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With thanks to Mr Andrew Stanley,  
Secretary to the Constitutional Committee

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# FOREWORD

## Mama Loa

The people of Vanuatu are very fortunate to be in the position today and in the years to come of having access to this very important document of the original minutes and records of the work of the Committee which produced the founding document or the Mama Loa of the Republic of Vanuatu. In this document are the names of the Committee members, the legal advisors, and the bodies they represented, and it shows how the different issues and topics that constitute this founding document were debated and positions arrived at, including the various stages that the final draft had to go through before it was promulgated as the Constitution of the independent Republic of Vanuatu on 30th July, 1980.

I would suggest that these records would make a useful starting point for those interested in researching into the origin and the dynamism of the views and beliefs now polished and written into our national Constitution. We came to this point from many different positions characterized by the politics of the New Hebrides as it was. And in this committee, these divergent views, some of which were diametrically opposed to each other, were tested and ironed out through questioning and discussions and interpretations. Here too, the fears and anxieties, the grounds for much suspicion and mistrust harbored by different political parties and groupings towards each other, were laid bare before the Committee as it were. We realized together that, while we were fighting over our political differences, we were all legally stateless in our own country, the best of our land was being taken away from our control and our cultures were being undermined by foreign forces. We came to realize that the gravity of the situation confronting us all was far more important and serious than any differences we had harbored, based on French and British influence on us in language and education. We discovered that, when it came to the issues that were of fundamental importance to our people and this country, we stood united.

These common issues have been enshrined as articles and chapters of our Constitution. They are about our legal status, sovereignty, land, our custom and culture, our freedom, our vision and our aspiration, to mention a few. It was not easy to build consensus, but a hard work which we all undertook with passion and excitement because we sensed that the opportunity it gave us to pave the way forward for the country could be the last – that it should not be lost. It took us six months to produce the final draft which had the unanimous support of everyone and the parties they represented.

After the draft was completed, each committee member then led a team of three or four to visit every community within the archipelago of Vanuatu from the island of Hiu in the north to Aneityum in the south to explain to the people what the constitution was all about. This was a very critical mission and had to be undertaken carefully. Each team consisted of representatives of different political parties and groupings that had served in the main Committee so as to leave no doubt in the minds of the people that significant achievement in terms of unity and determination to move on towards the final target of independence had been accomplished. We were welcomed with open arm everywhere we went and the quality of interest and reception that was given us can only be described as unprecedented.

The people understood and gave an overwhelming endorsement to the draft. It was an unqualified indication that our people were now saying to us, their leaders, and the two colonial administrations, that the country is ready for political independence.

Upon completion of the country wide consultation and reception of such a clear and strong support of the people and on returning to the Capital, the Committee was re-convened, this time as the Constitutional Conference, with official representatives of the two colonial Governments here at Port Vila on 18th, 19th, and 24th and 25th of September, 1979. That Conference gave the final and unanimous approval to the draft as the constitution of this country as an independent sovereign state and agreed that the country should be independent the following year, 1980. This last meeting worked through the night until 2:30 in the morning of the final day.

The approved draft was signed by all the Committee members at the government Building opposite

the Port Vila Market on 5th of October, 1979. This building has been renamed the Constitution Building. An exchange of notes between the United Kingdom and the Republic of France, approving the decision of the Constitutional Conference for the final draft of the document to be the constitution of the sovereign and independent state in 1980, was dated 23rd October, 1979.

It was a unique privilege for every single one of us to have been part of the team of people who produced the Constitution. Vanuatu's Constitution is a home grown Constitution, the creation of our national leaders and the entire population of the New Hebrides. It is an important political declaration and a legal affirmation of who we are - a people united by a common vision, a common hope, and an unwavering determination to move on towards our common destiny as a nation. It is an important reflection of the beliefs, aspirations, and dreams of its founders for the strong nation that this country is capable of becoming, given the strong will of its people and the bounty of its natural resources.

Our constitution is short but comprehensive in its insight, reflecting the values and principles that are both national and universal in scope. In its thirty years of existence it has stood numerous tests including many deliberate attempts to manipulate it to satisfy misguided political ambitions and selfish interests. I want to suggest that every part of the Constitution should be read and understood or interpreted in its proper context to avoid any risk of applying its intention wrongly as has been the case with numerous instances involving land dealings.

Finally, it needs to be pointed out that the Mama Loa is the people's constitution and any change or amendment that may be contemplated should involve the entire population of Vanuatu.

**Sethy J. REGENVANU**

## Les travaux constitutionnels de l'année 1979

En 1979, le peuple indigènes des Nouvelles-Hébrides, sous régime condominium franco-britannique, n'était soumis à aucune loi nationale et internationale.

Ceci mettait la population indigène dans une situation de non-droit, ne pouvant faire appel à aucune juridiction française et britannique ou même internationale, pour assurer sa protection et exercer ses droits et devoirs face aux autres pays souverains du vingt et unième siècle.

La communauté autochtone s'était réveillée quelques années auparavant pour revendiquer la reconnaissance officielle de son existence et de son droit à la démocratie. Les deux nations de tutelle, la France et l'Angleterre, se sont alors mises d'accord pour mettre fin à cette situation qui les déshonorait devant la communauté internationale.

Cet accord dans l'esprit du protocole de 1914, deviendra très tôt sinon immédiatement une décision d'abandon d'un peuple non initié à la pratique de gestion des institutions démocratiques d'un Etat souverain. Aucune élection locale ou territoriale n'avait encore eu lieu dans notre archipel.

La France et la Grande-Bretagne n'avaient aucune intention de réformer le principe et les règles du protocole franco-britannique totalement désuets à notre époque.

Ce protocole de 1914, n'était pas une référence pour créer des liens entre le peuple indigène, la communauté française et la communauté anglaise aux Nouvelles-Hébrides.

Les deux pays de tutelle déclarèrent eux-mêmes, lors de l'ouverture officielle de la première session de l'assemblée représentative, élue pour la première fois en 1975 : "Le protocole de 1914, ne constitue sans doute pas une base satisfaisante pour établir les relations entre nos peuples en 1976, mais nous n'avons pas l'intention d'entamer de nouvelles négociations pour définir nos droits et nos responsabilités aux Nouvelles-Hébrides. Notre intention est de coopérer l'un avec l'autre aux fins d'édifier, en plein accord avec les populations, l'avenir de cet archipel." Message officiel des deux ministres français et anglais responsables des territoires d'Outre-mer.

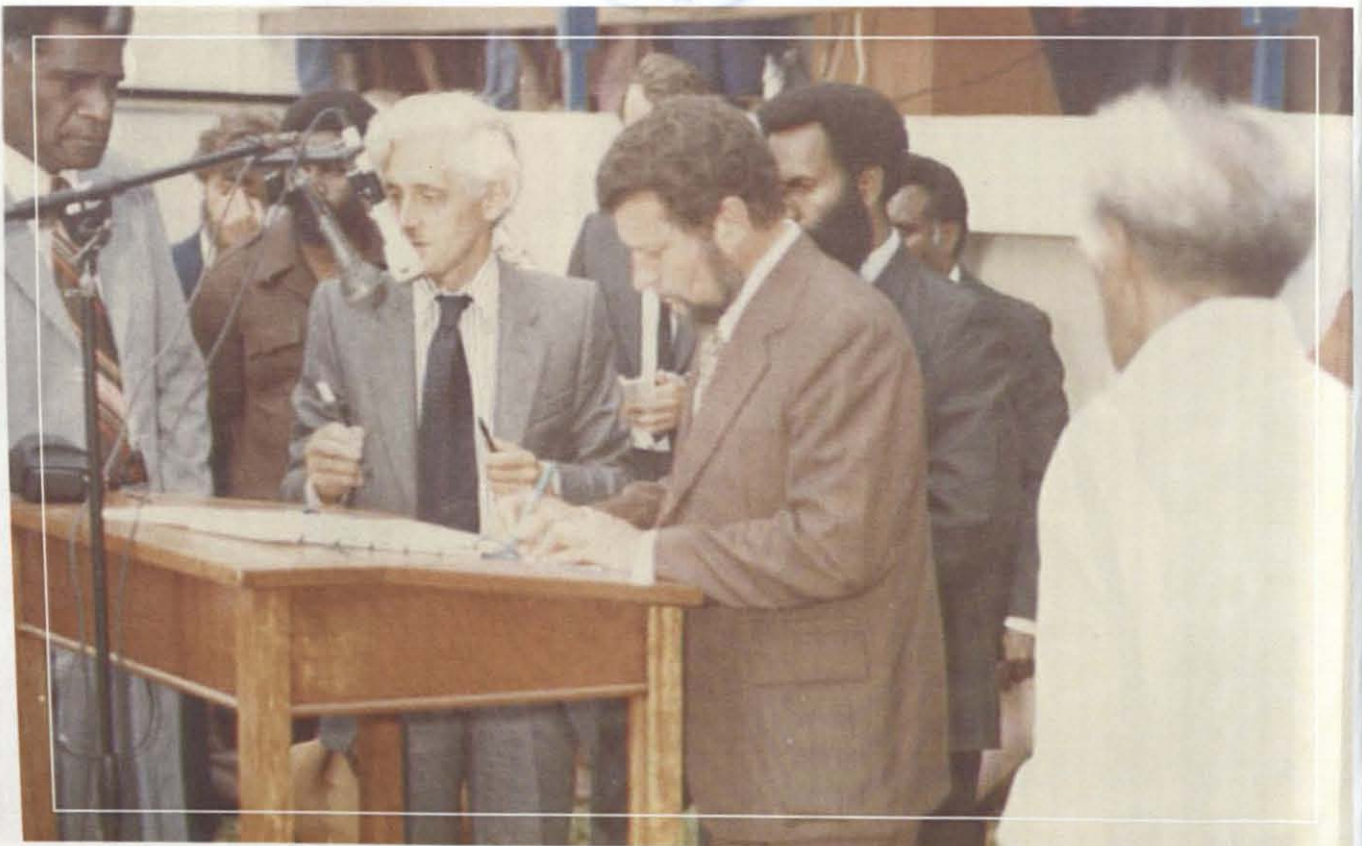
Cette coopération fut tardivement et uniquement de suivre les débats et la rédaction du projet de la Constitution du nouveau pays souverain qui va naître en 1980.

Et ce fût ainsi qu'en 1979, toutes les forces politiques des Nouvelles-Hébrides décidèrent de s'unir et de créer un "gouvernement d'union nationale" aux fins d'échanger et de définir ensemble les bases et le fondement de la future Nation d'un peuple jusque là ignoré dans le monde de la Démocratie et du Droit de l'Homme.

Ce fût grâce à la conviction et au pragmatisme des leaders du pays, membres du comité des travaux de la Constitution, que ce projet de "Mama Law" fut mené à terme dans le délai prévu de quelques semaines.

**Vincent BOULEKONE VIRESANIAC**





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