as he considers appropriate.
- (2) If an Electoral Committee after receiving a petition under subsection (1) considers it reasonable that the petitioner's name should be included it shall register his name in the electoral list and issue him with an electoral identity card.
- (3) A petitioner under subsection (1) may appeal to the Resident Commissioners if an Electoral Committee does not register his name in the electoral list.
- (4) Such appeal shall be made within 24 hours of notification to the petitioner of the Committee's decision.
- (5) The Resident Commissioners may either dismiss an appeal under subsection (3) or order the registration of the appellant's name in the electoral list. Their decision shall not be questioned in any court.

Removal of names  
from electoral  
list and appeals  
to the Resident  
Commissioners.

19. (1) An Electoral Committee may remove the name of any person from an electoral list if for any reason it considers that that person should not be registered therein.
- (2) An Electoral Committee may require a person whose name has been removed from an electoral list to surrender to the Committee any electoral identity card issued to him.
- (3) A person whose name has been removed from an electoral list pursuant to subsection (1) may appeal against such removal to the Resident Commissioners.
- (4) Such appeal shall be made within 24 hours of notification of such removal to the appellant.
- (5) The Resident Commissioners may either dismiss an appeal under subsection (3) or order the reinstatement of the appellant's name in the electoral list. Their decision shall not be questioned in any court.

Electoral Committee 20. When an Electoral Committee has completed the electoral lists for each of its registration areas it shall forward to send copy of lists for each of its registration areas it shall forward electoral list to a copy of each list to the Electoral Office. Electoral Office.

PART 9 - FIXING OF ELECTION DATE AND ESTABLISHING OF ELECTORAL ROLLS

- Election date. 21. The election date shall be:
- (a) in the case of an election following the dissolution of the Representative Assembly, such date as shall be fixed by a Joint Regulation made pursuant to Article 21 of the Exchange of Notes of the 15th September 1977.
  - (b) in all other cases, such date as shall be fixed by Order made by the Council of Ministers which shall specify a date, not earlier than two months nor later than three months after the date of the publication of the Order.
- Making electoral list available for inspection and applications for changes thereto. 22. (1) As soon as practicable after the fixing of the date for an election the electoral list shall be made available for inspection by the public during a period of not less than 14 days, the dates of which shall be decided by the Minister but which shall end not later than seven days before polling day.
- (2) The electoral list shall be made available for inspection by:
- (a) each District Agent having a copy at his office,
  - (b) each registration officer having a copy available on request, and
  - (c) copies being lodged at such other places or with such other persons both in the New Hebrides and outside as the Resident Commissioners shall direct or cause to be lodged.
- (3) Before the end of the inspection period any person may make application to an Electoral Committee for:
- (a) the inclusion or deletion of any name from an electoral list,
  - (b) the correction of any matter in a list,



- (c) the addition or deletion of any matter in a list, or
- (d) the correction of any matter or the addition or removal of any matter in any electoral identity card.

Establishment of electoral rolls.

23. (1) As soon as practicable after the end of the inspection period provided for in Section 22 each Electoral Committee shall meet and determine all outstanding applications made under Section 22 (3) making such additions or deletions from the list as may be required as a result of such determinations.
- (2) Having determined all applications under subsection (1) a committee shall establish the electoral roll for each registration area for which it is responsible.
- (3) The co-Chairmen shall initial each page of two master copies of each roll.
- (4) The co-Chairmen shall endorse on each master copy roll a certificate countersigned by two other committee members stating the number of pages and entries in the roll.
- (5) One copy of each roll endorsed in the manner provided for in subsection (4) shall be sent to the Electoral Office and one copy retained by the Electoral Committee.

PART 10 - CANDIDATES FOR ELECTION

Disqualification of candidates and incompatibility of functions of some officers.

24. (1) The following persons shall not be qualified as candidates for election to the Representative Assembly or as their alternates:
- (a) The Resident Commissioners;
  - (b) Judges;
  - (c) The Chancellor of the French Residency, the Chief Secretary of the British Residency;
  - (d) Heads of departments in either the French or the British National Services;
  - (e) District Agents;

- (f) members of the Police Forces; and
  - (g) members of the Malfatumaauri.
- (2) The following persons may not exercise the functions of members of the Representative Assembly whilst carrying out the duties of their office:
- (a) Directors of Government departments;
  - (b) public accounting officers;
  - (c) magistrates, the Procurator-General and Assistant Procurators-General;
  - (d) all other public officers not referred to in subsection (1) or this subsection;
  - (e) all teachers and administrative staff of educational institutions paid directly or indirectly out of funds provided by the New Hebrides Government or the French or British Governments.
- (3) The Resident Commissioners may after consultation with the Council of Ministers add other persons or classes of persons to either subsection (1) or subsection (2).

Eligibility of candidates.

25. (1) Subject to section 24 a person shall be eligible to stand as a candidate for election to the Representative Assembly or be the alternate of such a candidate, if he
- (a) is not disqualified from voting, and
  - (b) has not received a sentence of a term or terms of imprisonment whether suspended or not and without complete remission totalling more than 12 months in length which has not ended three years or more before polling day;
  - (c) is not an undischarged bankrupt;
  - (d) has attained 25 years of age and either
  - (e) is a New Hebridean, or
  - (f) he shall have resided in the New Hebrides for a period of not less than 10 years preceding polling day.

- (2) Section 10 (2) shall apply to paragraph (f) of subsection (1).
- Declaration of candidature. 26. (1) Not later than a date before polling day declared by the Resident Commissioners by Joint Decision every candidate for election shall lodge with a District Agent;
- (a) a declaration of candidature signed by him and his alternate in the form and containing the particulars provided for in Part 1 of Schedule 3 which shall include declarations that the candidate and his alternate are eligible as provided for in Section 25;
  - (b) a deposit of FWH 10,000;
  - (c) a full face photograph of himself and one of his alternate;
  - (d) except for a candidate sponsored by a political party having a symbol approved by the Minister on the advice of the Electoral Office, an illustration on paper of his personal electoral symbol;
- (2) A declaration of candidature shall also contain the signatures of not less than five sponsors being persons registered to vote in the constituency of the candidate and not being related to the candidate.
- (3) No person may lodge a declaration of his own candidature;
- (a) for more than one constituency, or
  - (b) if he is a member of the Representative Assembly in the case of a by-election.
- (4) No person may be alternate for more than one candidate.
- (5) A deposit paid under subsection (1) (b) shall not be repaid unless a candidate:
- (a) is elected;
  - (b) obtains 5 per centum or more of the votes cast in his constituency; or
  - (c) withdraws his candidature not less than seven days before polling day.

- (6) A District Agent who receives a declaration of candidature shall give a receipt to the candidate in the form contained in Part 2 of Schedule 3 and forward the declaration immediately to the Electoral Committee.
- (7) Each Electoral Committee shall within 24 hours of the day declared by the Resident Commissioners under subsection (1) make a list of the candidates and alternates named in declarations of candidature received by it and send copies to the Resident Commissioners and the Electoral Office.
- (8) Each Electoral Committee shall send with the list referred to in subsection (7) such comments on the validity of the candidature of any person named in the list as it shall consider fit.

Declaration of  
invalidity of  
candidature by  
Resident  
Commissioners.

- 27. (1) When a declaration of candidature has been delivered and a deposit paid in compliance with section 26 the candidate, and his alternate shall stand sponsored for election unless and until the Resident Commissioners declare the candidature invalid or evidence is given to the satisfaction of the Resident Commissioners that the candidate or his alternate has died, or the candidate withdraws.
- (2) The Resident Commissioners shall only declare a candidature invalid because,
  - (a) the candidate, his alternate or his sponsors do not have the necessary qualifications or are disqualified; or
  - (b) the declaration of candidature is not sponsored as provided in section 26 (2).
- (3) Where the Resident Commissioners decide that a candidature is invalid they shall so endorse the declaration of candidature giving reasons for the decision.
- (4) The decision of the Resident Commissioners that a candidature is valid or invalid shall be final and not questioned in any proceedings whatsoever.
- (5) Nothing in this section shall prevent the Election Disputes Committee declaring the election of a candidate void after the election on the grounds that he was not qualified or was disqualified for election.

Lodging of new declaration of candidature by candidate sponsored by a political party.

28. When a candidature sponsored by a political party is declared invalid by the Resident Commissioners or a candidate or his alternate so sponsored dies more than 14 days before polling day another candidate or in the case of death of an alternate the same candidate but naming a new alternate sponsored by the same party may lodge a declaration of candidature provided that he does so within 72 hours of the declaration or death but notwithstanding that he does so within a shorter time before polling day than shall have been provided for by the Resident Commissioners under section 26 (1).

Publication of lists of candidates.

29. A list of candidates shall be displayed at:
- (a) the office of every District Agent;
  - (b) the Representative Assembly;
  - (c) the Electoral Office; and
  - (d) such other places in the New Hebrides as the Minister may direct and outside the New Hebrides as the Resident Commissioners may direct,

for not less than 14 days before polling day except in the case of new candidatures under section 28 where the period shall be not less than 9 days.

#### PART 11 - ELECTION OF MEMBERS OF THE ASSEMBLY

Declaration of election without a poll and notice of a poll.

30. (1) If at the close of or at any time after the close of the period for declaration of candidates the number of candidates in any constituency is not more than the number of members to be elected the Electoral Committee responsible for the constituency shall so report to the Resident Commissioners who shall declare the candidates elected without a poll.
- (2) If the number of candidates is less than the number of members to be elected the Resident Commissioners shall when they declare the number of candidates elected declare the number of seats vacant.
- (3) The Resident Commissioners shall within 30 days after the declaration referred to in subsection (2) fix the date of an election for the seats declared vacant.

- (4) If the number of candidates exceeds the number of members to be elected, a poll shall be taken in accordance with this Part and without undue delay after the closing of the list of candidates the District Agents shall publish a notice stating:
  - (a) the names of the candidates and alternates;
  - (b) the hours of polling;
  - (c) the situation of each polling station;
  - (d) sufficient information to enable voters to know which polling station they are required to vote at;
  - (e) any other information that may be prescribed.

Presiding Officers.

31. Every polling station shall be presided over by a presiding officer appointed for that purpose by the Electoral Committee.

Electoral Rolls to be in polling stations and voters only to vote if therein and have electoral identity cards.

32. (1) During voting a copy of the electoral roll shall be kept in every polling station.
  - (2) No person may vote unless his name is contained in the roll of electors of the polling station at which he presents himself for voting, and he produces a valid electoral card issued to him.

Persons not entitled to vote.

33. The following persons shall not be entitled to vote whether or not their names may be on an electoral roll:
  - (a) persons detained in the mental hospital in accordance with the provisions of the Joint Mental Hospital Regulation No. 2 of 1955, and
  - (b) persons who have been convicted of an election offence within the four years immediately preceding polling day.

Polls to be secret and electors to vote once for one candidate.

34. (1) A poll shall be taken by secret ballot.
  - (2) Subject to Section 35 no person shall have more than one vote per vote for more than one candidate.

Proxy votes.

35. A person may vote by proxy in the circumstances and in the manner provided for in Schedule 4.

Suspension and  
stopping of poll.

36. (1) Where polling is interrupted at a polling station in such circumstances that in the opinion of the presiding officer, it is temporarily impossible to continue he may suspend the poll and recommence it when he considers polling may continue undisturbed.
- (2) Where there has been a suspension and reopening in accordance with subsection (1) polling shall continue after the time fixed for ending the poll for the period of the suspension unless the presiding officer is satisfied that every elector on the roll has cast his vote.
- (3) When circumstances arise which in the opinion of a presiding officer make it impossible to continue with a poll within a reasonable time whether or not polling has already been suspended under subsection (1) he shall declare the poll stopped and inform the District Agents of the declaration who shall report thereon to the Electoral Committee which shall immediately forward the report with any comments it may have to the Resident Commissioners.
- (4) When a poll has been stopped under subsection (3) all proceedings before the declaration shall by Joint Decision be annulled either:
- (a) in every polling station in the relevant constituency if the result in the constituency as a whole could be materially affected by the addition of the votes of voters of the registration area where the poll has been stopped, or
  - (b) in the polling station where the poll has been stopped only if the results in the relevant constituency as a whole could not be materially affected by the addition of the votes of voters of the registration area where the poll has been stopped

and in either case the Resident Commissioners shall in their Joint Decision fix a new day and time for polling and a new poll shall be held.

- (5) If in the opinion of the presiding officer and not less than one polling clerk not later than half an hour before the time fixed for polling to close the number of voters waiting will not be able to vote in that time he may extend the time to the close of the poll by one hour and shall record the extension in his report under Rule 20 of Schedule 5.

- (6) The presiding officers may close the polling station when all the voters on the roll have voted but the counting of votes shall not start earlier than one hour before the time fixed for the end of polling.

Display and locking of ballot boxes.

37. Immediately before the commencement of a poll the presiding officer shall show the interior of the ballot box to those lawfully present in the polling station and then lock the box with two padlocks having different keys and shall retain the key of one and give the other to a polling clerk.

Method of voting and procedures.

38. The method of voting, procedures to be observed during polls and the manner of counting votes and declaring the election of candidates shall be in accordance with the provisions of Schedule 5.

Publication of results.

39. As soon as practicable after an election the Resident Commissioners shall cause the results to be published in each constituency in such manner as appears appropriate to them and in the New Hebrides Gazette.

#### PART 12 - ELECTION REPORTS

Report by Electoral Committee and Minister.

40. (1) After an election an electoral committee shall make a report to the Electoral Office with regard to the conduct of the election in the registration areas for which it is responsible and shall forward with the report.
- (a) one copy of each report received by it in accordance with Rule 20, Schedule 5;
  - (b) its comments thereon, and
  - (c) all packets of counted and void ballot papers in its possession.
- (2) The Minister shall not more than three months after the end of the election make a report to the Council of Ministers concerning the conduct of the election which shall include a statement on the over-all cost thereof, information on difficulties encountered and how they were dealt with and recommendations for improvements and changes in procedure for future elections.



PART 13 - ELECTION OFFENCES

- General Offences. 41. (1) Any person who,
- (a) obstructs, hinders or prevents an electoral officer from carrying out duties under this Regulation;
  - (b) knowingly gives false information to any committee or person appointed hereunder either in making an application under this Regulation or in support of another person's application or at any other time,
- commits an offence and shall be liable on conviction to a fine not exceeding 20,000 FNH or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.
- (2) Any person who contravenes or fails to comply with any of the provisions of this Regulation or any order or any lawful request made hereunder commit an offence and except where any other penalty is specifically provided shall be liable on conviction to a fine not exceeding 20,000 FNH or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.
- Defacing and destruction of cards, documents and notices. 42. Any person who without lawful excuse -
- (a) defaces or destroys any card or document issued to any person under this Regulation, or
  - (b) defaces, destroys or removes any notice exhibited under this Regulation or any document made available for inspection pursuant to this Regulation, commits an offence and shall be liable on conviction to a fine not exceeding FNH 20,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.
- Offences relating to declarations of candidature and ballot papers. 43. Any person who,
- (a) forges or fraudulently defaces or destroys any declaration of candidature or delivers to a District Agent any declaration of candidature knowing the same to be forged, or

- (b) forges or counterfeits or fraudulently destroys any ballot paper or an official mark on any ballot paper, or
- (c) without due authority supplies any ballot paper to any person, or
- (d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person, or
- (e) not being a person entitled under this Regulation to be in possession of any ballot paper has any such ballot paper in his possession, or
- (f) knowingly or intentionally puts into any ballot box anything other than the ballot paper which he is authorized by law to put in, or
- (g) without due authority, takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station, or
- (h) without due authority, destroys, takes, opens or otherwise interferes with any ballot box, ballot paper or packet of ballot papers in use or intended to be used for the purposes of an election, or
- (i) without due authority, prints any ballot paper, or
- (j) not being authorized to do so under this Regulation, uses a ballot paper issued to a person, other than himself, with intent that such ballot paper shall record the vote of such other person,

commits an offence and shall be liable on conviction to a fine not exceeding FNH 20,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

Unauthorized  
voting.

44. Any person who knowingly votes,
- (a) at an election at which he is not entitled to vote;
  - (b) more than once at an election;
  - (c) at a polling station where he is not entitled to vote;

- (d) as a proxy knowing the person for whom he votes has already voted or is no longer qualified to vote;

commits an offence and shall be liable on conviction to a fine not exceeding FNH 40,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Personation.

- 45. A person commits the offence of personation if he
  - (a) except when voting as a proxy, votes as some other person whether that other person is living or dead or is a fictitious person; or
  - (b) votes as proxy for a person whom he knows or has reasonable grounds for supposing to be dead or a fictitious person.

Bribery.

- 46. (1) A person commits the offence of bribery,
  - (a) if he directly or indirectly by himself or by other person,
    - (i) gives any money or procures any office to or for any voter or to or for any other person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting;
    - (ii) corruptly does any such act on account of any voter having voted or refrained from voting; or
    - (iii) makes any such gift or procurement to or for any person in order to induce that person to procure, or endeavour to procure, the election of any candidate or the vote of any voter,

or if upon or in consequence of any such gift or procurement he procures or engages, promises or endeavours to procure the election of any candidate or the vote of any voter;

- (b) if he advances or pays any money or causes any money to be paid to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or knowingly pays any money or causes any money to be paid to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;

- (c) if before or during an election he directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration or any office, place or employment for himself or for any other person for voting or agreeing to vote or from refraining or agreeing to refrain from voting;
  - (d) if after an election he directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.
- (2) For the purposes of subsection (1) of this section,
- (a) references to giving money include references to giving, lending, agreeing to give or lend, offering, promising and promising to procure or to endeavour to procure any money or valuable consideration; and
  - (b) references to procuring office include references to giving, procuring, agreeing to give or procure, offering, promising and promising to procure or to endeavour to procure any office, place or employment.

Treating.

47. A person commits the offence of treating,

- (a) if he corruptly by himself or by any other person either before, during or after an election directly or indirectly gives or provides or pays wholly or in part the expenses of giving or providing any food, drink or entertainment to or for any person,
  - (i) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or
  - (ii) on account of that person or any other person having voted or refrained from voting or being about to vote or refrain from voting:
- (b) if he corruptly accepts or takes food, drink or entertainment offered in the circumstances and for the purpose mentioned in paragraph (a) of this section.

- Undue influence.      48. A person commits the offence of undue influence if
- (a) he directly or indirectly by himself or by any other person on his behalf,
    - (i) makes use of or threatens to make use of any force, violence or restraint, or
    - (ii) inflicts or threatens to inflict by himself or by any other person any temporal or spiritual injury, damage, harm or loss upon or against any person,
- in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting; or
- (b) by abduction, duress or any fraudulent device or contrivance he impedes or prevents the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter either to vote or to refrain from voting.
- False statements about candidates.      49. (1) Any person who before or during an election, for the purposes of affecting the election of any candidate, makes or publishes a false statement of fact in relation to the personal character or conduct of any candidate commits an offence unless he can show that he had reasonable grounds for believing and did believe that statement to be true.
- (2) Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate for the purpose of promoting or procuring the return of another candidate commits an offence.
  - (3) Any person who commits an offence under, this section shall be liable on conviction to a fine not exceeding FWH 40,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.
  - (4) The provisions of this section shall not take away the right of any person to sue for defamation of character.
- Penalty for corrupt practices.      50. (1) The offences of personation, bribery, treating and undue influence are corrupt practices for the purposes of this Regulation.

- (2) A person convicted of a corrupt practice shall be liable on conviction to a fine not exceeding FNH 75,000 or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.
- Certain activities prohibited on polling day. 51. (1) During the hours of polling, no person shall, within 100 metres of any polling station:
- (a) seek to influence any person to vote for any candidate;
  - (b) seek to ascertain for which candidate any voter intends to vote, or
  - (c) hold any deliberations or discussions.
- (2) During the hours of polling, no person shall within 1 kilometre of a polling station sell any intoxicating liquor.
- (3) Any person who contravenes any of the provisions of this section commits an offence and shall be liable on conviction to a fine not exceeding FNH 20,000.
- Requirement of secrecy. 52. (1) Every election officer, candidate or authorized representative of a candidate attending at a polling station shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorized by law, communicate to any person any information as to,
- (a) the name of any voter who has not applied for a ballot paper or voted at a polling station; or
  - (b) the number on the register of any voter who has or has not applied for a ballot paper or voted at a polling station; or
  - (c) an official mark.
- (2) Every person attending at the counting of votes shall maintain and aid in maintaining the secrecy of voting and shall not without authority communicate any information in connexion therewith.
- (3) No person shall,
- (a) interfere with or attempt to interfere with a voter when recording his vote;

- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted; or
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station has voted or is about to vote;
- (d) directly or indirectly induce a voter to display his ballot paper after he has selected it so as to make known to any person the name of the candidate for whom he has or has not voted.

(4) No person who has undertaken to assist,

- (a) a blind voter, or
- (b) a voter who is incapacitated from voting by other physical cause,

to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted.

(5) Any person who contravenes any provision of this section commits an offence and shall be liable on conviction to a fine not exceeding FNH 40,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Offences by  
election officers.

53. Any election officer, having any duty to perform, under this Regulation, who

- (a) makes in any record, return or other document which he is required to keep or make under this Regulation any entry which he knows or has reasonable cause to believe to be false, or does not believe to be true, or
- (b) permits any person whom he knows or has reasonable cause to believe not to be a person who is blind or incapacitated from voting by other physical cause to vote in a manner provided for such persons, or
- (c) refuses to permit any person whom he knows or has reasonable cause to believe to be a person who is blind or incapacitated from voting by other physical cause to vote in a manner provided for such persons, or

- (d) wilfully prevents any person from voting at the polling station at which he knows or has reasonable cause to believe such person is bound to vote, or
- (e) wilfully rejects or refuses to count any ballot paper which he knows or has reasonable cause to believe is validly cast for any candidate, or
- (f) wilfully counts any ballot paper as being cast for any candidate which he knows or has reasonable cause to believe was not validly cast for such candidate, or
- (g) without reasonable cause acts or omits to act, in breach of his official duty,

commits an offence and shall be liable on conviction to a fine not exceeding FNH 60,000 or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

Offence of conspiring to or attempting to commit an election offence.

- 54. (1) It shall be an offence to conspire with other persons to or to attempt to commit an offence provided for under this Regulation.
- (2) A person convicted of an offence under subsection (1) shall be liable to the same penalty as is provided for the offence he is convicted of conspiring or attempting to commit.

#### PART 14 - ELECTION PETITIONS

Election Disputes Committee.

- 55. (1) The Resident Commissioners shall within seven days of the signing of the Joint Regulation or Order fixing the date of an election to the Assembly appoint an Election Disputes Committee.
- (2) The Election Disputes Committee shall consist of not more than six members.
- (3) The Resident Commissioners shall by Joint Decision appoint a Chairman or co-Chairmen of the Election Disputes Committee from among its members.
- (4) A candidate in the election for which a committee is established shall not qualify to be a member of the committee.



- (5) The Resident Commissioners may replace a member who is unable to carry out his duties or ceases to be qualified or fill any vacancy.
- (6) When appointing the Election Disputes Committee the Resident Commissioners may make such stipulations, not inconsistent with this Regulation, as they may consider appropriate concerning the work of the Committee.
- (7) The names of the members of the Election Disputes Committee together with the address of the Committee for service of Petitions shall be published in the New Hebrides Gazette.

Elections only to be challenged under this Regulation.

56. (1) The validity of any election to the Representative Assembly may be questioned by a petition brought for that purpose under this Regulation and not otherwise.
- (2) Every election petition shall be heard by the Election Disputes Committee.

Persons who may present election petitions.

57. An election petition may be presented by one or more of the following:
  - (a) a person who is registered to vote at the election to which the petition relates;
  - (b) a person claiming himself to have been a candidate at such election.

Petitions only valid if deposit made.

58. (1) The presentation of an election petition shall not be valid unless within the time limited by section 59 for presentation of the petition the person seeking to present the same lodges with the Election Disputes Committee a deposit of FNH 10,000 as security for costs.
- (2) Subject to subsection (3) a deposit made under subsection (1) shall be returned to the Petitioner after the petition has been heard.
- (3) The Election Disputes Committee may deduct from a deposit made under subsection (1), the amount of any costs ordered to be paid.

Time for presentation of petitions.

59. (1) Subject to subsection (2), an election petition shall be presented within 21 days of the publication in the New Hebrides Gazette of the results of the election to which the petition relates.

- (2) If a petition alleges a specific payment of money or other reward after an election by or on the account of a person whose election is disputed, the petition may be presented within 21 days of the alleged payment.
- (3) The time limit provided for in this section shall not be extended.

Election petitions to be in writing and copies to be served on affected persons.

60. (1) An election petition shall be in writing and specify the ground or grounds upon which an election is disputed.
- (2) The Election Disputes Committee shall cause a copy of each election petition to be served on any person whose election may be affected by the petition and allow such person a reasonable time in which to make any submissions in writing on such petition and an opportunity to be heard on the hearing of the petition.

Proceedings of Election Disputes Committee.

61. (1) The members of the Election Disputes Committee may make such rules or decisions not inconsistent with this Regulation and any stipulations made under section 55 (6) concerning the conduct of proceedings before them, the times and places of their meetings and adjournment thereof as they shall consider proper.
- (2) The proceedings of the Committee shall be conducted in English, French or Bislama according to the choice of the petitioner and interpreters shall be provided by the Committee.
- (3) The proceedings of the Committee shall be recorded in writing.
- (4) The Committee shall have the powers of the Supreme Court to summon witnesses, call for documents and to examine persons appearing before it on oath.
- (5) A summons to a witness shall be in the form contained in Schedule 6.
- (6) Persons may be represented before the Committee by Counsel.
- (7) A person who without sufficient excuse,
  - (a) disobeys a summons or reasonable direction of the Committee,

- (b) hinders or obstructs the Committee,
  - (c) gives false evidence to the Committee, or
  - (d) insults the Committee by word of mouth, writing, radio broadcast or in any other manner, commits an offence and shall be liable on conviction to a fine not exceeding FWH 75,000 or to imprisonment not exceeding five years or to both such fine and imprisonment.
- (8) No person appearing before the Committee shall be bound to incriminate himself and all such persons shall be entitled to the privileges accorded to a witness appearing before the Supreme Court.

Decisions of  
Election Disputes  
Committee.

62. (1) On hearing a petition the Election Disputes Committee may:
- (a) declare the election to which the petition relates is void;
  - (b) declare a candidate other than the person whose election is questioned was duly elected;
  - (c) dismiss the petition and declare the person whose election is questioned was duly elected.
- (2) The Election Disputes Committee may make such orders as to the payment of costs by any person appearing before it as it may deem fit.

Grounds for  
declaring  
election void.

63. (1) The election of a candidate may be declared void on an election petition if it is proved to the satisfaction of the Election Disputes Committee, that
- (a) bribery, treating, undue influence or other misconduct or circumstances whether similar to those hereinbefore enumerated or not, have so extensively prevailed that they may be reasonably supposed to have affected the result of the election;
  - (b) there has been such non-compliance with the provisions of this Regulation, in the conduct of polling or in any other matter that such non-compliance affected the result of the election;

- (c) the candidate was at the time of his election a person not qualified or disqualified for election; or
  - (d) there was such irregularity in the counting of the votes as may reasonably be supposed to have affected the result of the election.
- (2) The election of a candidate shall be declared void if he is convicted by a New Hebrides Court of committing a corrupt practice or of attempting or conspiring to commit a corrupt practice.
- (3) Notwithstanding the provisions of subsection (1) of this section,
- (a) where upon the hearing of an election petition the Election Disputes Committee finds that any agent of a candidate has been guilty of a corrupt practice and the Election Disputes Committee further finds that the candidate has proved to the Election Disputes Committee that
    - (i) no corrupt practice was committed by the candidate himself or with his knowledge or consent or approval,
    - (ii) the candidate took all reasonable means for preventing the commission of corrupt practices at such election, and
    - (iii) in all other respects the election was free from any corrupt practice on the part of the candidate,
    - (iv) such corrupt practices did not affect the result of the elections,

then, if the Election Disputes Committee so recommends, the election of such candidate shall not by reason of any such practice be void,

- (b) where upon the trial of an election petition the Election Disputes Committee finds that there has been failure to comply with any provision of this Regulation but the Election Disputes Committee further finds, that it is satisfied that the election was conducted in accordance with the principles laid down in this Regulation and that such failure did not affect

the result of the election,, the election of the successful candidate shall not, by reason of such failure, be void.

Examination of votes cast.

64. When on an election petition the election is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes the Election Disputes Committee may direct an examination of the counted and void votes and of the counting of votes.

Communication of decision of Election Disputes Committee and Appeals.

65. (1) The decision of the Election Disputes Committee shall be communicated without delay to the petitioner and all persons whose election is subject to such petition.
- (2) Any person referred to in subsection (1) may within 14 days of such decision or such further time as the Supreme Court may allow appeal to that Court in writing giving brief reasons for his appeal.
- (3) After consideration of the written appeal and of the record of the proceedings before the Election Disputes Committee the Supreme Court may either dismiss the appeal summarily or give the other persons affected by the appeal an opportunity to lodge replies to it and fix a date to hear the appeal.
- (4) Any decision of the Supreme Court on an appeal whether a summary dismissal or a decision after a hearing shall be final.
- (5) The Supreme Court shall make rules of procedure to be observed in relation to appeals to it under this section.
- (6) The Election Disputes Committee forthwith after the end of a period of 14 days after its decision or in the case of an appeal the Supreme Court forthwith after its decision shall inform the Resident Commissioners thereof who shall take all proper measures to effect it and shall inform the Council of Ministers of the decision.

Reports to Procurator General.

66. The Election Disputes Committee or if an appeal from its decision is made the Supreme Court shall if in its opinion anyone has committed an offence of a corrupt practice in connexion with an election to which a petition heard by it relates, send a written report in respect thereof to the Procurator General.

No person required to reveal his vote. 67. No person who has voted in an election shall in any proceedings be required to state for whom he has voted.

PART 15 - MISCELLANEOUS AND SUPPLEMENTAL

Notification to Minister of election offences. 68. Any Court which convicts a person of an election offence shall inform the Minister.

Saving when election declared void. 69. Where on an election petition the election of a member of the Representative Assembly is declared void nothing done by him prior to such declaration either as a member of the Representative Assembly or in an office for which membership of the Assembly is a qualification shall be thereby invalidated.

Disposal of Reports and Documents. 70. (1) Subject to subsection (2) the Electoral Office shall retain for not less than one year all Reports sent to it in accordance with section 40 and all Documents sent therewith including packets of counted and void votes.

(2) Documents relating to an election in respect of which an election petition or any legal proceedings have been commenced shall not be destroyed until the proceedings have ended.

(3) The Election Disputes Committee or the Supreme Court when hearing an election petition or a Court trying an election offence may make an order that any document retained by the Electoral Office shall be inspected, copied or produced at such time and place and subject to such conditions as it thinks fit.

(4) No order shall be made under subsection (3) unless the Court or the Election Disputes Committee is satisfied that the inspection, copying, or production is essential for the hearing of a charge of an election offence or the hearing of an election petition.

(5) Except as provided by subsection (3) no person may inspect or copy any document retained by the Electoral Office under this Regulation.

- Establishing new Electoral rolls. 71. The Resident Commissioners may for a general election, a by-election or at any other time when they consider it necessary direct the drawing up of new electoral lists in accordance with Parts 5, 6, 7 and 8 of this Regulation for the purpose of establishing new electoral rolls.
- Municipal and Community Council Elections. 72. This Regulation shall apply to elections to Municipal and Community Councils with such modifications to allow for the difference in institutional structure and size of electorates between the Councils and the Representative Assembly as may be prescribed by the Council of Ministers.
- Powers to make orders. 73. (1) The Resident Commissioners may by order not inconsistent with this Regulation:
- (a) provide for anything that may be prescribed or ordered by them;
  - (b) provide for the closing of premises licensed to sell liquor or the prohibition or restriction of the sale of liquor on the day before and on polling day in any constituency or part thereof;
  - (c) provide for the identification of electors in any constituency by a requirement to have a photograph attached to each electoral identity card;
  - (d) provide for the control of electoral publicity;
  - (e) provide for the retrospective approval of certain acts or procedures that have taken place prior to the coming into force of this Regulation;
  - (f) make rules for the resignation and re-employment or the granting of special leave of absence to persons elected to the Representative Assembly but appointed to an office referred to in section 24 (2);
  - (g) modify or replace the Schedules of this Regulation, and
  - (h) make other rules of a procedural or administrative nature to facilitate the operation of this Regulation which may include establishment of special polling stations in urban areas for voters registered in other constituencies.

- (2) The Council of Ministers may by order not inconsistent with this Regulation:
  - (a) provide for the remuneration and allowances of any persons employed to carry out duties under this Regulation;
  - (b) provide for the release by employers of employees for the purpose of voting either generally or in such areas as it may specify;
  - (c) declare public holidays in such areas as it may specify.
- (3) Any person who contravenes any order made under subsection (1) or (2) shall be liable to a fine not exceeding FMH 30,000 or imprisonment for one year or both.

Transitional and saving.

74. (1) Anything done prior to the coming into force of this Regulation under any Regulation repealed by this Regulation for the purpose of establishing electoral rolls and preparing for an election to the Representative Assembly after the coming into force of this Regulation shall be deemed to have been done and shall be as valid and effective as if done under the authority of this Regulation.
- (2) Subsection (1) shall apply to the establishment of any bodies and the making of appointments provided for under this Regulation. Any such bodies established or persons appointed shall remain established and so appointed as if established or appointed under this Regulation after its coming into force.
- (3) Any things done by the bodies or persons referred to in subsection (2) prior to the coming into force of this Regulation for the purposes referred to in subsection (1) shall be as valid and effective as if those bodies and persons had acted under the authority of this Regulation.

Repeals.

75. The Regulations set out in Schedule 7 and all orders made thereunder are hereby repealed and revoked.



Citation and  
commencement.

76. This Regulation may be cited as the Election Regulation 1979 and shall come into force on the date of its publication in the New Hebrides Gazette.

MADE at VILA this 18th day of September, 1979

Delegate Extraordinary for the French  
Republic in the New Hebrides

British Resident Commissioner

SCHEDULE 1

(Section 9)

PART 1

The Elections Regulation Joint Regulation No. 19 of  
18 September 1979

DECLARATION OF QUALIFICATION AS ELECTOR

To: The Electoral Committee for ..... Registration Area

We, the undersigned do hereby declare that to the best of our knowledge and belief

.....  
(full name and address in CAPITALS of intended elector)

is entitled to be registered as an elector for the following reasons:

(write appropriate fact or facts giving rise to qualifications as elector, as appropriate, according to nature of elections concerned, e.g. age, period of residence in the New Hebrides, length of residence in the New Hebrides, length of residence in any place, etc.)

And we acknowledge that we are aware that the wilful making of a false declaration of qualification as an elector constitutes a punishable offence.

Dated at ..... this ..... day of ..... 19 .....

\*\* NAME ..... SIGNATURE .....

ADDRESS .....

.....

\*\* NAME ..... SIGNATURE .....

ADDRESS .....

.....

\*\* Put full names in CAPITAL letters.

PART 2

(section 11)

The Election Regulation Joint Regulation No. 19  
of 18 September 1979

APPLICATION TO BE REGISTERED AS AN ELECTOR IN REGISTRATION  
AREA OTHER THAN WHERE APPLICANT IS AT THE TIME OF REGISTRATION

To: ..... Electoral Committee

I, the undersigned, apply for registration as an elector in a registration area other than the registration area within which I am at present and declare that the information given below is true to the best of my knowledge and belief.

NAME: .....

FIRST NAMES: .....

SEX: ..... DATE OF BIRTH: .....

FATHER'S NAME: .....

MOTHER'S NAME: .....

ADDRESS OF NORMAL RESIDENCE OR PLACE OF ORIGIN:  
(State - Village, island and if Luganville or Vila part of town)  
.....

ADDRESS AT DATE OF THIS APPLICATION: .....

LENGTH OF RESIDENCE IN THE NEW HEBRIDES: .....

I will be able to collect my electoral identity card from your office about  
..... (date), or

My electoral identity card should be sent to me at: .....

Delete whichever is not applicable.

I acknowledge that I am aware that the wilful making of a false declaration is a punishable offence.

DATED at ..... this ..... day of .....1979

Signature of Applicant: .....

Signature of Witness (Registration Officer): .....

OFFICIAL USE ONLY

1) Application approved/rejected: .....  
If rejected, reason for rejection.

2) Applicant registered to vote at ..... Polling Station  
(name and letter) in ..... Constituency.

3) Electoral Identity Card sent/collected on .....1979.

Signature of Officer: .....

/...

NOTIFICATION TO APPLICANT OF REGISTRATION

The Election Regulation Joint Regulation No. 19 of 18 September 1979.

To: Mr./Mrs./Miss:.....  
.....  
.....(address)

You have been registered as an elector in  
the.....Constituency  
and your Elector's Card is available for collection at the office

\*of: .....Electoral Committee  
(District HQ)

\*and your Elector's Card and Proxy Form have been given to:

Mr./Mrs./Miss:  
.....  
of: .....  
.....

Signed: .....  
on behalf of: .....

ELECTORAL COMMITTEE

\* delete whichever is not applicable.

The Elections Regulation Joint Regulation No. 19  
of 18 September 1979

APPLICATION TO BE REGISTERED AS AN ELECTOR BY A PERSON  
OUTSIDE THE NEW HEBRIDES

To: .....

I, the undersigned, being at present outside the New Hebrides apply for registration as an elector and declare that the information given below is true to the best of my knowledge and belief and acknowledge that I am aware that the wilful making of a false declaration is a punishable offence.

NAME: ..... FIRST NAMES: .....

PRESENT ADDRESS: .....

DATE OF BIRTH: .....

FATHER'S NAME: ..... MOTHER'S NAME: .....

PRESENT ADDRESS OF MOTHER OR FATHER OR BOTH:  
(state island and village or if Luganville or Vila part of town)

STATE YOUR OWN HOME ISLAND AND VILLAGE OR IF LUGANVILLE OR VILA PART OF TOWN

STATEMENT OF INTENTION

1. I wish to be registered to vote in the registration area:

- \* (a) Where my father or mother live OR
- (b) The registration area in which is my village or part of town

2. \* (a) I will vote in person OR

- \* (b) I shall be outside the New Hebrides at the time of the elections and wish to vote by proxy.

+ I nominate ..... of (address) .....

to vote as my proxy. I understand he/she is also eligible to vote and is not proxy for more than one other person.

DATED: ..... this ..... day of ..... 1979

Signature of applicant: .....

Witness: .....

\* Delete whichever is not applicable.

+ Home island and village or part of town of proxy must be given. The address must be very close to that of either mother or father or of applicant's home depending on which alternative was chosen under Paragraph 1.

/...

SCHEDULE 1

PART 4

(section 16)

ELECTORAL AND IDENTITY CARD  
CARTE D'ELECTEUR ET D'IDENTITE

PAGE 1

IDENTITY CARD

CARTE D'IDENTITE

---

---

Name/Nom

---

First Name/Prénom

---

Sex/Sexe

---

Marital Status  
Situation de Famille

---

Date of birth or age  
Date de naissance ou âge

---

Father's name/Nom du père

---

Mother's name/Nom de la mère

---

Place of Birth  
Lieu de Naissance

---

Place of Origin  
Lieu d'origine

---

Occupation/Profession

---

Nationality/Nationalité

---

Special Marks/Signes Particuliers

---

---

PART 4 (continued)

ELECTOR'S CARD - CARTE D'ELECTEUR

PAGE 2

Year of Registration Année d'inscription	
Current Residence Residence Habituelle	
Resident there since Y reside depuis	
Resident in N.H. since Reside aux N.H. depuis	
Date of Registration Date d'inscription	
Signatures of Registration Officers Signatures des Agents Charges d'inscription	

PAGE 3

Year of Registration Année d'inscription	
Registration Area No. No. de la section electorale	
Registration Area Name Nom de la section electorale	
Polling Station Letter Indicatif du Bureau de vote	
Sheet No./Individual No. No. de Feuille/No. Individual	
Dates of Voting Dates de Scrutins	

SCHEDULE 2

RULES FOR ISSUING OF  
DUPLICATE ELECTORAL IDENTITY CARDS

Arrangement of Rules

PART 1

1. Report of lost, stolen or destroyed Electoral Identity card
2. Record of lost, stolen or destroyed cards and notification to Electoral Committee
3. Application for issue of duplicate card
4. Things to accompany applications
5. Declarations to support applications
6. Issue of duplicate cards
7. Form of cards
8. Validity of cards
9. Surrender and destruction of unserviceable cards
10. Penalties

PART 2

Application Form



SCHEDULE 2

RULES FOR ISSUING OF  
DUPLICATE ELECTORAL IDENTITY CARDS

- Report of lost, stolen or destroyed electoral identity card.
1. Any person whose electoral identity card is stolen or destroyed shall report such loss, theft or destruction within seven days to a District or Assistant District Agent.
- Record of lost, stolen or destroyed cards and notification to Electoral Committee.
2. The officer to whom such loss, theft or destruction is reported shall record and notify the Electoral Committee which issued the card or its successor or if there is none the Electoral Office.
- Application for issue of duplicate card.
3. A person may apply to an Electoral Committee which issued his original card or its successor or if none the Electoral Office for a duplicate electoral identity card if:
- (a) his original electoral identity card has been lost, stolen or destroyed; or
  - (b) his card is in an unserviceable condition.
- Things to accompany applications.
4. An application under Rule 3 shall be in the form and contain the particulars provided for in the form set out in Part 2 of this Schedule and shall be accompanied by:
- (a) if such is required by the law or the applicant so desires a full-face passport size photograph of the applicant certified by a person who has known the applicant for not less than two years as a true likeness of the applicant;
  - (b) a replacement charge of 100 FWH, and
  - (c) where applicable the unserviceable card.
- Declarations to support applications.
5. The Committee or Electoral Office may require an applicant to provide such declaration or evidence as may appear reasonable to it in order to establish a claim made by an applicant under Rule 3 (a).
- Issue of duplicate cards.
6. Upon being satisfied that an applicant under Rule 3 is entitled to be issued with a duplicate electoral identity card and having received the replacement fee the Committee or Elections Office shall issue an applicant with a duplicate electoral identity card.

- Form of cards.
7. A card issued under Rule 6 shall be in the same form as the card provided for in Schedule 1 Part 4 except that the word DUPLICATE shall be clearly stamped in red on the first page.
- Validity of cards.
8. A card issued in accordance with Rules 6 and 7 shall have the same validity as the original.
- Surrender and destruction of unserviceable cards.
9. All unserviceable cards surrendered under these Rules shall be promptly destroyed by the Committee or Electoral Office.
- Penalties.
10. (1) Any person who fails to comply with Rule 1 shall be liable on conviction to a fine of 1,000 FNH.
- (2) Any person who wilfully makes any false statement hereunder shall be liable on conviction to a fine not exceeding 10,000 FNH or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

PART 2

The Election Regulation Joint Regulation No. 19  
of 18 September 1979

APPLICATION FOR THE ISSUE OF A DUPLICATE  
ELECTORAL IDENTITY CARD

To: ..... Electoral Committee/Electoral Office  
I, .....(all names)  
of: .....

Hereby apply for the issue to me of a duplicate electoral identity card because the original card issued to me:

- \* (a) has been lost/stolen/destroyed on or about .....  
such loss having been reported to ..... District Agent  
on ..... 1979;
- \* (b) is unserviceable;

and I lodge with this application:

- (a) replacement charge of 100 FNH;
- \* (b) a full-face passport size photograph of myself certified on the back by a person not related to me, as a true likeness +++; and
- \* (c) my unserviceable electoral identity card.

The following are my particulars for inclusion in my duplicate card:

Sex .....

Marital status .....

Date of birth, or Age .....

Father's name .....

Mother's name .....

Place of origin .....

Place of birth .....

Occupation .....

Nationality .....

Special marks .....

I acknowledge that I am aware that the wilful making of a false statement herein is an offence punishable by fine or imprisonment or both.

DATED the ..... day of ..... 1979.

Signature of Applicant: .....

Witness: .....

\* delete whichever is not applicable.

+++ the certificate should state, "I certify that this is a true likeness of  
....., known to me for two years or more", and be signed and dated.

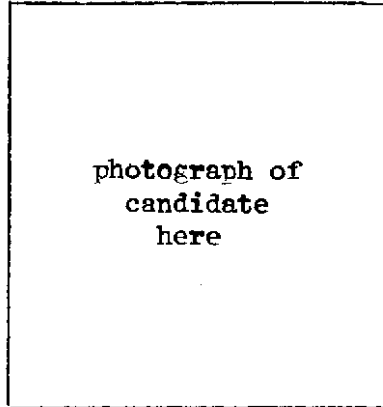
SCHEDULE 3

(section 26)

The Election Regulation Joint Regulation No. 19  
of 18 September 1979

DECLARATION OF CANDIDATURE

To the ..... District Agent  
for ..... District  
I .....  
of .....  
being 25 years of age or more and eligible to  
vote



HEREBY DECLARE

- (1) myself as a candidate for election to the Representative Assembly for ..... (Constituency),
- (2) that I have not received the sentence of imprisonment referred to in Section 25 (1) (b) of the Election Regulation and am not an undischarged bankrupt,
- (3) that ..... of ..... is my alternate who will represent me and vote on my behalf in the Representative Assembly when I am unable to do so on such conditions and for such reasons as the Standing Orders of the Representative Assembly may provide.

DATED .....

.....  
Signature of Candidate

/...

I ..... \_\_\_\_\_

of .....

being 25 years of age or more and eligible  
to vote

photograph of  
alternate  
here

HEREBY DECLARE

(1) myself as the alternate for  
.....

on his election to the Representative \_\_\_\_\_

Assembly,

(2) that I have not received the sentence of imprisonment referred to in  
section 25 (1) (b) of the Election Regulation and am not an undischarged  
bankrupt.

DATED .....

.....  
Signature of Alternate

-----  
SPONSORSHIP OF CANDIDATE AND ALTERNATE

NAME	ADDRESS	OCCUPATION
1 .....		
2 .....		
3 .....		
4 .....		
5 .....		

\* To be signed by persons not related to candidate or candidate's spouse and who  
are registered to vote in the constituency in which the candidate intends to  
stand for election.

PART 2

The Election Regulation Joint Regulation No. 19  
of 18 September 1979

R E C E I P T

Received from Mr./Mrs./Miss: .....

this ..... day of ..... 19..

(1) Declaration of candidature for the election of members of the Representative  
Assembly to be held during the month of ..... 1979.

(2) The sum of FNH 10,000 being a deposit made in accordance with section 26.  
New Hebrides Government Receipt No. ....  
of .....

Signed: .....

British/French District Agent  
for ..... District

SCHEDULE 4

(section 35)

RULES FOR VOTING BY PROXY

Arrangement of Rules

PART 1

1. Application to vote by proxy
2. Decisions of Electoral Committee and notification thereof
3. Revocation of proxies and further applications
4. Elector who has obtained issue of proxy may vote in person
5. Proxy nullified on death or cessation of eligibility of voter or his proxy
6. Limitations on voting by proxy
7. Manner of voting by proxy and casting of own vote

PART 2

FORM A.

FORM B.

SCHEDULE 4

(section 35)

RULES FOR VOTING BY PROXY

PART 1

Application  
to vote by  
proxy.

1. (1) A New Hebridean who is overseas and applies to an Electoral Committee for registration in accordance with section 15 (1) (b) and wishes to vote by proxy shall nominate a proxy when completing the form contained in Part 3 of Schedule 1.
- (2) Any other person who is entitled to vote may only vote by proxy if he can demonstrate that by reason of:-
  - (a) occupation;
  - (b) health, or,
  - (c) religionhe is unable to vote at the polling station where he is registered to vote.
- (3) A person referred to in sub Rule (2) shall apply to an Electoral Committee by the completion and submission thereof of FORM A in part 2 of these Rules accompanied by his electoral identity card.
- (4) A person who is prevented from voting by reason of his occupation shall accompany his application with a certificate signed by his head of department, superior officer, manager or other person to whom he is responsible certifying as to his inability to vote in person and the reason therefor.
- (5) A person who is prevented from voting in person by reason of health shall accompany his application with a certificate by a recognized medical practitioner, nurse, dresser or on the unavailability of any such persons a person of standing certifying as to his inability to vote in person and the reason therefor.
- (6) A person who professes to be prevented from voting in person by reason of religious obligations shall accompany his application by a certificate of a Minister of his religion that confirms that he cannot vote for reasons of religion.



- (7) Every application under sub Rule (3) hereof shall reach an Electoral Committee not less than 14 days before polling. A Committee may in its discretion accept applications which it is satisfied arise from unforeseeable circumstances less than 14 days before polling.

Decisions of Electoral Committees and notification thereof.

2. (1) If the Electoral Committee which receives an application under Rule 1 (1) or Rule 1 (3) is satisfied that:-
  - (a) an applicant is entitled to vote by proxy and
  - (b) the person named as proxy is registered on the same Roll as the applicant,it shall so inform the applicant using the detachable part of the application form and deliver by post or other means the completed proxy card in FORM B of these Rules and the applicant's electoral identity card to the proxy named by the applicant.
- (2) For the purposes of sub Rule (1) an Electoral Committee shall be deemed to have delivered a proxy card and electoral identity card if it makes known to a proxy that the cards are available for collection at the polling station on polling day.
- (3) If an Electoral Committee which receives an application under Rule 1 (3) is not satisfied that the applicant is entitled to vote by proxy it shall so inform the applicant.
- (4) If an Electoral Committee although being satisfied that an applicant under Rule 1 (1) or Rule 1 (3) is entitled to vote by proxy but that the person nominated as proxy is not eligible to be a proxy for the applicant it shall so inform the applicant and invite him to nominate another person provided that in its opinion the applicant will be able to make such nomination not less than four days before polling day.

Revocation of proxies and further applications.

3. (1) A voter may revoke a proxy by notice in writing to an Electoral Committee.
- (2) A voter who has revoked a proxy may apply for the issue of another.

Elector who has obtained issue of proxy may vote in person.

4. A voter who has obtained the issue of proxy may vote in person provided he obtains his electoral identity card from his proxy before that person votes on his behalf.

- Proxy nullified on death or cessation of eligibility of voter or his proxy. 5. (1) Where a voter or his proxy dies or ceases to be eligible to vote a proxy shall become null and void. (2) The Electoral Committee shall recover the proxy card.
- Limitations on voting by proxy. 6. (1) No voter may cast a proxy vote for more than two voters. (2) If more than two proxies are made out in the name of the same voter the two earliest in date shall be valid. (3) If more than two proxies issued to a voter bear the same date the voter shall be required by the presiding officer at his polling station to choose those two under which he will cast votes and surrender any others. (4) The presiding officer will cause any voter whose proxy is invalid to be so informed without undue delay.
- Manner of voting by proxy and casting of own vote. 7. (1) A proxy voter shall vote for the person for whom he is proxy in the same manner as he casts his own vote. (2) If a proxy voter wishes to cast his own vote he must do it at the same time as he votes as proxy. (3) When a person votes as proxy he must produce his own electoral identity card, the proxy card authorizing him to vote as proxy and the electoral identity card of the person for whom he is voting.

PART 2

FORM A

The Election Regulation Joint Regulation No. 19  
of 18 September 1979

APPLICATION TO VOTE BY PROXY

To the ..... Electoral Committee  
I, ..... of .....  
being registered in the electoral roll to vote at .....  
Polling Station hereby apply for the issue of a proxy to .....  
.....  
who is entitled to vote at the same polling station by reasons of:-

/...

- \* my occupation
- \* my health
- \* my religion

2. I cannot attend at the Polling Station on polling day because .....

.....

(Insert short particulars stating how your occupation, health or religion prevent your attendance)

\*3. I enclose a certificate from my -

- \* head of department
- \* superior officer
- \* manager, etc.
- \* medical officer
- \* nurse
- \* dresser
- \* other responsible person
- \* Minister of Religion

in person certifying as to the reason for my inability to vote  
 \*delete whichever is not applicable

DATED this                      day of                      1979

Signed: .....

N.B.: This application must be accompanied by the applicant's electoral identity card.

The Election Regulation Joint Regulation No. 19  
of 18 September 1979

NOTIFICATION TO APPLICANT TO VOTE BY PROXY

TO: ..... a registered voter at ..... Polling Station

\* Your application by proxy has been rejected because:-

.....  
 (Give short reasons e.g. applicant appears able to vote in person or proxy nominated not on Roll and insufficient time to issue proxy to a new one.)

\* Your application to vote by proxy has been accepted but the person nominated to vote is not named in the Roll for                      and you are requested to nominate another person who is on that roll.

\* Your application to vote by proxy has been approved and the proxy card and your electoral identity card have been delivered to/made available for collection by ..... of .....

Signed for  
 ELECTORAL COMMITTEE

FORM B

The Election Regulation Joint Regulation No. 19  
of 18 September 1979

NEW HEBRIDES GOVERNMENT  
(Cover)

PROXY CARD

Registration Area Number

Polling Station Letter

Polling Station Name

VALID FOR THE 19\_\_\_\_\_ General/By-Election

Official Stamp and Date of Voting

Any fraudulent statement made to obtain a form of proxy and any fraudulent misuse of the proxy by the person to whom it is given is punishable by a fine not exceeding 20,000 FNH or imprisonment not exceeding six months or both.

PROXY CARD  
(Inside Page)

SECTION TO BE HANDED TO PROXY BY  
THE ELECTORAL OFFICE

Name: .....

First Name: .....

Sex: .....

Date of Birth or Age: .....

Address: .....

\*\*Registered as a Voter at: .....

is hereby authorized to vote by proxy on behalf of:

Name: .....

First Name: .....

Sex: .....

Date of Birth .....

Address: .....

Registered as a Voter at: .....

GIVEN at: ..... Date: .....

BY: .....

SIGNED FOR: ..... ELECTORAL COMMITTEE

\*\* The proxy must be qualified as a Voter and registered on the same electoral roll as the Voter giving the proxy.

SCHEDULE 5

(section 38)

ELECTION OF CANDIDATES RULES

Arrangement of Rules

1. One polling station in each registration area
2. Polling clerks
3. Authorized representatives of candidates
4. Equipment at polling stations
5. Notices for guidance of voters
6. Opening of polling station
7. Resolution of difficulties and statement of objections and decisions
8. Regulation of admission to polling station
9. Keeping of order in polling station
10. Voting
11. Polling clerk's duties in respect of person who has voted
12. Replacement of spoilt ballot papers
13. Report on persons suspected of personation
14. Assistance to disabled voters
15. Returning officers
16. Members of public to be admitted to observe count
17. Counting of votes
18. Void ballot papers
19. Recounts
20. Declaration of votes and report on voting
21. Notification of votes cast for each candidate to Resident Commissioners by Electoral Committee
22. Declaration by Resident Commissioners of candidates elected
23. Application of rules in overseas registration areas

Election of Candidates Rules

- One polling station in each registration area.
1. (1) The District Agents after consultation with the Electoral Office shall determine the location of one polling station in each registration area.
  - (2) The Electoral Office shall be responsible for its installation.

Polling  
clerks.

2. (1) The co-Chairmen after consultation with the Electoral Committee where practicable shall appoint such number of polling clerks to assist the presiding officer as shall be necessary.
- (2) The oldest polling clerk shall act as presiding officer during the absence or incapacity of the presiding officer.

Authorized  
representatives  
of candidates.

3. (1) A candidate or political party may nominate in writing to the appropriate District Agents not less than 24 hours before polling an authorized representative for each polling station who may attend during voting and counting and who may require any comment, dispute or protest to be included in the report by the returning officer made under Rule 20 (2).
- (2) Subject to sub Rule (3) the District Agents shall issue each authorized representative nominated under sub Rule (1) with a letter of authority.
- (3) No candidate shall have more than one authorized representative at one polling station but one representative may be authorized for more than one candidate and more than one polling station.
- (4) A presiding officer shall not permit to remain in a polling station any person who claims to be an authorized representative of a candidate but who cannot produce a letter of authority.
- (5) A list of all authorized representatives of candidates shall be displayed at all polling stations.

Equipment  
at polling  
stations.

4. (1) Each presiding officer shall be provided by the Electoral Office with such number of ballot boxes, ballot papers and envelopes bearing official markings as shall be necessary for them to carry out their duties.
- (2) Each ballot box shall have two padlocks with dissimilar keys and shall be so constructed that when locked ballot papers can be put therein but cannot be withdrawn.
- (3) The District Agents shall provide each polling station with:
  - (a) the list of authorized representatives provided for in Rule 3 (5);

- (b) two copies of the electoral roll for the registration area in which the station is established;
- (c) copies of the electoral laws;
- (d) enough polling booths to enable voters to vote in secrecy;
- (e) sufficient tally sheets for recording votes cast for each candidate; and
- (f) any notices required by law to be displayed in polling stations.

Notices for guidance of voters.

5. A notice in legible print giving descriptions in English, French and Bislama for the guidance of voters in voting shall be exhibited inside and outside each polling station.

Opening of polling station.

6. The presiding officer shall open the polling station over which he presides at the date and on the time provided for in the notice referred to in section 30 (4).

Resolution of difficulties and statement of objections and decisions

7. (1) A presiding officer shall endeavour to amicably resolve all difficulties that may arise during the poll giving reasons for his decisions.
- (2) A written statement of all authorized representatives' objections and decisions thereon together with any relevant document initialled by the presiding officer and a polling clerk shall be included in the report made by the returning officer under rule 20 (2).

Regulation of admission to polling station.

8. The presiding officer shall regulate the number of voters to be admitted to a polling station at the same time and shall exclude all other persons except:
- (a) the polling clerks;
  - (b) officials of the Electoral Office;
  - (c) District Agents;
  - (d) candidates and their authorized representatives nominated in accordance with rule 3;
  - (e) police officers on duty;
  - (f) companions of disabled voters;
  - (g) press representatives authorized by the Electoral Office.



Keeping of  
order in  
polling  
station.

9. (1) It shall be the duty of the presiding officer to keep order at his polling station.
- (2) If a person misconducts himself at a polling station or fails to obey the lawful orders of the presiding officer he may by order of the presiding officer be removed.
- (3) A person removed in accordance with subRule (2) shall not without the permission of the presiding officer re-enter the polling station.
- (4) The power conferred by this Rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having the opportunity of voting at that polling station.

Voting.

10. (1) Every voter desiring to vote shall present himself at his allotted polling station. The presiding officer or polling clerk shall satisfy himself that:
  - (a) the voter is registered on the roll at the station;
  - (b) has not already voted;
  - (c) place his signature opposite the name of the voter on the margin of one of the electoral rolls; and
  - (d) deliver to the voter one ballot paper for each candidate and one envelope.
- (2) Immediately on receipt of the ballot papers and envelope a voter shall:
  - (a) enter a polling booth;
  - (b) record his vote by placing the ballot paper bearing the name and symbol of his chosen candidate in the envelope;
  - (c) leave all other ballot papers in the booth;
  - (d) present himself to the presiding officer or polling clerk who without touching it shall verify that the voter tenders one envelope;
  - (e) place the envelope in the ballot box; and

- (f) leave the polling station without undue delay after the completion of the formalities referred to in Rule 11.

Polling clerk's duties in respect of person who has voted.

- 11. After each elector has voted a polling clerk shall:
  - (a) place an indelible mark on the thumb of the voter which shall so far as possible be indelible for the period of the poll;
  - (b) stamp and endorse on the electoral card of the elector the date of the election;
  - (c) place his signature opposite the name of the elector in the margin of the second electoral roll; and
  - (d) return the card to the elector.

Replacement of spoilt ballot papers.

- 12. A voter who satisfies the presiding officer that he has inadvertently spoilt a ballot paper may on surrendering it obtain another.

Report on persons suspected of personation.

- 13. If before a voter leaves a polling station a candidate or his authorized representative or a polling clerk informs the presiding officer he has reasonable cause to believe that the voter has committed the offence of personation and agrees to substantiate the accusation in a Court the presiding officer shall report the matter to the District Agents.

Assistance to disabled voters.

- 14. (1) Any person suffering from a physical disability may be granted permission by a presiding officer to be accompanied into a polling station by a person of his choice to assist him in voting.
- (2) The granting of permission under this Rule shall be recorded in the Report made by the returning officer under Rule 20(2).

Returning officer.

- 15. (1) The District Agents shall appoint a returning officer for each polling station.
- (2) A presiding officer may be so appointed.
- (3) Every District Agent and Assistant District Agent may if necessary be a returning officer ex officio.

Members of public to be admitted to observe count.

16. A returning officer shall allow as many members of the public to observe a count as can do so without hindering counting.

Counting of votes.

17. (1) Immediately a poll is closed the returning officer shall supervise the counting of the votes which shall be done by:

(a) opening the ballot box or boxes;

(b) the presiding officer removing all envelopes from each box;

(c) the presiding officer taking the ballot papers from the envelopes;

(d) the presiding officer reading out the name on each ballot paper;

(e) the polling clerks recording the number of votes cast for each candidate on two tally sheets provided for that purpose.

(2) If the number of envelopes is found to be more or less than the marginal signatures or initials made in the Roll in accordance with Rule 11(c) the discrepancy shall be stated in the Report provided for in Rule 20(2).

Void ballot papers.

18. Any ballot paper which:

(a) by any writing or mark thereon identifies the voter;

(b) is not in an envelope or is in a non-official envelope; or

(c) is in an envelope containing more than one ballot paper

shall be void and not counted.

Recounts.

19. On the close of counting or on a recount a candidate or his authorized representative may request the returning officer to conduct a re-count and further re-counts but the returning officer may refuse to do so if in his opinion the request is unreasonable.

Declaration  
of votes  
and report  
on voting.

20. (1) When a returning officer is satisfied that the count or recounts are complete he shall declare counting of votes completed and formally announce the votes cast for each candidate.
- (2) Immediately after declaring the counting of votes completed the returning officer shall complete the official report on polling which shall state:
  - (a) the number of registered voters;
  - (b) the number of voters who voted;
  - (c) the number of void ballot papers;
  - (d) the number of valid votes cast for each candidate;
  - (e) such other matters as these Rules provide shall be included; and
  - (f) such other matters as the Electoral Office shall direct may be included.
- (3) The report shall be made in duplicate in French, English or Bislama.
- (4) It shall be signed by the returning officer, the presiding officer and polling clerks. It shall be countersigned by such of the candidates as may be present at the count.
- (5) After it has been signed each copy of the report shall be placed in a sealed envelope.
- (6) The returning officer shall also seal in separate packets the counted and void ballot papers and endorse on each packet:
  - (a) a description of its contents;
  - (b) the date of polling; and
  - (c) the name and number of the polling station.
- (7) The packets referred to in subRule (6) shall, immediately as they have been sealed and endorsed, be signed on the outside by the persons referred to in subRule (4).

/...

- (8) One copy of the report and the sealed packets referred to in subRule (6) shall be delivered to the Electoral Committee responsible for the constituency in which the poll was taken by the presiding officer, the returning officer or a person instructed by one of them.

Notification of votes cast for each candidate to Resident Commissioners by Electoral Committee.

21. When an Electoral Committee has received all the reports provided for in Rule 20 including reports from any polling stations where a new poll has been held under the provisions of section 36 it shall notify the Resident Commissioners of the number of votes cast for each candidate in the constituencies for which it is responsible.

Declaration by Resident Commissioners of candidates elected.

22. (1) The Resident Commissioners shall as soon as practicable after receiving notification in accordance with Rules 21 and 23(d) from all the Electoral Committees announce:
- (a) the number of votes cast for each candidate in each constituency, and
  - (b) the number of votes cast for each candidate in each Overseas Electoral Area.
- (2) Should two or more candidates in a constituency receive the same number of votes so that if one of them only had received that number of votes he would have been declared elected under subRule (3) the Resident Commissioners shall declare the eldest elected.
- (3) Subject to sub Rule (2) the number of candidates counting down from the candidate who obtains the highest number of votes in order of the votes obtained that equals the number of seats allocated to that constituency shall be declared elected.

Application of Rules in Overseas Electoral Areas.

23. These Rules shall apply to elections in Overseas Electoral Areas as follows:
- (a) The Overseas Electoral Committee shall before polling day appoint a returning officer and such number of polling clerks as it may consider necessary for each Overseas Electoral Area;
  - (b) The returning officer shall carry out the duties of the presiding officer and returning officer;

- (c) The co-Chairmen of the Overseas Electoral Committee shall perform the functions of District Agents for the purpose of polling in an Overseas Electoral Area;
- (d) The report referred to in Rule 20(2) shall be delivered to the Resident Commissioners by the Overseas Returning Officer;
- (e) Rules 8(e), 9(2) and 13(1) shall be applied by the returning officer as far as may be practical having regard to the laws of the country in which polling takes place.

SCHEDULE 6

(section 61)

The Election Regulation Joint Regulation No. 19 of 18 September 1979.

SUMMONS TO A WITNESS  
TO APPEAR BEFORE THE ELECTION DISPUTES COMMITTEE

To: . . . . .

of: . . . . .  
(address)  
. . . . .

YOU ARE HEREBY SUMMONED

to appear and give evidence before the ELECTION DISPUTES COMMITTEE

inquiring into the PETITION of . . . . .  
(name)  
. . . . .  
(address)

\* a candidate/registered elector concerning the election

of . . . . . to the Representative  
(name)

Assembly on . . . . .  
(date of his election by announcement of Resident Commissioners)

\* AND to bring with you . . . . .  
(specify books, documents, etc.)

GIVEN under the hand of the Co-Chairmen of the Committee this

. . . . . day of . . . . . 1979.

. . . . .  
Co-Chairmen  
Election Disputes Committee

\* Delete whichever is not applicable.

SCHEDULE 7

(section 75)

REPEALS

Joint Electoral Committees Regulation No. 8 of 1975

Joint Electoral Committees (Amendment of Regulation No. 8)  
Regulation No. 18 of 1975

Joint Electoral (Proxy Voting) Regulation No. 20 of 1975

Joint Elections (Closing of Premises) Regulation No. 23 of 1975

Joint Electoral (Proxy Voting) (Amendment) Regulation No. 24 of 1975

Joint Electoral Committees (Amendment) (No. 2) Regulation No. 25 of 1975

Joint Electoral (Proxy Voting) (Amendment) (No. 2) Regulation No. 29 of 1975

Representative Assembly (Elections) Regulation No. 30 of 1975 - except for  
the purposes of election of the Council of Chief under Joint Regulation  
No. 33 of 1976

Representative Assembly (Election) (Amendments) Regulation No. 35 of 1975

Joint Electoral (Proxy Voting) (Amendment) (No. 2) Regulation No. 41 of 1975

Representative Assembly (Elections) (Amendment) (No. 2) Regulation No. 42 of 1975

Joint Regulation No. 43 of 1975

Representative Assembly (Special Provisions) Regulation No. 44 of 1975

Representative Assembly (Elections) (Amendment) (No. 3) Regulation No. 45 of 1975

Representative Assembly (Elections) (Amendment) (No. 4) Regulation No. 46 of 1975

Elections (Voting by Employees) Regulation No. 47 of 1975

Electoral (Proxy Voting) (Amendment) Regulation No. 18 of 1976

Electoral (Proxy Voting) (Amendment) Regulation No. 22 of 1976

Representative Assembly (Special Provisions) (Amendment) Regulation No. 23 of 1976

Joint Electoral Committees (Amendment) (No. 2) Regulation No. 29 of 1976

Representative Assembly (Elections) (Amendment) Regulation No. 25 of 1976



Joint Electoral Committees (Amendment) (No. 3) Regulation No. 26 of 1976

Joint Electoral Committees (Special Provisions) Regulation No. 28 of 1976

Joint Electoral (Proxy Voting) (Amendment) (No. 2) Regulation No. 30 of 1976

Joint Elections (Public Holidays) Regulation No. 31 of 1976

Representative Assembly (Elections) (Amendment) (No. 2) Regulation No. 34 of 1976

Representative Assembly (Elections) (Amendment) (No. 2) Regulation No. 38 of 1976

Joint Electoral Committees (Amendment) Regulation No. 22 of 1977

Electoral Registration Regulation No. 27 of 1977

Representative Assembly (Elections) Regulation No. 33 of 1977

Representative Assembly (Amendment) (Elections) Regulation No. 35 of 1977

APPENDIX IV

New Hebrides Condominium

Joint regulation No. 20 of 5 October 1979

TO DISSOLVE the Representative Assembly and fix the date of the elections.

MADE by the Resident Commissioners under the provisions of Article 21 of the Exchange of Notes modifying the Anglo-French Protocol 1914 made at London the 15th day of September, 1977 as further modified by the Exchange of Notes made at Paris the 18th day of September 1979, they being authorised in that respect by the Governments of the United Kingdom of Great Britain and Northern Ireland and of the French Republic.

- |   |   |
|---|---|
| Dissolution of<br>the Representative<br>Assembly. | 1. The Representative Assembly elected the 29th day of November 1977 is hereby dissolved with effect from the 5th day of October 1979.  |
| Date of<br>Elections.                             | 2. A General Election of members of the Representative Assembly shall commence on 14th November 1979.   |
| Short Title and<br>Commencement.                  | 3. (1) This Joint Regulation may be cited as the Representative Assembly (Dissolution and Election) Regulation 1979 and shall come into operation on the signing hereof.<br><br>(2) After the signing hereof this Joint Regulation shall be published in the New Hebrides Government Gazette. |

MADE at Vila the

5th day of October 1979

Delegate Extraordinary  
for the French Republic  
in the New Hebrides

Her Britannic Majesty's  
Resident Commissioner

J.J. Robert  
J J ROBERT

A.C. Stuart  
A C STUART

APPENDIX V

NEW HEBRIDES CONDOMINIUM  
JOINT REGULATION No. 21 of 1979

TO APPOINT a Chief Minister and Members of the Council of Ministers to hold office until the Representative Assembly shall elect a new Chief Minister.

WHEREAS the Representative Assembly is dissolved with effect from the 6th day of October 1979 ;

AND WHEREAS the Chief Minister has resigned :

AND WHEREAS under the provisions of Article 21 bis of the Schedule to the Exchange of Notes made at London the 15th day of September 1977 modifying the Anglo-French Protocol concerning the New Hebrides of 6 August 1914 as inserted by the Exchange of Notes made at Paris the 18th day of September 1979 the Resident Commissioners are empowered to appoint an Interim Chief Minister and Council of Ministers to hold office and carry out the day to day administration of the Government of the New Hebrides until the Representative Assembly shall elect a new Chief Minister :

NOW THEREFORE the Resident Commissioners hereby make the following Joint Regulation under the provisions of Articles 2 : 2 and 7 of the said Protocol and Article 21 bis of the said Exchange of Notes -

- Appointment of Chief Minister. 1. Father Gerard LEYMIANG is appointed as Chief Minister of the Government of the New Hebrides to hold office until such time as the Representative Assembly to be elected on the 14th day of November 1979 shall elect a new Chief Minister.
- Appointment of Council of Ministers 2. The following are appointed members of the Council of Ministers of the Government of the New Hebrides for the same period as the Chief Minister appointed under section 1 -
- Father Walter LINI - Minister of Social Services
  - Guy PREVOT - Minister of Finance
  - George KALKOA - Minister of Public Administration and District Affairs
  - Maxime CARLOT - Minister of Internal Affairs and Public Works
  - John NAUPA - Minister of Health
  - Donald KALPOKAS - Minister of Education
  - Luke DINI - Minister Transport, Communications and Civil Aviation
  - Aimé MALEPE - Minister of Trade, Industry and Tourism
  - Thomas REUBEN - Minister of Natural Resources.
- Powers. 3. The Chief Minister and Council of Ministers appointed under sections 1 and 2 are empowered only to carry out the day to day administration of the Government.
- Short title and commencement. 4. This Joint Regulation may be cited as the Chief Minister and Council of Ministers (Interim Provisions) Regulation 1979, and come into operation on the signing hereof.

MADE at Vila the 5th day of October 1979

Delegate Extraordinary  
for the French Republic  
in the New Hebrides

Her Britannic Majesty's  
Resident Commissioner

APPENDIX VI

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION No 22 OF 1979

TO PROVIDE for electoral constituencies and the distribution of seats in the Representative Assembly among constituencies MADE by the Resident Commissioners under the provisions of Article 2 of the Exchange of Notes made at London on the 15th September, 1977.

Number of  
Constituencies,

1. The New Hebrides shall for the purpose of election of members of the Representative Assembly be divided into the 14 constituencies set out in the Schedule to this Regulation.

Number of  
Members of the  
Representative  
Assembly

2. The Representative Assembly shall consist of 39 members the seats of whom shall be distributed among constituencies in accordance with the Schedule referred to in Section 1.

Citation,  
Commencement  
and Repeal.

3. (1) This Regulation may be cited as the Representative Assembly (Constituencies and Membership) Regulation 1979 and shall come into force on publication in the New Hebrides Gazette.  
  
(2) The Electoral Constituencies Regulation 1977 (Joint Regulation No 34 of 1977) is hereby repealed.

MADE at Vila this eighth day of October 1979.

Delegate Extraordinary  
for the French Republic  
in the New Hebrides

Her Britannic Majesty's  
Resident Commissioner

J.J. ROBERT

A.C. STUART

SCHEDULE

<u>Constituencies</u>	<u>Allocation of Seats</u>
DANKS AND TORRES	2
ADDA AND MAEWO	3
SANTO, MALO AND AORE (excluding LUGANVILLE)	5
LUGANVILLE - being the area within the boundaries of the Municipality of Luganville	2
MALEKULA	5
AMBRYM	2
PENTECOST	3
PAAMA	1
EPI	1
SHEPHERDS	2
EFATE (excluding VILA)	3
VILA - being the area within the boundaries of the Municipality of Vila	4
TANNA	5
THE OTHER ISLANDS IN THE SOUTHERN DISTRICT	1
	<hr/>
TOTAL NUMBER OF SEATS	39
	<hr/>

APPENDIX VII

NEW HEBRIDES CONDOMINIUM  
JOINT REGULATION No. 25 of 1979

TO PROVIDE for the Control of Radio Services.

MADE by the Resident Commissioners under the provisions of Article 7 of the Anglo-French Protocol 1914, Article 27 of the Schedule to the Exchange of Notes modifying that Protocol made at London the 15th day of September 1977 and section 21 bis of the Schedule as inserted by the Exchange of Notes made at Paris the 18th day of September 1979.

- Radio services to be under control of Committee. 1. All radio services in the New Hebrides shall be under the direction of a Control Committee from the date of dissolution of the Representative Assembly elected the 29th day of November 1977 until the formation of a Government following on the General Election to be held commencing the 14th day of November 1979.
- Duties of Control Committee. 2. (1) Without prejudice to the generality of section 1, the Control Committee shall -  
(a) approve programmes,  
(b) control, and if necessary ban, all items communicating information, whether by way of news bulletins, messages, notices, or otherwise,  
(2) The Director of Radio New Hebrides shall be subject to the authority of the Control Committee.
- Membership of the Control Committee. 3. (1) The following shall be the members of the Control Committee -  
(a) The Chief Secretary, British Residency, - Co-Chairman,  
(b) The Chancellor, French Residency - Co-Chairman,  
(c) Mr. Etienne KOMBE - Member,  
(d) Mr. Edwin ARTHUR - Member,  
(2) In the event of either co-chairman being absent or unable to act -  
(a) if it be The Chief Secretary, Mr. Derek BUTTERFIELD,  
(b) If it be the Chancellor, Mr Jean FASQUEL, shall act in his stead.  
(3) A quorum of the Control Committee shall be the two co-chairmen (or, if circumstances so require, either or both of the persons mentioned in subsection (2)) and one other member.
- Short title. (4) This Joint Regulation may be cited as the Radio Services (Control) Regulation 1979.

MADE at Vila the 11th day of October 1979.

Delegate Extraordinary  
for the French Republic  
in the New Hebrides

Her Britannic Majesty's  
Acting Resident Commissioner

J-J ROBERT

C.J. TURNER

APPENDIX VIII

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 26 of 1979

TO PROVIDE for elections to Regional Councils.

MADE by the Resident Commissioners under the Anglo-French Protocol of 1914 and the Exchange of Notes of 15th September 1977, as amended by the Exchange of Notes of 18th September 1979 between the Governments of the French Republic and the United Kingdom; and the Exchange of Notes of 23 October 1979 between the Governments of the French Republic and the United Kingdom, relating to the institution of regional government in the New Hebrides; and in accordance with the Joint Regulation No. 19 of 1979 relating to registration of voters and elections; and after consultation with the Council of Ministers.

PART 1 - GENERAL

- Constitution of Regional Councils
1. (1) (a) The Regional Constituency of Santo shall be formed by the Constituency of Santo, Malo and Aoré and the Constituency of Luganville.
- (b) The Regional Constituency of Tanna shall be formed by the Constituency of Tanna.
- (2) The Regional Councils of Santo and Tanna shall be composed of:
- (a) Fifteen members elected by universal suffrage.
- (b) Five custom chiefs elected by the 15 members elected under paragraph (a) above.
- (3) Elections to the Regional Councils of Santo and Tanna shall be held at the same time as elections to the Representative Assembly, the date of which is laid down in Joint Regulation No. 20 of 1979.
- Application of Election Regulation 1979
2. (1) The provisions of Joint Regulation No. 19 of 1979, relating to elections to the Representative Assembly, shall also be applicable to elections to Regional Councils, subject to the amendments made thereto by this Joint Regulation.
- (2) Unless expressly amended in any respect by this Joint Regulation, Joint Regulation No. 19 of 1979 shall be read and construed in such manner as is calculated to best facilitate the organization of elections to Regional Councils.

- (3) The provisions of sections 26, 28, 30 and the last seven words of 34 (2) of Joint Regulation No. 19 of 1979 shall be replaced by the following provisions:

PART II - CANDIDATES FOR ELECTION  
TO REGIONAL COUNCILS

Lodgment of lists  
of candidates

3. (1) Any political party wishing to declare candidates for election to that part of the Regional Councils composed of members elected by universal suffrage shall, in the person of an authorized agent, not later than a date laid before Polling day by Joint Decision of the Resident Commissioners, lodge with a District Agent:-
- (a) a declaration of candidature in the form set forth in Schedule I, Section 1 to this Regulation, containing the signature of all the candidates and a declaration to the effect that all the candidates fulfil the conditions of eligibility laid down in section 25 of Joint Regulation No. 19 of 1979;
  - (b) a deposit of FNH 10,000;
  - (c) an illustration on paper of the political party's electoral symbol; this provision does not apply to political parties who have already had such a symbol approved by the Minister on the proposal of the Electoral Office.
- (2) Every declaration of candidature of a list of candidates shall contain the signatures of not less than five sponsors being persons registered to vote in the Regional Council Constituency for which the list of candidates are standing for election and not being related to any of the candidates and being of good reputation.
- (3) The provisions of paragraphs (d) and (e) of section 24 of Joint Regulation No. 19 of 1979 shall not be applicable to candidates for election to Regional Councils.
- (4) No person may be included in a list of candidates for election to a Regional Council unless he is registered to vote in a Constituency comprising the Regional Constituency in question.



- (5) A deposit paid under paragraph (b) of subsection (1) shall not be repaid unless at least one candidate on the list is elected, or the list of candidates is withdrawn not less than seven days before Polling day.
- (6) Where a District Agent receives a Declaration of Candidature he shall deliver to the authorized agent of the candidates a receipt in the form set forth in Schedule 1, Part II and immediately forward the Declaration to the Electoral Committee.
- (7) Within 24 hours following the date mentioned in paragraph (1), each Electoral Committee shall prepare a summary of the lists of candidates it has received and forward a copy thereof to the Resident Commissioners and the Electoral Office.
- (8) Each Electoral Committee shall send with the documents mentioned in subsection 7 the written comments which it shall deem appropriate to make with respect to the validity of all of the candidatures.

Chiefly  
Candidates

4. (1) Not later than a date to be set by the Resident Commissioners, any person wishing to stand as a candidate for election as one of the chiefly members of the Regional Council, as provided for in section 1 (2) (b) shall lodge with a District Agent of the Region concerned:-
  - (a) a declaration of candidature in the form set forth in Schedule 1, section 3, containing his signature together with a declaration to the effect that the candidate fulfils the conditions of eligibility laid down in section 25 of Joint Regulation No. 19 of 1979.
  - (b) a deposit of FWH 5,000.
- (2) Every custom chief candidature shall contain the signatures of not less than 25 sponsors being persons registered to vote in the Regional Council Constituency and not being related to the candidate and recognizing the candidate to be a custom chief.
- (3) The provisions of paragraph (g) of subsection (1) and paragraphs (d) and (e) of subsection (2) of section 24 of Joint Regulation No. 19 of 1979 shall not be applicable to the candidatures of custom chiefs.

/...

- (4) Only persons registered to vote in the Regional Council Constituency may stand for election as custom chiefs.
- (5) A deposit paid under subsection (1) shall not be repaid unless the candidate obtains at least one vote or withdraws his candidature not less than three days before Polling day.
- (6) Where a District Agent receives a Declaration of Candidature he shall deliver to the candidate a receipt in the form set forth in Schedule 1, section 4, and shall immediately forward such Declaration to the Electoral Committee.
- (7) Within 24 hours following the date mentioned in subsection (1) each Electoral Committee shall draw up a final list of the candidatures received by the said Committee and forward a copy of this list to the Resident Commissioners.
- (8) Each Electoral Committee shall send with the documents mentioned in subsection (7) the written comments which it shall deem appropriate to make with respect to the validity of all the candidatures.

Death of Regional Councillor

5. (1) The references made to alternate members in Joint Regulation No. 19 of 1979 shall not be applicable to elections to Regional Councils.
- (2) In the event of the death of a Regional Councillor elected by universal suffrage under the provisions of this Regulation, the non-elected candidate whose name first appeared on the list of candidates bearing the name of the deceased councillor shall without further formality become a member of the Regional Council in his place, but if there is no such non-elected candidate, a by-election shall be held.
- (3) In the event of the death or resignation of a custom chief elected under the provisions of this Regulation, a by-election shall be held.

PART III - ELECTIONS OF REGIONAL COUNCILS

Election of Councillors

6. Election of the fifteen members elected by universal suffrage shall be made by a system of proportional representation allocating seats to lists on the basis of a single vote.

- Lists to be complete
7. Only complete lists including an equal number of names as there are vacant seats shall be accepted.
- Death or withdrawal of candidate
8. For the purposes of applying the provisions of section 7:-
- (a) each candidate shall satisfy the required conditions of eligibility
  - (b) no provision shall be made for the replacement of any candidate dying after the time-limit for lodging candidatures has expired or of one or more candidates who do not satisfy the conditions of eligibility. Lists from which candidates are removed under the provisions of this paragraph shall remain valid, even though incomplete.
  - (c) no candidate may withdraw from a list after the expiry of the time-limit for lodging candidatures.
- Allocation of seats
9. (1) Each valid list of candidates shall be allocated vacant seats in proportion to the number of votes cast for the list.
- (2) Seats shall be allocated to candidates in the order of priority in which their names appear on the relevant list.
- (3) Those candidates obtaining the greatest number of votes under the proportional representation system, in accordance with the greater remainder rule, shall be declared elected.
- Count
10. (1) For the purposes of section 9 (3), the electoral quota shall be fixed by dividing the total valid poll by the number of seats to be filled, the dividend being rounded down to the nearest whole number, whereupon, there shall be allocated to each list a number of seats equal to the whole number obtained by dividing the total number of votes validly cast for the list by the quota.
- (2) Seats which have not been allocated under the provisions of subsection (1) shall be allocated in accordance with the greater remainder rule. For this purpose, seats shall be allocated successively to each list in the order in which each list has the greater remainder after dividing the votes cast for it in accordance with subsection (1).

- (3) In the event of there only remaining one seat to allocate and if two lists have the same remainder, the seat shall be allocated to the list which has received the greatest number of validly cast votes.
- Invalid ballot papers
11. (1) No ballot paper shall be counted as valid if it has been altered.
- (2) Handwritten ballot papers shall be counted as invalid.
- (3) Rules and regulations governing voting procedures and the counting and declaration of votes shall be those laid down in Schedule 5 of Joint Regulation No. 19 of 1979, subject to the provisions of Schedule 11 to this Joint Regulation.
- Election of chiefly councillors
12. (1) The fifteen Regional Councillors elected by universal suffrage shall elect five custom chiefs on a date to be fixed by Joint Decision of the Resident Commissioners, as soon as may be after the publication of the results of the election of these Councillors.
- (2) The District Agents of the District in which the Regional Council is situated shall be responsible for organizing the election provided for in subsection (1).
- (3) A poll shall be taken by secret ballot and no person shall have more than one vote nor vote for more than one candidate. For this purpose:
- (a) each of the fifteen Councillors shall have one vote which he shall cast in favour of the custom chief of his choice.
- (b) the five custom chiefs obtaining the greatest number of votes cast shall be declared elected.
- (c) if after a ballot one or more seats remain vacant a sufficient number of further ballots shall be held as provided above until all the vacant seats are filled.
- (d) in the event of there remaining only one seat to be filled, and if two candidates have the same number of votes, a second ballot shall be taken with votes being cast for these two candidates only. The candidate obtaining the greatest number of votes cast shall be declared elected. Should both candidates once more obtain the same number of votes, the elder of the two shall be declared elected.

(4) Each Councillor's vote is personal and may not be transferred by proxy.

Repeal

13. Joint Regulation No. 6 of 1978 providing for the establishment of Regional Authorities, is hereby repealed.

Short title  
and  
commencement

14. This Joint Regulation may be cited as the Regional Councils (Election) Regulation 1979 and shall come into operation on the date of its publication in the New Hebrides Government Gazette.

MADE at Vila this

day of

1979.

Delegate Extraordinary  
for the French Republic  
in the New Hebrides

Her Britannic Majesty's  
Resident Commissioner

J. J. ROBERT

A. C. STUART

SCHEDULE I

PART I

DECLARATION OF CANDIDATES FOR REGIONAL ELECTIONS

To the . . . . . District Agent  
for: . . . . . District

We, the undersigned, declare ourselves as the list of candidates for the\*\*  
. . . . . in the elections to the  
. . . . . Regional Council.

NAME	SIGNATURE	ELECTORAL CARD No.
1 . . . . .	. . . . .	. . . . .
2 . . . . .	. . . . .	. . . . .
3 . . . . .	. . . . .	. . . . .
4 . . . . .	. . . . .	. . . . .
5 . . . . .	. . . . .	. . . . .
6 . . . . .	. . . . .	. . . . .
7 . . . . .	. . . . .	. . . . .
8 . . . . .	. . . . .	. . . . .
9 . . . . .	. . . . .	. . . . .
10 . . . . .	. . . . .	. . . . .
11 . . . . .	. . . . .	. . . . .
12 . . . . .	. . . . .	. . . . .
13 . . . . .	. . . . .	. . . . .
14 . . . . .	. . . . .	. . . . .
15 . . . . .	. . . . .	. . . . .

We declare that none of us has received the sentence of imprisonment referred to in section 25 (1) (b) of the Election Regulation, Joint Regulation No. 19 of 1979, or is an undischarged bankrupt. We further declare that all of us are 25 years old or more and registered to vote in the Regional Council area.

\*\* State official name of your party, group of parties or movement which will appear on your ballot paper list.

SCHEDULE I (continued)

PART I (continued)

S P O N S O R S

NAME	SIGNATURE	ELECTORAL CARD No.
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Dated . . . . . 1979

NB. Sponsors must be registered electors in the constituencies included in the Regional Council area. Write the Registration Area No., Polling Station Letter and Sheet/Individual Numbers which appear on the back of the electoral cards: e.g. 4.05.06-A-6/19.

SCHEDULE I - PART II  
REGIONAL COUNCILS (ELECTION) REGULATION 1979

R E C E I P T

RECEIVED FROM: .....  
this ..... day of ..... 1979.

(1) Declaration of Candidatures for the election of members  
of the ..... Regional Council  
to be held during the month of ..... 1979.

(2) A deposit of FNH 10,000  
New Hebrides Government Receipt No: .....  
of .....

Signed: .....  
British/French District Agent

for: ..... District



SCHEDULE I - PART III

DECLARATION OF CANDIDATURE - CUSTOM CHIEF

To the . . . . . District Agent  
for: . . . . . District

I, the undersigned: . . . . .  
address: . . . . .  
. . . . .

declare myself a candidate for election as a custom chief in the . . . . .  
. . . . . Regional Council.

I declare that I have not received the sentence of imprisonment referred to in section 25 (1) (b) of the Election Regulation, JR No. 19 of 1979, or am an undischarged bankrupt. I further declare that I am 25 years old and registered to vote in the Regional Council area.

S P O N S O R S

We, the undersigned, registered to vote in the . . . . .  
Regional Council constituency, declare that we recognize Mr. . . . .  
to be a custom chief of . . . . . area.

NAME	SIGNATURE	ELECTORAL CARD No.
1 . . . . .	. . . . .	. . . . .
2 . . . . .	. . . . .	. . . . .
3 . . . . .	. . . . .	. . . . .
4 . . . . .	. . . . .	. . . . .
5 . . . . .	. . . . .	. . . . .
6 . . . . .	. . . . .	. . . . .
7 . . . . .	. . . . .	. . . . .
8 . . . . .	. . . . .	. . . . .
9 . . . . .	. . . . .	. . . . .
10 . . . . .	. . . . .	. . . . .
11 . . . . .	. . . . .	. . . . .
12 . . . . .	. . . . .	. . . . .
13 . . . . .	. . . . .	. . . . .
14 . . . . .	. . . . .	. . . . .
15 . . . . .	. . . . .	. . . . .

SCHEDULE I - PART IV  
REGIONAL COUNCILS (ELECTION) REGULATION 1979

R E C E I P T

RECEIVED FROM: . . . . .  
this . . . . . day of . . . . . 1979.

(1) Declaration of Candidatures for the election of Custom Chiefs of the . . . .  
. . . . . Regional Council to be held during the month of  
. . . . . 1979.

(2) A deposit of FNH 5,000  
New Hebrides Government Receipt No.: . . . . .  
of . . . . .

Signed: . . . . .  
British/French District Agent

for: . . . . . District

SCHEDULE II

ELECTION OF CANDIDATES - RULES

- 1 - Rule 3 in Schedule 5 to Joint Regulation No. 19 of 1979 shall be amended by replacing the word "candidate" by "list of candidates", wherever the word "candidate" appears.
- 2 - When elections to Regional Councils take place concurrently with elections to the Representative Assembly, the provisions of rule 10 in Schedule 5 to Joint Regulation No. 19 of 1979 shall be amended as follows:
  - (1) paragraph (f) of sub-rule (2) shall be deleted;
  - (2) the following sub-rule (3) shall be added:
  - (3) After each voter has placed the envelope relating to elections to the Representative Assembly in the ballot box, the presiding officer or a polling clerk shall hand him a ballot paper for each list of candidates for election to the Regional Council, together with an envelope of a different appearance to that used for elections to the Representative Assembly.

On receipt of the ballot papers and envelope a voter shall:

- (a) enter a polling booth provided for elections to the Regional Council,
  - (b) record his vote by placing the ballot paper corresponding to his chosen list of candidates in the envelope,
  - (c) leave all other ballot papers in the booth,
  - (d) present himself to the presiding officer or polling clerk who without touching it shall verify that the voter tenders one envelope,
  - (e) place the envelope in the ballot box, and
  - (f) leave the polling station without undue delay, having carried out the formalities provided for in rule 11.
- 3 - When elections to Regional Councils take place concurrently with elections to the Representative Assembly, the following procedure shall apply for the purposes of the formalities provided for in rules 17 to 23 in Schedule 5 to Joint Regulation No. 19 of 1979:

"The presiding officer shall remove all envelopes from each box and separate those envelopes used for elections to the Regional Council. He then replaces the envelopes used for elections to the Regional Council in the ballot box, which is then closed, and supervises the counting of votes cast in respect of elections to the Representative Assembly. The ballot box is then re-opened and the votes cast in respect of elections to the Regional Council are counted."

APPENDIX IX

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 27 of 1979

TO AMEND the Election Regulation 1979

MADE by the Resident Commissioners under Article 2 (2) and 7 of the Anglo-French Protocol of 1914 and the Exchange of Notes made between the Governments of the United Kingdom of Great Britain and Northern Ireland and of the French Republic on 18th September 1979 -

Repeal and replacement of section 28 JR 19 of 1979.

1. Section 28 of the Election Regulation 1979 is repealed and replaced as follows -

"Correction of technical defects and late candidatures.

- (1) Where the District Agents consider that a declaration of candidature is invalid by reason of a bona fide error they shall not less than 14 days before polling day request the candidate to resubmit a valid declaration not less than 72 hours after such request.
- (2) Where a declaration of candidature sponsored by a political party is declared invalid by the Resident Commissioners or a candidate dies not less than 14 days before polling day another candidate sponsored by the same party may lodge a declaration of candidature provided that he does so within 72 hours of the declaration or death but notwithstanding that he does so within a shorter time before polling day than shall have been provided by the Resident Commissioners under section 26 (1).
- (3) Where the alternate of any candidate dies or resigns not less than 14 days before polling day the candidate may lodge a new déclaration of candidature as provided in subsection (2).

Amendment of s. 29.

2. Section 29 of the Election Regulation 1979 is amended by inserting the words "or resubmitted" between the words "new" and "candidatures".

Short title, construction and commencement.

3.(1) This Regulation may be cited as the Election (Amendment) Regulation 1979 and shall be read as one with the Election Regulation 1979.

(2) This Regulation shall come into operation on the date of its publication in the New Hebrides Government Gazette.

MADE at Vila this 26 day of October 1979

Delegate Extraordinary for  
the Republic of France  
in the New Hebrides

Her Britannic Majesty's  
Resident Commissioner.

J- J ROBERT

A. C. STUART

APPENDIX X

NEW HEBRIDES CONDOMINIUM

JOINT ORDER

No 5 of 1979

IN EXERCISE of the powers conferred by Section 73 (1) (d) of the Election Regulation 1979 the Resident Commissioners hereby

O R D E R

Duration  
of Order.

1. This Order shall come into operation on the last date by which declarations of candidature are to be made for the purpose of section 26 of the Election Regulation 1979 for the purpose of the General Election to be held on 14 November 1979 and shall cease with the close of polling for that Election.

Radio  
time.

2. (1) Broadcasts of electoral communications or messages or any other matter designed or calculated to solicit or influence the votes of any member or members of the electorate shall only be made at such times as may be determined by the Committee for the Control of Broadcasting constituted under the provisions of section 3 of the Radio Services (Control) Regulation 1979.  
(2) The order of broadcasts shall be determined by lot by that Committee.

Broadcasts  
by  
candidates.

3. (1) Every candidate for election shall be entitled to make a broadcast (within the meaning of paragraph 2 (1) for a period or periods not exceeding five minutes duration in all.  
(2) Where a political party is presenting candidates for election and one or more of those candidates renounces in writing his rights under sub-paragraph (1), that party may make a broadcast for the period or periods for which that candidate or those candidates were entitled, the period or periods may be used at one or more times.  
(3) Broadcasts made under the provisions of this paragraph may, subject to paragraph 2 (1), only be made during the period commencing 29th October 1979 and ending at midnight on 12th November 1979.

Suppression  
of  
nuisances.

4. No person shall disseminate any communication whether spoken or written in such a manner as to cause annoyance or disturbance to the public or to damage or deface (whether temporarily or otherwise) any public or private property.

MADE at Vila this 24 day of October 1979

Delegate Extraordinary  
for the Republic of France  
in the New Hebrides

Her Britannic Majesty's  
Acting Resident Commissioner

J-J ROBERT

C. J. TURNER

APPENDIX XI

Exchange of letters between the Governments of  
France and the United Kingdom of Great Britain  
and Northern Ireland

A. Letter dated 15 September 1977 from the Secretary of  
State, Foreign and Commonwealth Office of the United  
Kingdom, to Mr. Jean Sauvagnargues, Ambassador of  
France to the United Nations

I have the honour to refer to discussions between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the establishment of a Representative Assembly for the New Hebrides to be elected by universal suffrage, and to make the following proposals:

1. The provisions set out in the Schedule to this Note shall form part of the Protocol respecting the New Hebrides, signed at London on 6 August 1914 by representatives of the British and French Governments, as from time to time amended.

2. The remainder of the Protocol, as from time to time amended, and all laws made thereunder shall, in so far as they are inconsistent with the provisions set out in the Schedule to this Note, be read and construed subject to those provisions.

3. The Exchanges of Notes between the Governments of the United Kingdom and the French Republic dated 29 August 1975, 14 November 1975, 15 June 1976 and 10 February 1977 (which related to the former Representative Assembly for the New Hebrides) are hereby abrogated.

4. Article 5 of the Protocol of 6 August 1914 is hereby abrogated.

If the foregoing proposals are acceptable to the Government of the French Republic, I have the honour to suggest that the present Note and Your Excellency's reply in that sense shall constitute an Agreement between the two Governments which shall enter into force on the date of your reply.

I have the honour to be  
with the highest consideration  
Your Excellency's obedient Servant  
(for the Secretary of State)

(Signed) R. J. STRATTON

Schedule

PART I - ESTABLISHMENT OF THE ASSEMBLY

Article 1

A Representative Assembly is hereby established in the New Hebrides. It shall meet at Vila.

Article 2

1. The Assembly shall consist of such number of members, being not less than thirty-seven and not more than forty-one, as may be prescribed by the Resident Commissioners under paragraph 2 of this Article.

2. The Resident Commissioners shall, by Joint Regulation, prescribe:

(a) The number and boundaries of constituencies into which the New Hebrides shall be divided for the purpose of the election of members of the Assembly; and

(b) The distribution of seats in the Assembly among such constituencies.

Article 3

1. The Representative Assembly shall be elected by direct universal suffrage by persons of both sexes aged 21 and over who have resided in the New Hebrides for at least three years immediately preceding the date of commencement of polling (disregarding temporary absences during that period not exceeding twelve months in aggregate) and who are entered on the electoral roll, provided they do not come within any of the categories disqualified under the provisions of the Joint Regulation laying down the procedure for the elections.

2. Special provision may be made by Joint Regulation in respect of students and workers temporarily resident abroad.

Article 4

Subject to the provisions of Articles 7 and 21 below, members of the Assembly shall be elected for three years and shall be eligible for re-election. The whole Assembly shall be reconstituted by new elections which shall be held as soon as possible after the expiry of the said term of office and in any case not more than three months thereafter.

Article 5

Any person of either sex aged 25 years or more whose name is entered on any electoral roll, or who can show within the prescribed period that he or she is entitled to such registration, and who is resident in the New Hebrides on the date of the commencement of polling, shall be eligible for election to the Assembly.

Article 6

The following persons shall not while holding office be eligible for election to the Assembly:

(a) The Resident Commissioners, the British Assistant Resident Commissioner, the Chancellor of the French Residency, and the District Agents;

(b) Head of Department in the public services;

(c) Judges and magistrates;

(d) Members of the regular Police Force;

(e) All public accounting officers;

(f) Members of the Council of Chiefs (Malfatumaauri); and

(g) Any person holding such other office incompatible with membership of the Assembly as may be prescribed by Joint Regulation.

Article 7

If a vacancy arises through death, resignation or any other reason, a by-election shall be held within three months of such vacancy occurring. The seat of a member shall become vacant if he subsequently holds any of the offices referred to in Article 6 above. However, no by-elections shall be held during the three months immediately preceding a general election.

Article 8

The date of the elections shall be fixed by the Resident Commissioners by Joint Decision and shall be published at least two months before the commencement of polling. Voting shall take place in accordance with the procedure laid down by Joint Regulation.

Article 9

No person may be a candidate in more than one constituency. If, contrary to this requirement, a person stands as a candidate in more than one constituency, he may not validly be declared elected in any constituency.

Article 10

1. Every candidate standing in an election shall, not later than 30 days before the commencement of polling, lodge a declaration to that effect bearing his duly authenticated signature with the District Agents of the administrative district in which he is resident.



2. Every candidate shall be nominated by at least five electors, unrelated to him, who shall endorse the declaration provided for in the preceding paragraph.

3. Every candidate shall lodge a deposit which shall be reimbursed only if he obtains a given percentage of votes validly cast in his constituency. Such percentage, as well as the amount and the procedure for the lodging and reimbursement of such deposit, shall be prescribed by Joint Decision of the Resident Commissioners.

#### Article 11

The procedures for setting up polling stations, voting, counting votes and announcing results shall be laid down by Joint Regulation.

#### Article 12

Electoral disputes shall be referred to a special committee. Periods of limitation, as well as the constitution and powers of the committee, shall be prescribed by Joint Regulation. Any person aggrieved by a decision of the committee may appeal therefrom to the Joint Court in accordance with procedural rules laid down by the Court.

### PART II - OPERATION OF THE ASSEMBLY

#### Article 13

1. The Assembly shall hold two ordinary sessions each year, one of which shall be devoted to examining the Budget and shall end not later than 31 December. However, the date by which the examination of the Budget for 1978 must be completed shall be 30 April 1978.

2. Ordinary sessions shall be convened by the Resident Commissioners but the Assembly shall prescribe annually the opening dates and the duration of these sessions. The duration of each session shall not exceed two months, and each session shall be opened and closed by Joint Decision of the Resident Commissioners. If the Assembly has not fixed the date of opening of an ordinary session, this date shall be decided by the Resident Commissioners after consulting the Council of Ministers.

#### Article 14

The Assembly shall meet in extraordinary session either at the written request of at least two thirds of all its members submitted to the Chairman of the Assembly or at the request of the Council of Ministers, or upon the initiative of the Resident Commissioners. Extraordinary sessions shall be convened and closed by Joint Decision of the Resident Commissioners, and the Decision convening any such session shall prescribe the agenda thereof. The duration of each extraordinary session shall not exceed one month.

Article 15

1. The Assembly shall, as soon as possible after any general election and thereafter at intervals of twelve months (unless a vacancy sooner occurs), elect from among its members a Chairman and a Vice-Chairman.

2. The Chairman and the Vice-Chairman shall be elected by a majority of the votes of all the members of the Assembly cast in a secret ballot. If no such majority has been achieved after two such ballots, the sitting shall be suspended until the following day, thereupon the majority required shall be a simple majority of the votes cast. If on the following day no such majority has been achieved after two ballots, the Chairman or the Vice-Chairman, as the case may be, shall be selected by drawing lots between the two candidates having an equality of votes.

3. The oldest members of the Assembly shall preside at any meeting of the Assembly held to elect a Chairman.

4. Subject to paragraph 3 of this Article, the Vice-Chairman shall act in the place of the Chairman whenever the Chairman is absent or prevented from performing his duties or whenever his office is vacant.

5. Subject to paragraph 3 of this Article, if at any sitting both the Chairman and the Vice-Chairman are absent or prevented from performing their duties or their offices are vacant, there shall preside at that sitting such member as may be elected by the Assembly in accordance with the provisions of paragraph 2 of this Article.

6. The Chairman, Vice-Chairman or other member temporarily presiding in the Assembly shall retain his membership of the Assembly. He shall have the right to vote but he shall not have a casting vote.

Article 16

The Chairman of the Assembly shall have sole responsibility for maintaining order in the Assembly.

Article 17

1. If less than one half of the members of the Assembly are present on the day fixed for the opening of a session, it shall automatically be adjourned to the third following day, Sundays and public holidays excluded. The session shall then be declared open, debates shall take place and the proceedings shall be valid irrespective of the number of members present. The duration of the session shall then run from the day of the second meeting.

2. The Assembly shall be regarded as constituted in accordance with this Schedule notwithstanding any vacancy in its membership, and its proceedings shall be valid notwithstanding that the seat of a member who took part in them subsequently becomes vacant.

Article 18

1. The Assembly shall lay down in its Standing Orders rules governing all aspects of procedure which are not provided for in this Schedule. It shall decide the order of its debates. It shall draw up minutes for each sitting.

2. The minutes shall be signed by the Chairman, addressed to the Council of Ministers and the Resident Commissioners, and published as soon as possible.

Article 19

1. If the two metropolitan Governments consider that any act of the Assembly:

(a) concerns matters which are not within its powers; or

(b) is not in accordance with international agreements or other international obligations, jeopardizes the two metropolitan Governments' responsibilities in matters of defence, foreign affairs or internal security, or restricts public freedoms or fundamental human rights as defined in the Universal Declaration of Human Rights adopted by the United Nations; or

(c) was taken outside the time or the place prescribed for sessions of the Assembly; or

(d) contravenes Article 32 below,

the High Commissioners shall, by Joint Decision, declare the act to be null and void.

2. The High Commissioners may not authorize the Resident Commissioners to exercise any power conferred by this Article.

Article 20

1. The Resident Commissioners, the Chancellor of the French Residency and the British Assistant Resident Commissioner shall be entitled to attend and speak at meetings of the Assembly and the General Committee.

2. The Council of Ministers shall be notified by the Chairman of the Assembly of the agendas of the Assembly and its Committees. Ministers shall be entitled as of right to attend and speak at meetings of the Assembly and its Committees. They may be assisted by officers of the public service.

Article 21

1. The Assembly may be suspended or dissolved only by a Joint Regulation made by the High Commissioners authorized in that respect by the two metropolitan Governments.

2. A Joint Regulation dissolving the Assembly shall fix the date for new elections. These shall take place not more than three months after the date of dissolution.

PART III - POWERS OF THE ASSEMBLY

Article 22

1. The Assembly may pass resolutions and give opinions and make recommendations.

2. Voting shall be by simple majority of members voting. Where the votes are equal, the proposal shall be deemed not to have been adopted.

Article 23

Without prejudice to the powers conferred on local authorities and subject to the provisions of Articles 25 and 26, the Assembly shall decide on legislation on all matters which are not reserved to the metropolitan Governments and their representatives.

Article 24

1. The metropolitan Governments shall have sole responsibility for the following matters:

- (a) Defence;
- (b) Internal security;
- (c) External relations;
- (d) Currency and exchange.

The High Commissioners shall have power to issue Joint Regulations relating to any of these matters which shall where necessary define what constitutes an offence and prescribe the penalty therefor. However, any matter relating to external relations shall be subject to the approval of the metropolitan Governments.

2. The Assembly may make recommendations proposing the repeal or amendment of legislation relating to the matters referred to in paragraph 1 of this Article.

Article 25

The decisions of the Assembly in the following matters:

- (a) Justice;
- (b) Investments of nationals of countries other than the United Kingdom and France;
- (c) External communications;
- (d) Lands; and

(e) Control of immigration and employment of non-residents, shall be subject to the approval of the Resident Commissioners. However, such approval shall no longer be required for decisions on such of these matters in respect of which the metropolitan Governments shall have accorded full competence to the Assembly.

#### Article 26

Until the metropolitan Governments signify otherwise, the decisions of the Assembly in the following matters shall be subject to the approval of the Resident Commissioners:

- (a) Education;
- (b) Health;
- (c) Civil aviation;
- (d) Meteorology.

#### Article 27

The Assembly shall have responsibility for the administration and control of the broadcasting services. An autonomous broadcasting authority shall be set up by decision of the Assembly which shall define its operating procedures. The board of management of this authority shall include representatives of the administration and of the listeners. However, the Resident Commissioners shall at all times have the joint right to broadcast individually or together to the extent which they consider necessary for the information of the public.

#### Article 28

1. Debates on the matters referred to in Articles 23, 25, 26 and 27 may be initiated either by members of the Assembly or by the Council of Ministers or by the Resident Commissioners.

2. The prior examination of matters coming before the Assembly or the General Committee shall be effected by the public service under the direction of the Council of Ministers.

3. Decisions of the Assembly and of its General Committee shall be put into effect by Joint Regulations which shall where necessary define what constitutes an offence and prescribe the penalty therefor. Such Regulations shall be issued by the Resident Commissioners and, in the case of decisions in the matters referred to in Article 23, shall come into operation not later than thirty days after the publication of the minutes of the sittings of the Assembly in the course of which the said decisions were taken.

Article 29

If the Resident Commissioners consider that any decision of the Assembly on any matter is not in the public interest or is not likely to contribute to good administration, they may within thirty clear days of the date of it being taken request the Assembly to reconsider the decision. If the decision is not confirmed by the affirmative vote of at least two thirds of the members of the Assembly it shall be deemed null and void.

Article 30

1. The Budget shall be drawn up in the currencies which are legal tender in the Group and prepared and presented to the Assembly by the Council of Ministers. The Budget shall be debated by Head and Sub-head and shall be balanced as regards revenue and expenditure. Any transfer from one Head to another must be authorized by the Assembly. However, a draft Budget for 1978 shall be prepared and presented by the Resident Commissioners.

2. Additional credits and withdrawals from the reserve fund shall be proposed and decided upon following the same procedure.

3. In urgent cases when the Assembly is not in session, additional credits may be opened and withdrawals made from the reserve fund by decisions of the Council of Ministers which have received the prior approval of the General Committee.

4. No decision relating to new taxation, or an increase of 15 per cent or more in the existing rate of taxation, may be taken by the Assembly unless it is supported by the votes of at least two thirds of its members.

5. Any decision relating to new taxation or to an increase in existing taxation which, in the opinion of the Resident Commissioners, is oppressive or discriminatory shall, before it can become effective, require the consent of the two metropolitan Governments.

6. For the purposes of this Article:

"taxation" means all forms of taxes, whether direct or indirect, charges, levies and duties, but does not include the fees normally charged for services rendered by the Administration; "discriminatory" means any measure pursuant to which the members of a particular ethnic, religious or national community may be liable to a tax or offered tax advantages not applicable to members of other communities.

Article 31

If expenditure relating to the public debt, to pensions or gratuities, or to judgement debts has been omitted from the Budget or if insufficient provision has been made therefor, the Resident Commissioners may after consultation with the

Council of Ministers make provision for these items either by reducing other expenditure or by a charge against uncommitted funds.

Article 32

No direct or indirect advantage of any kind whatsoever may be awarded by the Assembly to any public officer or category of public officer save on a proposal of the Council of Ministers.

Article 33

If the Assembly does not meet, or adjourns without taking any decision on the Budget, the Resident Commissioners after consultation with the Council of Ministers may nevertheless draw it up by renewing by Joint Regulation the Budget for the preceding financial year. However, to allow for current conditions they may increase all or part of the expenditure, by an amount which shall not exceed the corresponding expenditure for the preceding financial year by more than 15 per cent, and raise the necessary funds by an equivalent increase in revenue.

PART IV - COMMITTEES

Article 34

1. The Assembly may each year elect from among its members Special Committees, the number, composition and powers of which shall be laid down in the Standing Orders of the Assembly.

2. The Special Committees shall consider any matters referred to them by the Assembly or by the Council of Ministers and shall give their opinion thereon.

Article 35

1. The Chairman of each Special Committee plus members of the Assembly appointed by the Assembly shall constitute a General Committee. The number of members of the Committee shall not be less than 8 and not more than 14.

2. The General Committee may take decisions or make recommendations within the limits of the powers delegated to it by the Assembly. It shall give the Council of Ministers its opinion on any matters which they may submit to it.

Article 36

The Assembly may elect temporary ad hoc committees for specific purposes. The composition, powers and procedures of such committees shall be laid down in the Standing Orders of the Assembly.

PART V - COUNCIL OF MINISTERS

Article 37

The procedure for establishment, the composition and the powers of the Council of Ministers shall be laid down by Joint Regulation authorized by the metropolitan Governments after consultation with the Assembly.

PART VI - COUNCIL OF CHIEFS (MALFATUMAUARI)

Article 38

The Council of Chiefs established by Joint Regulation No. 42 of 28 December 1976 shall retain the powers which were conferred upon it by that Regulation. The Assembly may amend any or all of the provisions of the said Regulation by a decision supported by the votes of at least two thirds of its members.

PART VII - LOCAL AUTHORITIES

Article 39

The Resident Commissioners may by Joint Regulation establish one district authority in each of the four administrative districts which shall be consulted by the District Agents acting jointly on all matters relating to their administrative functions. Such Regulation may be modified or replaced by the Assembly subject to the approval of the Resident Commissioners.

PART VIII - MISCELLANEOUS PROVISIONS

Article 40

1. The High Commissioners may ask the Joint Court to rule on the legality of any act of the Assembly.
2. Any member of the Assembly may ask the High Commissioners to request such a ruling. If two thirds of the members of the Assembly support such a request, the High Commissioners shall be obliged to ask for such a ruling.
3. The ruling of the Court shall be binding on the High Commissioners and on the Assembly.

Article 41

The privileges of the Assembly and of its members shall remain as prescribed by Joint Regulation No. 2 of 1977. This Regulation may be modified or replaced by the Assembly subject to the approval of the Resident Commissioners.



Article 42

Where the above provisions refer to a given proportion of members of the Assembly, and where calculation of that proportion does not produce a whole number, the required number of members shall be the next highest whole number.

Article 43

For the purposes of this Schedule:

(a) "High Commissioners" and "Resident Commissioners" include any persons duly authorized to act in their place.

(b) A reference to an office shall be construed as including a reference to any office which may replace it.

(c) A reference to an act or decision of the Assembly shall be construed as including a reference to an act or decision of any of its Committees.

- B. Letter dated 15 September 1977 from the Ambassador of France to the United Kingdom addressed to Mr. David Owens, Her Majesty's Secretary of State, Foreign and Commonwealth Office of the United Kingdom

I have the honour to acknowledge receipt of Your Excellency's note of today's date, which reads as follows:

"I have the honour to refer to discussions between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the establishment of a Representative Assembly for the New Hebrides to be elected by universal suffrage, and to make the following proposals:

"1. The provisions set out in the Schedule to this Note shall form part of the Protocol respecting the New Hebrides, signed at London on 6 August 1914 by representatives of the British and French Governments, as from time to time amended.

"2. The remainder of the Protocol, as from time to time amended, and all laws made thereunder shall, in so far as they are inconsistent with the provisions set out in the Schedule to this Note, be read and construed subject to those provisions.

"3. The Exchanges of Notes between the Governments of the United Kingdom and the French Republic dated 29 August 1975, 14 November 1975, 15 June 1976 and 10 February 1977 (which related to the former Representative Assembly for the New Hebrides) are hereby abrogated.

"4. Article 5 of the Protocol of 6 August 1914 is hereby abrogated.

"If the foregoing proposals are acceptable to the Government of the French Republic, I have the honour to suggest that the present Note and Your Excellency's reply in that sense shall constitute an Agreement between the two Governments which shall enter into force on the date of your reply."

In reply, I have the honour to inform you that the above proposals meet with the agreement of the Government of the French Republic, which, under those terms, approves Your Excellency's suggestion that your note and this reply shall constitute an Agreement between the two Governments which shall enter into force on today's date.

(Signed) Jean SAUVAGNARGUES

APPENDIX XII

Amendments to the schedule to the exchange of letters between the Governments of France and the United Kingdom of Great Britain and Northern Ireland of 15 September 1977 a/

The following is the text of the exchange of letters signed in Paris on 18 September 1979 between the Governments of the United Kingdom and France, amending the schedule to the exchange of notes of 15 September 1977:

1. Articles 3, 5, 6, 8, 9, 10 of the schedule are deleted.
2. The second sentence of article 7 of the schedule is deleted.
3. The following new article is to be included in the schedule after article 2:

The Resident Commissioners by Joint Regulation made after consultation with the Council of Ministers and until the date of Independence, shall provide for the modalities of the election by direct universal suffrage of the members of the Representative Assembly. The Resident Commissioners shall have responsibility for the drawing up of proper electoral lists, shall receive the lists of candidates, shall supervise the organization of the ballot and shall proclaim the results.

4. Article 21 is amended as follows:

The Assembly may be suspended or dissolved only by a Joint Regulation made by the Resident Commissioners authorized in that respect by the two metropolitan Governments.

5. There shall be added an article 21 bis worded as follows: After the Representative Assembly elected on 29 November 1977 has been dissolved and for the period until the new Assembly elected in accordance with the procedures referred to above shall first elect a Chief Minister, the Council of Ministers shall remain in office and shall be responsible only for dealing with day to day administration of the Government. In the case of the resignation of the Chief Minister, the Resident Commissioners may appoint for that period an interim Chief Minister and Council of Ministers to carry out the day to day administration of the Government. In urgent cases or where circumstances require the Resident Commissioners may, until the first session of the new Assembly and after consultation with the Council of Ministers, make Joint Regulations in matters which fall within the competence of the Assembly.

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a/ See appendix XI to the present report.

APPENDIX XIII

Exchange of letters between the Governments of France and the  
United Kingdom of Great Britain and Northern Ireland on the  
creation of Regional Councils

A. Letter dated 23 October 1979 from the representative of the  
Government of France addressed to the representative of the  
Government of the United Kingdom

I have the honour to refer to the Exchange of Notes between our two Governments dated this day concerning Independence for the New Hebrides, and to propose that in pursuance of article 94 of the Independence Constitution annexed thereto, the establishment of Regions in the New Hebrides should be provided for in the following terms:

1. (a) The electoral constituency of Santo, Malo and Aore and the electoral constituency of Luganville shall together constitute a region known as Santo.  
  
(b) The electoral constituency of Tanna shall constitute a region known as Tanna.
2. The Santo and Tanna regions shall exercise as of right through Regional Councils consisting of elected members and Custom Chiefs such powers as may be devolved to them by the Representative Assembly.
3. Each of the Regional Councils of Santo and Tanna shall consist of:
  - (a) Fifteen members elected by direct universal suffrage. The method of election shall be proportional representation on the basis of lists.
  - (b) Five Custom Chiefs elected by the other members of the Council.
4. As soon as the Santo and Tanna Regional Councils are elected, they shall elect their Chairman and Committees from among their own members.
5. Elections to the Santo and Tanna Regional Councils shall be held at the same time as the elections to the Representative Assembly following the signature of this Exchange of Notes. The legislation applicable to elections to that Assembly shall also apply to the elections to the Santo and Tanna Regional Councils, subject to such modifications as may be prescribed by the Resident Commissioners, by Joint Regulation made after consultation with the Council of Ministers, in conformity with this Exchange of Notes.

6. Regions other than Santo and Tanna may be established by order made by the Council of Ministers in accordance with this Exchange of Notes, subject to such modifications as may be prescribed by the Resident Commissioners by Joint Regulation made after consultation with the Council of Ministers.

If the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to propose that this Note and your reply to that effect shall constitute an agreement between our two Governments which shall enter into force on the date of your reply.

APPENDIX XIV

Exchange of letters between the Governments of France  
and the United Kingdom of Great Britain and Northern  
Ireland on the independence of the New Hebrides

A. Letter dated 23 October 1979 from the representative of the  
Government of France addressed to the representative of the  
Government of the United Kingdom

I have the honour to refer to the Constitutional Conference held in the New Hebrides on 18 and 19 September 1979 attended by representatives of our two Governments, the New Hebrides Government and other representatives of the people of the New Hebrides, at which it was decided that the New Hebrides should become a sovereign and independent State in 1980 under the Constitution set out in the annex to this note. a/ It is the understanding of my Government that in order to give effect to this decision, subject to the enactment of the necessary legislation, an agreement has been reached between our two Governments in the following terms:

- a. With effect from a date in 1980 to be determined (hereinafter referred to as "Independence Day") the New Hebrides shall be a sovereign and independent State.
- b. The Constitution set out in the annex to this note shall be the constitution of the sovereign and independent State of the New Hebrides, which shall come into effect on Independence Day except that articles 85, 91 and 94 shall come into effect forthwith.
- c. With effect from Independence Day, the Protocol respecting the New Hebrides signed at London on 6 August 1914, together with all other agreements between the Governments of the United Kingdom of Great Britain and Northern Ireland and the Republic of France modifying or supplementing that protocol, shall terminate.

If the foregoing also represents the understanding of the Government of the United Kingdom of Great Britain and Northern Ireland as to the terms of the agreement that our two Governments have reached, I have the honour to propose that this Note and your reply to that effect shall constitute an agreement between our two Governments which shall enter into force on the date of your reply.

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a/ See Appendix I of this report.

B. Letter dated 23 October 1979 from the representative of the Government of the United Kingdom to the representative of the Government of France

I have the honour to acknowledge receipt of Your Excellency's Note of today's date, which reads as follows:

"I have the honour to refer to the Constitutional Conference held in the New Hebrides on 18 and 19 September 1979 attended by representatives of our two Governments, the New Hebrides Government and other representatives of the people of the New Hebrides, at which it was decided that the New Hebrides should become a sovereign and independent State in 1980 under the Constitution set out in the annex to this note. a/ It is the understanding of my Government that in order to give effect to this decision, subject to the enactment of the necessary legislation, an agreement has been reached between our two Governments in the following terms:

- "a. With effect from a date in 1980 to be determined (hereinafter referred to as 'Independence Day') the New Hebrides shall be a sovereign and independent State.
- "b. The Constitution set out in the annex to this note shall be the constitution of the sovereign and independent State of the New Hebrides, which shall come into effect on Independence Day except that articles 85, 91 and 94 shall come into effect forthwith.
- "c. With effect from Independence Day, the Protocol respecting the New Hebrides signed at London on 6 August 1914, together with all other agreements between the Governments of the United Kingdom of Great Britain and Northern Ireland and the Republic of France modifying or supplementing that protocol, shall terminate.

"If the foregoing also represents the understanding of the Government of the United Kingdom of Great Britain and Northern Ireland as to the terms of the agreement that our two Governments have reached, I have the honour to propose that this Note and your reply to that effect shall constitute an agreement between our two Governments which shall enter into force on the date of your reply."

In reply, I have the honour to inform you that the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland who therefore agree that Your Excellency's Note and the present reply shall constitute an agreement between our two Governments which shall enter into force on this day's date.

APPENDIX XV

Letter dated 13 November 1979 from the Chairman of the Mission  
to the Resident Commissioners concerning illegal broadcasts

I am writing to you on an important issue which was raised with the Mission during its visit to Santo today. The issue relates to the use of radios for campaign purposes.

The Mission understands that Radio Vanafo has for some years been broadcasting from a radio station which is not licensed and presumably illegal. The Mission also understands that your attention has been repeatedly drawn to this matter but to date no effective action appears to have been taken to silence these broadcasts.

The Mission has also been led to believe that missions of various denominations with access to singleside band radios may also have been using these facilities for political purposes. Our Mission is concerned that political broadcasts made by both Radio Vanafo and the missions may have an undue influence on the manner in which the election is conducted. This influence would appear to be especially biased towards particular political groups at the expense of other political parties which do not have access to such facilities. Such broadcasts would appear to be in open violation of existing laws.

It is the view of the Mission that for all concerned and in the interests of a fair election such illegal broadcasts should cease immediately until the end of polling.

(Signed) Berenado VUNIBOBO  
Chairman

United Nations Mission to Observe  
the Elections in the New Hebrides



APPENDIX XVI

Letter dated 14 November 1979 from the Resident  
Commissioners to the Chairman of the Mission

Thank you for your letter of 13 November about political broadcasts in the New Hebrides.

It is correct that the Na-griamel Federation operates a small (approximately 1 kw) broadcasting transmitter on shortwave. The transmitter is located at Tanafo Santo, and is audible by those with shortwave transistor receivers in Santo and to a lesser extent in other islands, particularly in the North. It is also true that in two recent broadcasts on Radio Vanafo, picked up in Vila, Mr. Jimmy Stephens has gone outside the limits of acceptable political debate. On the first occasion, in September, after a letter of warning from the New Hebrides Government, the tone and content of Vanafo Radio's transmissions was substantially modified. After the second occasion, on 8 November, Mr. Stephens was summoned to Vila by the French Resident Commissioner and gave him the assurance that political broadcasts by Radio Vanafo would cease forthwith.

In considering the actions of the two Metropolitan Powers towards Radio Vanafo, we would ask the United Nations Mission to bear in mind the paramount importance of persuading all political groups in the New Hebrides to take part in the current general elections. Boycotts by a significant sector of the population or any serious disturbances would largely destroy the value of the elections as a full and fair test of the will of the people, and their choice of a government acceptable to the whole country. For this reason, we have only been willing to consider direct action against Na-griamel radio, such as physical destruction or jamming, if the New Hebrides Government requested it, or if the broadcasts were, in our judgement, likely to lead to serious distortion or disturbance of the elections. To this end, the broadcasts by Mr. Stephens have been closely monitored and kept under continuous assessment by the two Residencies.

Turning to the single sideband (SSB) radios operated by other groups within the New Hebrides, it is true that scattered throughout the islands there are 150 SSB transceivers licensed by the Ministry of Communications. A technical note by the Ministry and a list of the licenced sets is attached. In the New Hebrides SSB radio communications largely replace the telephone for a country where intra and inter island communications barely exist. The purpose of these communication links is administrative and logistic, and they could not be taken off the air during the elections without disruption comparable to the silencing of the telephone system in a developed country.

In relation to possible political use by the missions, we have contacted the Presbyterian, Catholic and SDA Missions, which operate the main missions networks in the New Hebrides. (We have been unable to contact the Church of Christ.) All have given us firm assurances that their radios have not been and will not be used for political propaganda. Nor have we any evidence that such improper use has been made.

Although verification of such allegations is complicated by the fact that the transmissions can only be monitored on special SSB receivers, the experience of the Ministry of Communications is that other SSB licence holders are quick to complain about any improper use of these communication links, and no complaints have been received in this instance. The allegations against the Churches to which you refer, therefore, remain unproven at this time.

(Signed) J. J. ROBERT  
Delegate Extraordinary  
for the Republic of France  
in the New Hebrides

(Signed) A. C. STUART  
Her Britannic Majesty's  
Resident Commissioner

Break-down of high frequency teleradio licences

Local Councils	21
New Hebrides Government Departments	17
Medical services	10
Schools	9
Police	10
Missions - Catholic	14
Presbyterian	10
Church of Christ	4
SDA	2
Anglican	1
Apostolic	1
District Agents	4
Co-operatives	2
Commercial	27
Miscellaneous	4
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Teleradio Service

1. The Teleradio Service is essentially a medium of communications, not of broadcasting.
2. Four frequencies are assigned for stations to communicate with the Radio Department station at Malapoa, either for telephone connexions into the Vila exchange or for passing messages which are relayed or delivered as telegrams.
3. Another frequency is used for inter-station work, certain times of day being allotted to such as District Agencies for their administrative purposes. This frequency is much used, and a separate frequency has recently been assigned for social use between the stations so as to reduce the congestion on the main one.
4. All, or very nearly all, of the stations operate in class A3J, i.e. single sideband with suppressed carrier, which is not capable of being received on a domestic receiver. Their equipment is commonly 25 to 100 watts PEP output transceivers which cost about \$1,500 to \$2,500 each.

5. A few commercial networks also exist, operated by airlines, commercial houses, shipping companies, and Government Departments. These use separate assigned frequencies for their independent networks.

6. Subscribers to the public Teleradio Service pay annual licence fees of FNH 3,000 per annum. The fee for a Commercial Licence is FNH 45,000 for two stations plus FNH 11,000 for each additional station in the network.