Customary Chiefs in Vanuatu’s Electoral Politics

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(Abbreviation)
This paper will begin, after a brief explanation of the methodology adopted for the preparation of the paper, by discussing who are customary chiefs in Vanuatu, and distinguishing them from persons who have been conferred chiefly title in recognition of their achievements in various aspects of the introduced activities of life in Vanuatu, eg government, business and church. Then the paper will focus on the extent to which customary chiefs have stood as candidates for election to the national legislature, and the extent to which they have supported candidates for election, formally and informally. This will be followed by a discussion of the extent to which chiefs are involved in the legislative process in Vanuatu, both formally and informally. Finally there will be a look into the future and a discussion of proposals that have been made for the further involvement of customary chiefs in the work of Parliament in Vanuatu.

Introduction
There is no doubt that today customary chiefs form a significant part of the social system of Vanuatu. There is at least one chief in every village, and in the larger villages often assistant chiefs; there are councils of chiefs for most custom areas, and some custom areas are subdivided into sub-areas or wards, which usually also are regulated by a council of chiefs; there are councils of chiefs for all the larger islands; there is a council of chiefs in the two main towns, Port Vila and Luganville, and in Port Vila there are councils of chiefs for parts of the town, eg Freshwater and Blacksands; and there is a national Council of Chiefs for the whole country. One day each year - 5 March - is set aside as a public holiday to be dedicated to customary chiefs. It is therefore not inappropriate to consider what role do these important elements of the social system of Vanuatu play in the electoral system of the country.

There are, in fact, several electoral systems in operation in Vanuatu: one for the national legislature, the Parliament; one for the provincial councils; one for the municipal councils; and one for the National Council of Chiefs, the Malvatumauri. All of these are operated by the Electoral Office, and supervised by the Electoral Commission. Ideally the role of customary chiefs would be considered in relation to each of these electoral systems, but in the time available this was not possible, and so what this paper does is to examine the role of customary chiefs in relation to the electoral system for the national legislature, the Parliament.

1 I am indebted to Professor John Lynch, Pro Vice-Chancellor and Professor of Pacific Languages who kindly read the draft of this paper and provided me with his valuable comments.
Methodology

It was necessary therefore to go further and examine the candidates’ applications filed with the Electoral Office at the time of the last General Elections. The law of Vanuatu requires that each candidate for election to Parliament must file a declaration that states his or her age and occupation and that he or she is qualified to stand for election. Unfortunately these candidates’ declaration forms do not provide a very clear or precise picture of the participation by customary chiefs in the political process of Vanuatu.

In the first place, the number of declaration forms that was available for inspection was less than the total number of candidates who took part in the elections. Some declaration forms were obviously missing. The 6th General Elections Report produced by the Electoral Office in December 2002 recorded that a total of 257 candidates stood for election, whereas the number of candidates’ declaration forms that could be found and were available to be examined was only 197. Thus the declaration forms that were available for examination amounted to about 4/5 of the total number that were filed with the Electoral Office. Although 4/5 of the total was a sufficiently significant proportion of the total to make it worthwhile to use as a source of information as to the extent of participation by chiefs as candidates in the election, it obviously was not the complete total.

There was also a second difficulty about the candidates’ declarations as a source of information about the formal participation by chiefs in the Parliamentary elections. The candidates’ declaration forms do not require a candidate or the five supporters of a candidate to state whether they are customary chiefs. These forms require candidates and their supporters to indicate what is their occupation, not what is their status. Some candidates did in fact enter the word “chief” or “jif” as their occupation, but a glance at the forms showed that some of the candidates who were known to be chiefs entered the word “gardener” or “farmer” as their occupation.

For these two reasons the candidates’ declaration forms could not be considered as very accurate indicators as to whether the candidates or their supporters were or were not chiefs.

It has therefore been necessary to go further and conduct interviews with ni-Vanuatu, and also to rely upon newspaper reports and personal knowledge acquired over a period of nearly twenty years residence in Vanuatu, supplemented by discussions with ni-Vanuatu and with colleagues and other long-time residents.

Customary chiefs - who are they?
First, it is necessary to clarify, for the purpose of this discussion, who are customary chiefs in Vanuatu, and, conversely, who are non-customary chiefs.

Customary chiefs\(^5\) Customary chiefs may be defined as those persons who are recognised by the custom of a community as entitled to exercise powers of social control over members of that community.

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\(^2\) 6th General Elections Report, 2 May 2002, Electoral Commission, Port Vila, Vanuatu


\(^5\) Three recent very helpful discussions about chiefs in Vanuatu which contain valuable references to earlier anthropological material are: Bolton, l “Chief Willie Bongmatur Maldo and the role of chiefs in Vanuatu” (1999) *Journal of Pacific History* 33(2) 179;
In pre-Condominium times, indigenous people of the New Hebrides lived in small, scattered and separate communities, which did not normally interact peacefully with neighbouring communities, but maintained a relationship of separation and suspicion, if not hostility. There are tales of a legendary chief, Roimata, who is believed to have lived in north Efate in the seventeenth century and managed to control many communities in north Efate and in the Shepherds group of islands lying to the north of Efate. But Roimata, if he existed, was quite exceptional because by the time Europeans arrived and recorded social conditions in the New Hebrides, the indigenous people were found to be living in small, scattered communities, isolated from adjoining communities who were generally regarded with great suspicion, if not outward hostility.

The extent to which chiefs, as we understand them today in the sense of an overall leader and controller of a community, existed at the time of European settlement of New Hebrides, is a matter of some uncertainty, and controversy. It seems that, except in the areas which were affected by Polynesian settlements, eg islands of the Shepherds Group and Futuna, there was often no one leader of a community, but there were a number of persons responsible for supervising different activities within a community, such as gardening, fishing and making war. These different persons would meet together within a community and make decisions affecting the community, but no one of them would dominate. On the other hand, in some communities there were people, almost always males, whose ambitions and energies were such that they were able to dominate over their fellows. Later, such men came to be called “bigmen,” but it seems that they existed before the Bislama name was evolved to describe them. Even less, with the exception of Roitamata mentioned above, does it seem that hierarchies of chiefs, in the sense of high chiefs or paramount chiefs, who had power over more than one community, were recognised in New Hebrides before European records began.

Nor was there, it seems, any practice of leaders of different communities meeting together in any regular way, either within an area of an island where the custom was the same, and, still less, at the level of a whole island of any size which would contain a number of different areas where the custom was the same.

However, it is clear that by the mid-twentieth century, and before the time of independence in 1980, the concept of a chief as a leader of a community had become well established in all islands of the country. In some areas, such as parts of Efate island and islands in the Shepherds group and North West Malekula, the entitlement to be a chief was regarded as hereditary and automatically passing down from eldest son to eldest son of the original chief. In some areas, such as parts of Malekula, the chief of a community was chosen or selected by the male members of the community from amongst any of the males, and appointed for life or retirement. In other areas, such as islands in the Banks Group, chiefs seemed to be elected at more regular intervals and for a more limited period of time, such as one year or two years.

Whether the appearance of chiefs was a natural evolution of the indigenous “several responsibilities” practice or of the indigenous “bigman” practice, or an indigenous response to the administrative advances of Condominium officials so as to provide some leader who could speak on behalf of a community and ward off unwanted intrusions by Europeans; or whether the evolution of chiefs was a non-indigenous device introduced by missionaries to secure an entrée into a community and also to mark the leaders of the newly Christianised flock, or introduced by Condominium administrators, familiar with the role of chiefs in Fiji and in Africa, to provide an identifiable and effective point of contact with a community, is open to some debate. Perhaps, indeed, the evolution of chiefs was developed from all four sources, and so was partly indigenous and partly non-indigenous. This is a very interesting debate, but it is not central to this paper, and so attention is therefore drawn to it, but no attempt can be made to resolve it in this forum.

The important point to notice is that by the 1970’s, when discussions were taking place about the political future of the New Hebrides, chiefs were regarded as sufficiently distinct from the people, and as sufficiently significant in the country, to warrant special and separate representation in the Representative Assembly that was established by the Condominium powers in 1975, and four of the forty two seats were reserved for chiefs, one to be elected by an electoral college of chiefs in each of the four administrative districts: Representative Assembly Joint Regulation, No 30 of 1975.

Not only were chiefs in existence by that time, but it is also clear that councils of chiefs had established themselves. Thus, in the minutes of the Constitutional Steering Committee of 8 August 1979 there is recorded a lengthy discussion about a proposal by the Efate Island Council of Chiefs, Faturisu, that an Efate chief be allowed to join the Constitutional Committee. Again, whether this island council of chiefs was a purely indigenous evolution, or whether it was something which was influenced or promoted by the Condominium powers, is open to some debate, but certain it is that at that time, ie 1979, there was a council of chiefs of Efate island in existence.

It is also quite clear that by 1976 there was a National Council of Chiefs in existence in New Hebrides. A National Council of Chiefs, the like of which had never existed in the country, before was created by legislation which was enacted by the two joint resident commissioners: Council of Chiefs Joint Regulation, No 42 of 1976. This National Council of Chiefs, which later adopted the name Malvatumauri, was stated to comprise twenty members, made up of five chiefs elected by an electoral college of chiefs in each of the four administrative districts, together with the four chiefs who were elected as members of the Representative Assembly, making in all a total of twenty-four members.

The fact that chiefs, as we think of them today, probably did not exist originally in many parts of Vanuatu, and are a development of relatively recent origin, and the fact that their development may well have been influenced by contact with Europeans, may be troubling for some traditionalists who believe that the chiefly system that we see in Vanuatu today is a totally indigenous system which has remained unchanged for countless centuries. But the reality seems to be that it is of more recent origin, and not totally indigenous.

Be that as it may, the fact remains that in Vanuatu today every community has at least one chief, who has been appointed or determined as the leader of that community by some process that is regarded by the members of that community as customary. As mentioned earlier, in some custom areas, the custom provides that the right of leadership is inherited according to customary lines of succession; in other areas, however, custom allows for the chief to be selected by the male members of the community who install him with the powers of a chief, usually for life or until retirement; and in other areas, custom allows for the chief to be selected at regular intervals in a fashion which comes close to an election, and the chief will exercise power for a strictly limited period of time.

In some islands of Vanuatu, a hierarchy of chiefs has established itself. Thus in Pentecost there are some ten grades or ranks of chieftanship which a chief can ascend, leading eventually to an ultimate level – tanmanok - which is held by only a small number of persons in the whole island of some twelve thousand people. Moreover, in that island, each chief on a higher rank is regarded as having power to intervene in the affairs of a community lead by a chief of a subordinate rank. In other islands, however, such as Tanna, such an elaborate hierarchy does not exist, and the number of grades or ranks that a chief can attain are much more limited in number.

Finally, a word of caution must be expressed as to the certainty with which it is possible to identity who are custom chiefs in accordance with the custom of the area. Sometimes there are uncertainties as to whether custom allows for automatic inheritance, selection, or election. Sometimes, if reliance is placed upon automatic inheritance, there are uncertainties of custom as to what provision custom makes as regards illegitimate or adopted children, and sometimes there are uncertainties of facts as to what is, or what was, the age, or legitimacy, or biological parentage, of particular persons. Thus there are five villages in the island of Efate where there are on-going disputes as to who is the chief, and in parts of Malekula and Tanna there is much uncertainty as to who are the custom chiefs.
Where a custom area recognises hierarchies of chiefs, similar uncertainties may arise with regard to the relationship between one chief and another. Thus in the island of Tanna there are some who claim that there were at one time only twelve big or major *nakamals*, or meeting places, each with a number of minor satellite *nakamals* linked to them, and that the chiefs of the big *nakamals* were entitled to pre-eminence over other chiefs. On the other hand, there are others in Tanna who claim that the chiefly system is more democratic, and that the notion of major and minor *nakamals* is not correct.

The National Council of Chiefs, in an endeavour to ascertain who are the recognised custom chiefs of Vanuatu for the purposes of compiling a register of custom chiefs, earlier this year has sent out questionnaires which require that all persons claiming to be chiefs must be able to provide supporting evidence from reliable members of their custom area, such as fellow chiefs, pastors, and women’s groups. The receipt of these questionnaires has apparently caused some adverse reaction and aroused considerable antagonism from chiefs who consider that they should not have to prove their chiefly status. The questionnaires are also claimed to have intensified uncertainties and disputes as to who are the true custom chiefs, and are blamed in some quarters for increasing the number of unwarranted claims to chiefly title by people who feel that there is some advantage to be claimed by securing registration as a chief. So far, few, if any, of the questionnaires has been returned to the office of the National Council of Chiefs so it is still too early to say whether or not this attempt to formally identify and register custom chiefs will be successful.

Non-customary chiefs

As distinct from chiefs who are determined according to custom to exercise powers of leadership and control over the members of a community, there are other persons who are recognised as having high status in the community, and who may be called chiefs, but are not regarded as true custom chiefs. For example, prominent pastors, lawyers, doctors, and businessmen, ministers of government, members of Parliament, and leaders of political parties are often granted the status of a chief by custom chiefs who wish, for one reason or another, to accord special recognition to them. When a politician becomes a minister of government or speaker of Parliament or Head of State it has become an established practice for him to return to his community and be granted a chiefly title. The people who are recognised in this way are not limited to ni-Vanuatu. Others, such as Europeans and Asians, may be recognised in the same way. Thus the Greek director of a company, that was much involved with the purchase and sale of kava from Pentecost island several years ago, was, before the company collapsed and the Greek gentleman disappeared overseas promising to return but never to be seen again, honoured by the chiefs of Pentecost with a chiefly title. Again, the Vietnamese businessman, who was the chairman of the congress of a prominent political party, whose founder, Father Walter Lini, had come from North Pentecost, was, before he left that political party and formed a new political party, honoured by the chiefs of North Pentecost with a chiefly title of *Vira Lavoa*.

Whilst custom permits the granting of chiefly title to persons who are not custom chiefs, it is generally accepted that these titles are honorific only, and do not entitle the grantee to exercise the powers of a true custom chief. However it must be said that the question does not seem ever to have been tested in any authoritative way, ie before an area or island council of chiefs, or before the courts.

**Custom Chiefs as Candidates for Parliamentary Elections**

It has proved rather difficult, for the reasons mentioned earlier, to obtain, on the basis of the candidates declarations filed at the Electoral Office, a completely accurate number of custom chiefs who stood as candidates for election at the last General Elections in May 2002.

However at the time of the last General Elections custom chiefs who were standing for election formed themselves into a party known as the Conservative Party, and the number of candidates standing under that party designation could be very accurately determined from the official report by the Electoral Office. The number so recorded was twelve. A check of the declaration forms indicated that there was no candidate outside the Conservative Party who declared himself to be a chief. Although that is not totally conclusive, by reason of the factors mentioned above, it seems that the number of chiefs who
stood as candidates at the last General Elections was probably twelve. When one considers that the total number of candidates was 265, clearly custom chiefs formed a very small proportion - approximately 4.5% - of the candidates.

Moreover, when one looks at the proportion of the votes won by each chiefly candidate in each constituency the picture is even less encouraging. The proportions of votes cast in favour of the twelve custom chiefs in their respective constituencies were as follows:

- 0 - 1%: 4 candidates
- 1 - 5%: 4 candidates
- 5 - 10%: 0 candidates
- 10 - 15%: 2 candidates

Clearly these figures do not represent any significant degree of electoral support for the custom chiefs who stood as candidates. It is therefore surprising to hear that the Conservative Party has announced that it will boycott the next General Elections scheduled for 6 July 2004, and it will not submit any chiefly candidates for these elections: *Vanuatu Daily Post*, 27 May 2004, p 6, and *Vanuatu Daily Post*, 5 June 2004, p8.

At this point in time, therefore, it cannot be said that customary chiefs play any significant role as candidates for election.

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**Custom Chiefs as Participants in Electoral Campaigns**

It is, of course, not only as candidates that customary chiefs can play a role in the electoral process, but they can also participate in the electoral campaigns of other candidates. Participation in an electoral campaign may be demonstrated formally, by signing as one of the five supporters required by law to endorse a candidate’s declaration filed with the Electoral Office, and also informally by assisting in the nomination of candidates for election, assisting in the campaigns of candidates, and generally making statements in support of a candidate, and each of these will now be considered.

**Formal participation** The law of Vanuatu, as mentioned earlier, requires that all candidates must sign a declaration form, which must contain the names of five persons who confirm their support for the candidate. As mentioned earlier, not all the declaration forms filed by candidates with the Electoral Office for the last elections could be traced, but approximately four-fifths of the forms were available for examination. These forms require persons who support candidates to indicate their occupations, but do not expressly require them to indicate whether they are chiefs.

An examination of the candidates’ declaration forms filed with the Electoral Office for the last General Elections in May 2002, showed that a number of supporters did indicate that they were chiefs. These totalled 48. The total number of supporters recorded on the candidates’ declarations was 985. This means that 4.8% of the supporters indicated that their occupation was that of chief. Obviously there might be more supporters who were chiefs who did not record that as their occupation, and there were also the one fifth of candidates’ declarations that were missing. But even if the number of chiefs who formally supported electoral candidates is increased by 50% to take account of these factors, it still indicates that only 7.5% of the formal supporters of political candidates in the 2002 General Elections were customary chiefs.

It is also interesting to note that of the 197 candidates whose declaration forms could be traced only 30 of them had obtained support from persons who stated that they were chiefs. In percentage terms that means that only 15.2% of the candidates recorded support from a person who stated that he was a chief. Even if this figure is increased by half to take account of the missing candidates’ declaration forms, and of the supporters who were chiefs but did not record that as their occupation, that still only provides a percentage of 23%, which is less than one quarter of the candidates.
Two deductions of fact can safely be drawn from the above statistics. First, clearly candidates did not think it necessary or desirable to have the approval and endorsement of their own chief to their candidature. Second, clearly the majority of candidates did not think it necessary or desirable to obtain the approval and endorsement of any chief to their candidature. These findings suggest that the role of chiefs as formal supporters of candidates seeking election to Parliament is not very strong or significant.

Informal participation

There are three main ways in which a person may participate informally in electoral campaign of a candidate: participation in the selection of a person to stand as a candidate; participation in electoral meetings; and making of statements that are commendatory of, or critical of, an electoral candidate. These informal methods are, of course, more difficult to identify and quantify since they are not required to be recorded, but an attempt will be made to consider them in relation to customary chiefs:

selection of candidates for election

The decision as to who is to stand as a candidate of a political party for elections to Parliament is normally made by committees of political parties, and there has been very little indication that custom chiefs have been members of nominating committees of political parties. The nomination of independent candidates is, however, more likely to allow for participation by customary chiefs, and there was some anecdotal evidence to suggest that some customary chiefs may have been involved in the selection of independent candidates. Recently there have been two interesting developments. First, at the General Elections in 2002 there was the formation of the Conservative Party which was composed of customary chiefs, and the members of that party obviously determined who were to stand as candidates for the party. Secondly, in the current elections, there have been instances of chiefs and people working together in particular localities to nominate a candidate who will represent that locality. Thus in Erromango it was reported that a meeting of chiefs and people had been held to nominate a candidate from that island, and a similar meeting was reported to have been held on Motalava island: The Independent, 28 May 2004, pp2 and 17; Vanuatu Daily Post, 4 June 2004, p2.

Occasionally some custom chiefs have called for a refusal to nominate candidates, ie a boycott of the electoral system. Thus the Conservative Party composed of chiefs has announced that it would not submit candidates for election and would boycott the elections to be held on 6 July 2004: Vanuatu Daily Post, 27 May 2004, p 6, Vanuatu Daily Post, 5 June 2004, p8. Again, a chief from Tanna has called for the abandonment of democracy and the electoral system altogether: Vanuatu Daily Post, 4 June 2004, p 3.

participation in electoral campaigns

It is not unusual to hear reports of a custom chief publicly declaring their support, and the support of their people, for particular political parties or particular electoral candidates. Thus on 1 June 2004 it was reported that a chief of West Ambae had declared his support for the National United Party, and on 4 June 2004 the chiefs of Emau were reported as calling a meeting of people from the island to show their support for the embattled Prime Minister, Edward Natapei: Vanuatu Daily Post, 1 June 2004, p5; Vanuatu Daily Post, 4 June 2004, p3. Obstruction by customary chiefs to electoral campaigning by candidates in the form of refusal to allow a particular candidate or party to come and campaign in the village of the chief also sometimes occurs.

statements that are commendatory or critical of electoral candidates

Customary chiefs do not usually make comments about electoral candidates which are reported in the public media. Occassinally statements are made by chiefs in the media about political campaigns, but they are usually couched in general terms, and do not name specific candidates or parties. Thus, during the campaign for the General Elections on 6 July 2004, the chief of Melemaat was reported as asking political parties not to mislead his people: Vanuatu Daily Post, 9 June 2004, p 5, and Chief Willie Bongmatur, first president of the
Malvatumauri National Council of Chiefs, was reported as urging voters: “Let us not sell our country to other people”: *Vanuatu Daily Post*, 30 June 2004, p.3.

Anecdotal reports indicate that customary chiefs throughout the country almost always make comments to their own people about political parties and political candidates presenting themselves at General Elections which are not reported in the public media. Vanuatu is a country in which 80% of the population lives in the rural areas, remote from radio, newspapers and television, and only 60% of the adult population is literate. In such an environment the opportunity for customary chiefs to express their own views for or against various political candidates to their followers is therefore very great, and anecdotal evidence suggests that customary chiefs do fully avail themselves of this opportunity. As leaders of their communities chiefs can naturally see it as part of their responsibility to advise and direct their followers in the direction which they (the chiefs) believe will be most beneficial for their communities.

As a possible counter to this, there is a very well-known saying in Vanuatu: *smol rum nomo bae hemi talem*, which means: only the small room (ie polling booth) will tell. This suggests a certain degree of scepticism, and to indicate that the words of the chief on political matters are listened to, but not necessarily accepted. However, no research has been done to see to what extent the words of chiefs are followed on political matters, and so one cannot take the matter much further other than by reiterating that it is clear that most chiefs do tell their people which candidate and/or party they should support.

**Customary Chiefs as Legislators**

Before independence, as mentioned earlier, when the Representative Assembly was formed in 1975 it was decided that alongside the elected representatives of the people, there should be four chiefs elected by chiefs, and also nine persons elected by members of the Chamber of Commerce and the Cooperatives: Representative Assembly Joint Regulation, No 30 of 1975.

The following year a Council of Chiefs for the whole country was established, comprising five chiefs from each of the four administrative districts and the four chiefs who were members of the Representative Assembly, making a total of twenty-four members: Council of Chiefs Regulation, No 42 of 1976.

The Regulation required that the Council of Chiefs must be consulted by the Representative Assembly upon the following matters:

- the codification of custom;
- the judicial system and legislation specifically affecting New Hebrideans;
- legislation concerning fishing and hunting;
- the organisation of the registration of births, deaths and marriages;
- the determination of qualification of Chiefs for election to the assembly;
- land matters;
- any matter affecting the constitutional status of the New Hebrides.

Thus prior to independence, chiefs had four reserved seats in the legislature which constituted approximately 1/10 of the body, and were also established as a National Council of Chiefs which was required to be consulted by the legislative body on a broad range of matters.

When the time came in 1979 to prepare a draft Constitution the role of chiefs in the legislative process was the subject of considerable discussion by the Constitutional Drafting Committee. One draft that was placed before the Committee provided for twenty chiefs to form an upper house of the legislature, a Senate. However, what emerged from the Drafting Committee, and what was endorsed by the British and French governments, and took its place as the Constitution of Vanuatu, which came into force on 30 July 1980, provided a much more attenuated role for chiefs in the new legislature, which was called Parliament. The reserved seats for chiefs in the legislature disappeared. The National Council of Chiefs
was retained, but with a much more limited role – basically merely a consultative role. Article 30 (1) provides that “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 ni-Vanuatu culture and languages,” and Article 30(2) provides that “The Council may be consulted on any question, particularly any question relating to tradition and custom, in connection with any bill before Parliament.”

Gone now are the seats in the legislature reserved for chiefs, and gone also is any requirement for the legislature to consult with the National Council of Chiefs on any matter, including matters of custom. The requirement of consultation with the National Council of Chiefs is now made merely permissive and non-specific, and, so far as can be ascertained, there has been very little consultation by either Governments or the Parliament with the National Council of Chiefs.

From time to time, calls have been made for chiefs to have an established place in the legislative process, either by way of reserved seats in the legislature, or by the creation of a second chamber of the legislature which would comprise chiefs. Several arguments are raised against these suggestions. One argument is that of expense – it is at present financially impossible for the National Council of Chiefs to meet more than once per year. A second argument is based upon a concern that if customary chiefs became too much involved in the legislative process they would not be able to preserve their independence and would be sucked into party politics, which would prevent them performing their chiefly functions in the villages. A third argument is that customary chiefs do not have an electoral mandate from the people, and there can be no assuredness that they are speaking for and on behalf of the people of Vanuatu. A fourth argument emphasises that many of the customary chiefs are unschooled, and have little, or no, administrative or commercial experience, and so would not properly be able to understand what was going on in the debates in the legislature. Each of these arguments against the participation of chiefs in the legislative process can be countered by a contrary argument, and the debate goes on.

A Constitutional Review Committee was established in 1991 and received submissions to strengthen the position of chiefs, but it never completed a report before its work was terminated by the elections and change of government in November 1991. A second Constitutional Review Committee was established in 2001 and received similar submissions to strengthen the role of chiefs in the legislative process. That Committee completed its report, which was handed to the Speaker, but again, shortly thereafter there was a change of government, and nothing more was heard of that Committee’s report. In 2003 another Constitutional Review Committee was established to consider the report of the 2001 Committee, but before it could begin its work, Parliament was dissolved, and its operations are at present suspended, until a new government is formed.

In 2003 also the Government indicated its willingness to consider the drafting of legislation to give some form of legal recognition to the decisions of customary chiefs, and to provide for some means of resolving disputes about chiefly title. A working committee was in the course of being set up by the National Council of Chiefs, and a project for funding the project had been submitted to Government, but, before these arrangements could be finalised, Parliament was dissolved, and General Elections were called for 6 July 2004, so these arrangements have also been put into abeyance.

So at present all work which might have provided customary chiefs with a greater role in the legislature has come to a halt, and must await the outcome of the General Elections on 6 July 2004.

Looking to the Future

From what has gone before it can be seen that customary chiefs in Vanuatu play some part in elections to the legislature. But it is not very significant as regards the formal aspects of the system, ie standing as candidates for election to the legislature, or formal endorsement of support of candidates for election. Customary chiefs do play a more significant role as regards informal assistance and support for persons who do stand for election, but this is a role which cannot be so accurately or precisely measured or assessed.
The question remains should chiefs have a more significant direct involvement in Parliament? The Constitution and the legislation at present do not require that chiefs be members of Parliament or play any direct role in the making of laws for Vanuatu. The Constitution states that the Malvatumauri National Council of Chiefs may be consulted, but in practice it seems they have rarely been consulted by Governments, and probably never by Parliament. It was because of the failure of Governments to consult with chiefs that the Port Vila town council of chiefs decided to promote certain chiefs as candidates in the General Elections of 6 July 2004, a move which earned them the censure of the president of the Malvatumauri National Council of Chiefs.

The advantage of chiefs directly participating in the making of laws is that they are so very knowledgeable about the problems faced by their own communities. The disadvantage is that if they become closely associated with Parliament they may lose their political neutrality, which was the reason given by the president of the Malvatumauri National Council of Chiefs for his disapproval of the move by the Port Vila town council of chiefs to publicly endorse certain candidates: for the General Elections on 6 July 2004: *Vanuatu Daily Post*, 19 June 2004, p4. A second disadvantage is stated to be that attendance at Parliament would require too long an absence of chiefs from their villages, and result in a failure adequately to perform their traditional functions. Another disadvantage could be that chiefs are generally not well schooled and have little or no administrative or business experience.

If, however, one could ensure that the chiefs entered Parliament through some process that was not associated with the normal electoral process, and if one could ensure that chiefs were not away from their communities for more than 2-3 weeks at a time, it would be feasible for chiefs to participate in Parliament and in the making of laws and the review of the action of government. The question of lack of schooling and administrative and business experience would remain, at least in the short term, but it would probably not be very much greater a problem with chiefs than with many of the present members of Parliament who are elected.

So it is worth considering possible ways in which chiefs could be introduced into Parliament. One way which would not require any change to the Constitution or to legislation would be for a number of representative chiefs to form a committee of Parliament to whom all bills and motions, or all bills and motions relating to certain topics, should be referred. Another way, which would require some change to legislation, would be to require that a certain number of seats in Parliament be reserved for chiefs. A third way, which would require not only a change to legislation but also a change to the Constitution, would be for chiefs to form a second house of Parliament, which could be called the House of Chiefs, or some such name.

Whichever method is adopted, arrangements should be made to ensure that chiefs are elected by fellow chiefs at a time different from the time of general elections and without the involvement of any political party.

Of these three possible ways for chiefs to become directly involved in the work of Parliament, probably the easiest, since it does not involve any change to the Constitution or to legislation, is the first, ie chiefs to form a committee of Parliament. The next easiest, since it involves a change only to legislation, is the second alternative, ie certain seats in Parliament reserved for chiefs. The most difficult possible way for introducing chiefs into Parliament, since it would require a change to the Constitution, would be the third possibility, ie the creation of a separate House of Chiefs.

If, as realistically one must, one considers these possibilities from the financial perspective, then clearly, if there is no change in the number of elected members, all of these possibilities would involve considerable additional expense for the country, although probably the third alternative, ie separate House of Chiefs, would prove to be more costly than the other two alternatives. But, of course, if the number of elected members were reduced to make way for the number of chiefs, there would be no increase in costs. For example, if there was to be one chief from each province, then the number of elected representatives would be reduced by six, and if there was to be one chief from each province and one chief from each of the two municipalities, then the number of elected representatives would be reduced by eight. These reductions in elected members could quite easily be achieved by removing two
seats from the three largest constituencies which at present have seven members, ie Santo, Malekula and Tanna, one seat from the next largest constituency, Port Vila, which has six seats, and one from the two next largest constituencies, Efate and Pentecost, which have four seats each.

Assuming that there was a practical and economical way in which chiefs could be introduced into Parliament, it would next be necessary to consider what would be their role. This really involves two questions. First, what matters would they be able to consider and discuss - should chiefs consider and debate all bills and motions, or only those relating to custom, tradition, culture and land, and perhaps, also to the annual appropriation of public funds for government? The second question is: what should be their powers with regard to such matters that they are authorised to consider? Should the consent of the chiefs be necessary to a bill or a motion, so that they could veto a bill or motion, or require that it be delayed, say for six months or one year? Should chiefs be able to vote on a bill or motion, but their approval was not necessary for the bill or motion to be passed? Or should chiefs not be able to vote on a bill or motion, but have powers only to debate and comment? Or should chiefs not have power even to discuss or comment on certain bills and motions, such as bills which are stated to be matters of confidence for the government or motions of no-confidence, in case they become associated too closely with elected representatives, and become too politicised? Also should chiefs be able to be appointed as ministers or as advisers and secretaries of ministers? Or should their role as regards the executive branch of government, which is at present composed of members of Parliament, be confined to that of supervision and comment?

These are all questions which need to be considered in Vanuatu, especially since, as mentioned earlier, the report of the Constitutional Review Committee, which met in 2001, has not yet been discussed by Parliament, and the Parliamentary Committee which was to meet this year to review that report, and make recommendations to Parliament as to how it should be implemented, has not yet met. The time is now ripe to consider how chiefs can be given a more direct role in the legislative process of Vanuatu, without endangering their political neutrality.

Finally, it is important to bear in mind that if one starts to consider the restructuring of Parliament in order to make greater provision for chiefs this inevitably raises further and larger issues relating to the Parliament of Vanuatu. First, there is the issue as to whether the present system of direct election on a national basis, which is very expensive, both for the State as well as for political parties and political candidates, and able to be easily manipulated by unscrupulous candidates or their supporters, is the best system for electing people to represent communities in Parliament, and whether some form of indirect election on a provincial or island basis, such as nomination or selection by provincial councils and by island councils of chiefs, would not be cheaper and more effective in providing good representatives of those communities - at least the male members of those communities. Then there is the further very important issue as to whether the present electoral system is effective to allow representation of the fifty per cent of the population who are women, and would not some form of reserved seats for women to be filled by some form of nomination or selection by provincial or island associations of women be more effective to ensure that the Parliament is truly representative of the people of Vanuatu.

These are further issues relating to the composition and powers of Parliament which go well beyond the issue of the role of chiefs in Parliament, and so are well beyond the scope of this paper to explore in detail. But they are, nevertheless, issues which are related to the broader question of the better representation of the people in Parliament, of which the issue of representation of chiefs forms a part, and they are issues which, in the present climate of opinion in Vanuatu, will inevitably be raised as soon as the issue is raised of the representation of chiefs in the Parliament of Vanuatu. In this paper, however, they will not be pursued, tantalising as they are.

**Conclusion**

To conclude, this paper has demonstrated that the formal role of chiefs in the electoral process in Vanuatu, as candidates for election or as formal supporters for candidates, is not great. However, it is likely that their informal role as leaders and advisers of their people is much greater, although this can
not be charted or assessed with any great degree of accuracy, without much more extensive research than was possible in the time available for the preparation of this paper.

It is also clear that it would be possible to allow chiefs to play a more significant role in the Parliament of Vanuatu than they presently do. But an opening of the door to chiefs may well provoke a demand that the door be opened wider to allow greater representation of women, and also may, and perhaps should, lead on to a re-consideration of the whole present electoral system in Vanuatu as a means for ensuring fair, honest and financially economical representation of the people of Vanuatu in the Parliament of Vanuatu.