SUMMARISED RECORD OF PROCEEDINGS

Thursday, 7 August, 1980

The Acting Speaker Hon. Jack T. HOPO

Present 24 Members

Absent Hon. Members

A. ANDENG
J. ANTAS
M. CARLOT
G. CRONSTEADT
E. HARRIS
H. KARAERU
A. MALERE
A. MALIU
C. NAKO
W. NALAN
K. OBED
G.M. PREVOT
T. TUNGU

1. The Acting Speaker opened the Session at 8.30 a.m. and read the Agenda. (ANNEX I)

2. The Deputy Prime Minister and Minister of Home Affairs, Hon. Fred K. TIMAKATA said the prayer.

3. The Acting Speaker ruled that the quorum needed to open a Session was two-thirds of the Members of Parliament as per Chapter 4 Article 19-(4) of the Constitution and this number would be 25. He therefore declared that there was not a quorum present and by the same article he said Parliament will adjourn and meet on Monday, 11 August, 1980 at 8.30 a.m. when only a simple majority of members will be needed to constitute a quorum.

The Parliament adjourned at 9 a.m.

The Acting Speaker

JACK T. HOPO
ANNEXES
AGENDA


SUMMARISED RECORD OF PROCEEDINGS

Monday, 11 August, 1980

The Acting Speaker: Hon. JACK T. HOPA

Present: 24 Members

Absent: Hon Members

A. ANDENG
J. ANTAS
M. CARLOT
G. CRONSTEADT
H. KARAERU
A. MALERE
A. MALIU
C. NAKO
W. NALAN
Minister J. NAUPA
K. OBED
G.M. PREVOT
T. TUNGU

1. The Acting Speaker resumed the Session at 8.40 a.m. by giving the floor to the Prime Minister to give his report on the security situation.

2. Prime Minister said that since Vanuatu had become an Independent state on 30th July, there have been some people who do not yet agree that there is an independent Government. He said there were two different thoughts, firstly that the Government must stand up and everyone here stands with it. The Government must be democratically elected and they must follow the rules that have been agreed on to make the election come true. Secondly, the Government should follow a Federation system and all chiefs should take back their custom authority. He said the problem of law and order was very deep and not easy to solve. Independence means that they must have a democratically elected Government, must have a Public Administration, Civil Service, Police to protect the Constitution and the people, freedom of speech, freedom of choice and freedom of movement. The Constitution gives the people their right of a hope of a good future for everyone, a hope of unity, peace and harmony for the whole country and for this there must be law and order and a common respect for one another. All property must be protected and the life of everyone must be protected. All public institutions and all public property should be respected and protected and public authority must be respected in all villages, all islands and all towns etc. He said that what is happening today is against all wishes of the custom chiefs who have lost control. They must be very careful that law
and order does not break down in Port Vila as it has in Luganville.

He said the people must have a guarantee of freedom of speech, choice and movement. The freedom of choice has finished in Santo where people are living in fear and terror. At Independence the Government takes responsibility to look to the well-being of the whole country and of all people irrespective of race. He said the reason for this session of Parliament is that one small group has taken law and order into their own hands and people are following them through fear. He appealed to people not to take part in stealing and destroying because everyone who makes trouble must go to court for judgment. He said that Britain and France had fallen down on their responsibility to ensure law and order before Independence. The Government has decided he said that the British and French troops must remain in Santo until 19th August to make sure there are no further problems of destruction, theft and the obstruction of Government services. Britain and France do not want their forces to remain but Government believes it right to leave them in Santo while they try to solve the problems. From independence until the present time the two forces have not solved the Santo problem and the reason the Government wants them to remain until 19th August is that if they left now they would be leaving a hole in law and order as the police force is not enough to handle it. The Government had decided before independence to ask all South Pacific Forum countries for help after 30th July if the problem had not been resolved. They had sent a letter on 29th June to all these countries and the answer was that it would take a long time to reach agreement. On 30th June the Government sent a letter to the United Nations asking for a peacekeeping force on independence and the reply was that the position was not clear and was thought that Britain and France should make the request. It could take six months to reach agreement on this and by that time the Government could lose control of the whole country. He said on 17th July the Government told Papua New Guinea that if the British and French forces were held here then it would still be a condominium and not independent so they asked their neighbour for help. The Prime Minister of Papua New Guinea agreed to give help and the reason that he, the Prime Minister, went to Papua New Guinea recently was to sign this agreement. If a hole had been left in law and order then it was possible the Phoenix Foundation and the New Caledonian millionaires etc would come inside and affect their lives as an independent nation. He said there was no guarantee that law and order could be restored in one day, two days or 3 weeks but the Government must put back the services in Santo. Some public servants had already gone back and there should be an oil tanker in Luganville today. He said that the District Commissioner tried to go back yesterday but was prohibited. He said there were many different thoughts in Parliament about using force but the presence of the British and French troops was necessary to protect Government property and provide security for negotiations to continue.

3. The Acting Speaker spoke in support of the Prime Minister.
4. Hon. Member K. VOCOR moved that the report of the Prime Minister be accepted.

5. Hon. Member G. NAMPAS seconded it.

6. Hon. Member VOCOR said that there had not only been damage done to Government property but also to private property in Luganville and in the rural Santo as well and he asked the Prime Minister who will be responsible for paying for all these damages.

7. Prime Minister said that the Government will have to face the cost of restoring Government property. As for the private sector he said the Government had opened a fund to pay the costs of evacuating the people from Santo and of now returning them. Also this fund would help restore damaged property and for those who did not want to return to Santo it would help them re-establish themselves back in their original villages. He hoped that Britain and France would assist also.

8. Minister of Finance, Mr K. KALSAKAU said it must be clear that the Government will not be able to compensate the total losses. The Government will help the people of Santo to be re-established and help with some part of the damages. He said the criteria of compensation will be worked out within the next few weeks and that Britain and France had indicated that they would assist by paying one-third each.

9. Minister of Lands, Mr S. REGENVANU said that damage was done in other islands as well as Santo because of the present political problem and the Government must give consideration to them also.

10. Minister of Primary Industry, Mr T.R. SERU said that the people who have caused the trouble did not belong to this country.

11. There was general discussion then by Messrs TAHI, SIMEON and SANDY concerning the problem and compensation in Santo, Aoba and Malekula.

12. The Acting Speaker adjourned the sitting at 10.05a.m. and resumed at 10.35a.m. with continued discussion on the political situation by Messrs VIRAI, VOCOR and SANDY.

13. Minister REGENVANU said there are many civil servants who have benefitted from the Government but have not been loyal to the Government and have worked against it.

14. Mr SOULEKONE said that before using force they should try to face the realities and find out what the problems are in a Melanesian way of negotiation. He said he is not supporting the people who are making the trouble but he believed that they should investigate the matter further. He said it is not enough just to deport the foreigners who are making trouble because their opinions will be left with Melanesians. He said many people on Pentecost
support a custom Government and when asked what it is meant by custom Government they reply Federal Government and if they are asked what a Federal Government is they will say they do not know but you should go to Santo where they will tell you what it is. He said that the thoughts on custom or federal Government is being expressed by pure Melanesians and not by foreigners so if the foreigners are deported what will happen to the Melanesians who think in this way. He said it is the Ni-Vanuatu people of this Parliament who must try to explain to these people how the Government works. He said that since independence the Government has said they must use force and he agrees but they should also endeavour with negotiation. The Government he said should now explain to the people of Vanuatu what their policy is on decentralisation. He asked why there has not yet been any decentralisation in Santo and Tanna and why have Regional Councils not been established on all islands. He said the people in the islands have been asking these questions and the Government should express their opinions. He said the Government must explain to the people what Federal, Regional and Decentralisation means. If the Government delays in establishing decentralisation they will have to continue with military force and he opposes this.

15. Minister of Home Affairs, Mr F.K. TIMAKATA said that they have never closed the door on negotiation with the rebels but every time the Government has asked them to negotiate the rebels have refused. He said it was not for the Government to organise the Custom Chiefs to negotiate because they would not then be custom but a mission of the Government. He said if the Chiefs organised themselves without Government making arrangements the Government would pay the Chiefs transport expenses. As for decentralisation he said the Assembly before independence had set up a committee to negotiate with the Santo people but the Santo people had refused to negotiate. He asked who were they to give powers to if nobody would talk with them and if powers were to be given out for decentralisation Santo would not be given any preference over any other district but that every district and island would be treated equally.

16. Minister KALSAKAU said there was not a simple solution to the Santo problem as there were two interests in Santo one being an overseas interest and the other the local people interest. The overseas interest was the U.S.A. Phoenix Foundation which was a land developer in Hawaii. These people have been banned from Vanuatu but they are still trying to manipulate the people of Santo. The second group of overseas people are the right wing people of New Caledonia who have isolated the Loyalty Group where they hope to form a new country to include Tanna and Santo. Both these groups have plenty of money and influence. The third group from outside is where the French Government has put confusion into the people of Tanna and Santo by making the people believe that Vanuatu would never have independence and now that independence is here the local people and French halfcastes do not know what the situation is. The first local problem of Santo is the complaint about the election and the second is the situation about the halfcastes. The halfcastes before were flash by telling the
local people they had a citizenship and the locals had nothing but the situation today is reversed and this group is dissatisfied and does not know which way to turn. The third situation on the local side is the argument of decentralisation. All these problems are not able to be solved by custom and he has put these points into this debate on security.

17. Prime Minister said they must stand united against the outside influences and a firm stand against any false promises from foreign Governments. He agreed that custom could not solve the Santo election dispute, the halfcastes problem or decentralisation and this must be the work of this Parliament. If they do not stand united against all these influences then the Constitution is worthless. He said that negotiations will always continue and the forces that are in the country now are to ensure security for both sides. He confirmed that if the chiefs wanted to hold discussions then the Government would pay their expenses but it must be the chiefs who organise the meeting.

18. The Acting Speaker adjourned the sitting at 11.45 a.m. and resumed at 2.55 p.m. by moving to Item 1 on the amended Agenda - Electoral Reform Committee.

19. Mr TAHI read out the following 10 names which were nominated by the Vanuaaku Pati.

- Minister Donald KALPOKAS
- Mr Joe NATUMAN
- Mr Charles GODDEN
- Mr William EDGELL
- Minister Sethy REGENVANU
- Mr Selo MOLISA
- Mr George PAKOA
- Mr Judah VIRA
- Mr Patison KAI
- Mr Barak SOPE

20. Father LEYMANG nominated Mr V. BOULEKONE who he said would represent the three Independent Opposition members Messrs BOULEKONE, CARLOT and LEYMANG.

21. Prime Minister said that there should be ten members nominated by other political parties and suggested that Father LEYMANG give a few more names and the rest could be made up by other political groups.

22. Minister REGENVANU reminded them that the people nominated did not have to be members of Parliament.

23. Father LEYMANG said he understood this and suggested they have more time to consider other names.

24. Mr BOULEKONE said it was not necessary to have another ten members. The Constitution said there must be an Electoral Committee and rather than hold up the work of Parliament he suggested that the Committee did now exist. He said they could have to wait for too long for other parties to nominate members.

25. Minister SERU asked Mr BOULEKONE for more clarification as to what he meant by the committee now exists. He said the Constitution said there must be an equal number from all political parties and as the Vanuaaku Pati had nominated ten (10) then the Opposition should also nominate ten.
26. Minister TIMAKATA said that Father LEYMANG's nomination of only one member to represent the three members was not enough as the three members represented many people who had elected them. He agreed with the Prime Minister that there should be a few more members nominated by the Opposition.

27. Mr BOULEKONE explained he and his two colleagues position in their roll in the Opposition. He said the Government recognised that they three were playing the game in Parliament and were doing their job and they in turn recognised the Government, one President, one State, one Flag etc. He said the Government had problems with those members of the Opposition in Santo and it seemed that the Government wanted to put them into the same bag as those other Opposition members. He asked isn't the Government frightened that if every political group put in 10 members to the Electoral Committee that they would have maybe 100 members from the Opposition and Vanuaaku Pati would only have 10 members. It his opinion there should only be the two groups the majority group and the one Opposition group. He said he puts these thoughts to the Parliament because he was afraid they might find themselves at a dead end.

28. Minister TIMAKATA said that the Assembly in a previous session had ruled that there would be two groups only and they would be the Vanuaaku Pati with 10 members and all other political parties combined with 10 members so there would be equal representation. He said that the other political parties had boycotted the Parliament so they could not really be expected to nominate people to the committee so it was up to the 3 Independent Opposition members to put up more members so that a lot more of the voters who voted for the minority parties could have representation.

29. Mr BOULEKONE said he agreed that they should nominate more members but if they did not nominate 10 members it must be considered that the Electoral Committee does exist. He therefore would give some more names tomorrow.

30. Minister REGENVANU suggested they adjourn the discussion now and give Mr BOULEKONE the time to come up with more nominations.

31. The Acting Speaker agreed that they leave it to the next day when the Opposition would present more names and the committee could be elected. He therefore said they would adjourn the meeting until tomorrow afternoon when he hoped translation of the Forces law would be available.

32. Minister KALSAKAU asked if it were not possible to elect the Speaker of the Parliament today before adjourning. It was not on the Agenda.

33. The Acting Speaker said there would be an amended Agenda tomorrow.
34. Father LEYMANG asked the Minister of Home Affairs if it were not possible to elect more members to a Local Government Committee for Decentralisation as he considered this more important than the Electoral Law Committee.

35. Minister TIMAKATA said his Ministry is studying carefully now the decentralisation. They are putting together all the answers to questionnaires that have been sent out and the discussions of the review committee and he hoped to be able to present a paper next week.

36. Prime Minister said that the election of the Electoral Law Committee and the work of decentralisation go together because they must have an electoral law so as to be able to elect Local Governments so that one is just as important as the other.

The Acting Speaker adjourned the session at 3.30 p.m. until 2 p.m. Tuesday, 12th August, 1980.

The Acting Speaker

JACK T. HOPA
The Acting Speaker: Hon. Member J.T. HOPA
Present: 25 Members
Absent: Hon. Members A. ANDENG
J. ANTAS
G. CRONSTEADT
H. KARAERU
A. MALERE
A. MALIU
C. NAKO
W. NALAN
J. NAUPA
K. OBED
G. M. PREVOT
T. TUNGU

1. The Acting Speaker resumed the session at 2.20 p.m. reading the Agenda (ANNEX I) and with the election of the Electoral Law Committee. After reading the 10 names nominated yesterday by the Vanuaaku Pati he read the following three names that the Opposition had given him as their nomination -

Pakoa Leo CHARLIE - Tongoa
Francois NALPINI - Tanna
Vincent BOULEKONE - Pentecost

2. Minister of Home Affairs, Hon. Member F.K. TIMAKATA moved that the list as read be adopted. (ANNEX II)

3. Minister WOREK seconded it.

4. Mr BOULEKONE said he forgot one more name, that of Louis VATU of Santo making 4 members from the Opposition.

5. Minister of Education, Hon. Member D. KALPOKAS moved that the list as amended be accepted.

6. Hon. Member J. TARITONGA seconded it.

The Acting Speaker put to the vote the amendment to add Louis VATU to the list and it was accepted with 22 votes in favour and 1 abstention.

The Acting Speaker put to the vote the whole list of 14 members to the Electoral Law Committee which was accepted unanimously with 23 votes in favour.
7. The Speaker then moved to Item 3 on the amended Agenda - Bill for the Visiting Forces (Agreement) Act No. 1 of 1980 which he said was the reason for convening this Extraordinary Session.

8. Mr BOULEKONE said they had only today received this Bill and there had been no time to study it. He understood the urgency but suggested that they leave discussion of this Bill until tomorrow so that they would have sufficient time to study it.

9. Minister TIMAKATA said Mr BOULEKONE's comments were justified and agreed that it could be discussed tomorrow.

10. Father LEYMANG said they should suspend Standing Orders in the correct way tomorrow to be able to discuss this Bill.

11. There was general discussion on the adjournment of the debate and the urgency to have it discussed between Ministers WOREK, KALPOKAS and REGENUVANU.

12. Minister KALPOKAS moved they adjourn discussion on this Bill until tomorrow at 2p.m. and carry on this afternoon with other business.

13. Minister TIMAKATA seconded it.

   The Acting Speaker put to the vote the Motion to adjourn the discussion until 2p.m. tomorrow which was accepted unanimously with 25 votes in favour.

14. The Acting Speaker then moved to Item 4 on the Agenda the Election of the Speaker and Deputy Speakers and named Father LEYMANG and Mr Onneyn TAHI as scrutineers for the election.

15. Minister KALSAKAU nominated Mr Maxime CARLOT for Speaker.

16. Minister KALPOKAS seconded it.

17. Minister TIMAKATA moved that nominations be closed.

18. Member J. TARITONGA seconded it.

   Mr Maxime CARLOT was elected as Speaker of Parliament in a secret ballot by 23 votes in favour and 1 void vote. This was accepted with applause.

19. The Hon. Maxime CARLOT took the Chair at 3p.m. and gave a short speech thanking the members for the confidence they had placed in him. He said there were three different opinions of people when accepting a new job, one was ambition, second was a personal interest and the third was to serve the people. He accepted this position to serve the people of Vanuatu. He said he will do his best to fulfill the duties of the Speaker and that this new young country required the full energy of everyone no matter what side they were on and in every aspect of life. He then called for nominations for Deputy Speaker.
20. Minister REGENVANU nominated Pastor Jack Tungon HOPA.

21. Minister KORISA seconded it.

The Speaker put to the vote Pastor Jack T. HOPA as First Deputy Speaker and he was elected in a secret ballot by a unanimous vote of 25 in favour which was accepted with applause.

22. Minister TIMAKATA proposed Mr Norman ROSLYN as Second Deputy Speaker.

23. Mr BOULEKONE seconded it.

The Speaker put to the vote Mr Norman ROSLYN as Second Deputy Speaker and he was elected by secret ballot by a unanimous vote of 25 in favour which was accepted with applause.

24. The Speaker then moved to Item 2 on the Agenda the election of a Standing Orders of Parliament Committee.

25. Minister KALPOKAS asked the Speaker how many members were needed for this Committee and suggested they could come back tomorrow with nominations.

26. The Speaker put it to the House to decide how many were needed.

27. Father LEYMANG proposed 5 members.

28. Prime Minister seconded it.

29. Minister REGENVANU asked is it a total of 5 members or 5 members from each side of the House.

30. Father LEYMANG said it was the total. He was not thinking along party lines but just as members of the Parliament.

31. Minister KALSAKAU proposed that there be 5 members plus a legal draughtsman as an ex-officio member.

32. The Speaker agreed that a legal draughtsman be appointed if the Prime Minister agreed.

33. Prime Minister said it was a very valid point and there would be no question about it.

34. The Speaker said that the members should give to the Clerk the names they wanted to nominate before the session resumed at 2.30p.m.

The Speaker adjourned the session at 3.30p.m.

The Acting Speaker Jack T. HOPA The Speaker Maxime CARLOT
ANNEXES
PARLIAMENT OF THE
REPUBLIC OF VANUATU

REPUBLIC OF VANUATU

EXTRAORDINARY SESSION OF PARLIAMENT

AGENDA FOR DAY 12TH AUGUST 1980

1. Electoral Reform Committee (Article 91 of Constitution)
2. Standing Orders of Parliament Committee
4. Election of Speaker and Deputy Speaker of Parliament
MEMBERS OF THE ELECTORAL LAW COMMITTEE (14)

VINCENT BOULEKONE  SECRETARY
WILLIAM EDGELL  PRESIDENT
CHARLES GODDEN  DEPUTY SECRETARY
PATISON KAI
DONALD KALPOKAS
SELA MOLISA
FRANCOIS NALPINI
JOE NATUMAN
GEORGE PAKOA
CHARLIE PAKOA LAD
SETHY REGENVANU
BARAK SOPE
LOUIS VATU  VICE PRESIDENT
JUDAH VIRA

ANNEX II TO P1/PV/3
12 AUGUST 1980
SUMMARISED RECORD OF PROCEEDINGS

Wednesday, 13 August, 1980

The Speaker - Hon. Maxime CARLOT
Present - 26 Members
Absent - Hon. Members A. ANDENG
G. CRONSTEADT
H. KARAERU
A. MALERE
A. MALIU
C. NAKO
W. NALAN
Minister J. NAUPA
K. OBED
G.M. PREVOT
T. TUNGU

1. The Speaker opened the sitting at 2.20 p.m. and announced that the Clerk would call a meeting of the Electoral Law Committee at the beginning of next week. He then moved to Item 3 on the Agenda - Bill for the Visiting Forces (Agreement) Act 1 of 1980 and said it was necessary to suspend Standing Orders to be able to discuss this paper.

2. Minister KALPOKAS asked what is two-thirds of Parliament now since the day of Independence.

3. The Speaker said that since Independence there were now 37 members of Parliament and two-thirds of this number would be 25. He said there was no precedence to guide them in this case but he believed this is the most sensible way of looking at the present position.

4. Minister WOREK pointed out that Article 31 of the Standing Orders says that "SAVE IN EXCEPTIONAL CIRCUMSTANCES THE RESIDENT COMMISSIONERS AND THE COUNCIL OF MINISTERS SHALL GIVE TO THE CHAIRMAN AT LEAST 30 DAYS' NOTICE OF ANY BUSINESS..." and he asked the Speaker to clarify the meaning of "SAVE IN EXCEPTIONAL CIRCUMSTANCES".

5. The Speaker said it is not clear what "exceptional circumstances" means and this he supposes could be classed as exceptional but he said they had already established a precedence by suspending Standing Orders to be able to discuss Bills which have not been presented within the stipulated time.

6. Minister KALSAKAU said this Bill is exceptional and he proposed that Standing Orders be suspended.
7. There was discussion on the manner of suspending Standing Orders and if proxy votes were now valid.

The Speaker adjourned the sitting for 5 minutes so that they could have informal discussions on these matters.

8. The Speaker asked for 8 members to stand in support of suspending Standing Orders and more than 8 members stood.

The Speaker then put to the vote the suspension of Article 2 of the Standing Orders and it was accepted unanimously with 25 votes in favour.

9. The Speaker then opened debate on the Bill for Visiting Forces. (ANNEX I)

10. Prime Minister said this Bill is very important because if this does not pass it would not be possible to ask the Papua New Guinea forces to provide the same kind of backing which the British and French forces were providing to help the country restore law, order, peace, unity and harmony. Secondly he said that while the Government has the right to negotiate a treaty with any other Government in the world it still needs ratification by Parliament. He said the Treaty negotiated with the Government of Papua New Guinea was signed last Saturday in Port Moresby but by the Constitution only Parliament has the right to allow the Government to use money to help the work of these forces in this country restoring law and order, peace, unity and harmony and that is the reason for convening this Extraordinary Session of Parliament. Thirdly it is very important that the Government of Vanuatu makes sure that there must be a section in the Bill and the Treaty providing that the forces within this country must accept general guidelines from the Government of Vanuatu who will instruct them as to what they are to do through the National Security Council. It is not intended that the forces could enter this country and do what they like. The Government had insisted on this point with the Papua New Guinea Government. The Government had signed an agreement with the British Forces but Britain would not accept that their Commander should receive his guidelines from the National Security Council. This was discussed at large but the British refused to change their attitude and it was decided it was useless to continue arguing over this point because they were only going to remain here until 19th August. So the British forces here are completely independent but in the Treaty with Papua New Guinea and also in Article 2 of the Bill there is agreement that the Papua New Guinea forces Commander will work in collaboration with the National Security Council and accept general guidelines. He said that the situation in Santo is critical and there has been numerous obstacles placed in the way to prevent the Government from restoring their authority there.

13. Mr VOCOR said he wanted to express his support for this Bill. He said there are people in this country who are living a normal life and are quite happy and going about their daily work but there are some areas in the country such as Santo where people
are living in fear and for this reason this Bill is most important. He said also that business in Santo has come to a stand still and with this Bill the people may be able to return to Santo and restore their businesses and lives in the community. He said that Santo is most important to the economy of the country.

14. There was support of the Bill and general discussion on the problems of the present situation and the fear of it spreading further by Messrs ROSLYN, TAHI, BULE and HOPA.

15. Minister KORISA also spoke in support of the Bill and moved that a vote be taken.

16. Messrs NAMPAS and TARITONGA then spoke in support of the Bill.

17. Minister SERU spoke in support and seconded Minister KORISA's motion.

18. Messrs VIRA, LOUHMAN and ANTAS then spoke in support and discussed the present situation.

19. Minister TIMAKATA said there were some amendments to the Bill. In Article 15 on page 7 in subsection 4 after the words "Pay and emoluments received from" take out "their National Governments" and replace with "the Government of Papua New Guinea". Another amendment was in Article 29 page 11 after "Done at" add Port Moresby and add "this 9th day of August". After "For Papua New Guinea" add "J. CHAN" and after "For The Republic of Vanuatu" add "Walter Lini". He then went on to say how pleased he was to hear of the members support for his Bill but at the same time how sad he was that the country had got into the stage where it must use forces. He said if people had of sat down to discuss their problems with the Government and custom leaders there would not have been the need for this Bill. He said the Government had been forced into taking this step. It is the duty of the Government to restore to the people the rights of respect and protection.

20. Prime Minister said that when voting on this Bill it is a first step of ratifying the agreement and support the decision of the Government to bring in Papua New Guinea troops but it is also important to know why the British and French forces are also here from before Independence until now, why have they asked the Papua New Guinea forces and why do they insist that the police must carry out their work to ensure that law and order is restored. Why do they find their way is blocked toward development and why they cannot move as an independent country. It is deeper, as the Minister for Finance had said, because there are some people who have seen that they want to ensure that their custom should arise again but these people have taken custom and twisted it and tricked them so that they can control the people of this country. It is sad, he said, to see the honest Governments of Britain and France, who have tried to help them in every way, had to be asked to send troops before independence and sad now to have to ask for the troops of Papua New Guinea to help solve this problem. He said it was sad that the people right throughout the islands had not been
able to see that these outside people had tried to use this country's custom to trick them and hide them trueselves in the name of custom. He said it has been very easy to point the faults at Britain and France but it has become more and more clear that there are interested groups who are influencing the people. The vote taken on this Bill will be a vote supporting a democratic system in this country and if this is not realized then what is happening in Santo at present will continue to happen throughout the country and the democratic system will be finished in this country and perhaps within 20 years throughout the Pacific also. The people who are behind this secession movement have been planning this for years and it was not realized that while they were quarrelling amongst themselves between political parties these people had been watching to see which country they could enter. The purpose of this Bill is to be able to stop this and control those who come to destruct the life of the people of this country. This Bill will be the tool with which to solve these problems. He assured those people of Santo who in Vanarana and Nagriamel have done nothing wrong that there is no need for them to be afraid of the passing of this Bill. The purpose of this Bill is to restore law, order, peace and harmony in the country.

The Speaker adjourned the sitting at 3.55p.m. and resumed at 4.15p.m.

21. Father LEYMANG said the Government had the right to make agreements with other countries, there are many different sorts of agreements, and the Ministers said these agreements were tools for the Governments and he hoped that the Government would use them in the proper way. When this Bill has been passed the proper way would mean that trouble makers are not only Moderates but there are some in Vanuaku Peti too. He said they should not look at this problem in one way only as he still believed in negotiation and when this Bill is passed they should not abandon negotiations. He did not believe that now they have independence the door was shut forever on negotiations. He asked the Minister of Finance how much money this agreement with Papua New Guine is going to cost Vanuatu Government and if there is expenditure where will the money be taken from, will it come from the running Budget, from Reserves, from Development budget or where? He said they must be very careful that this agreement does not effect the development throughout the islands.

22. Minister KALSAKAU said there would be no direct cost of the military force. The Prime Minister had assured him that the costs as with the British and French forces, would be met by the PNG Government forces. The only costs in the agreement are where they cover exemption from duty for anything the force brings in and this is not actually expenditure but a loss in revenue. The Government of Vanuatu will have to pay water, electricity and any other utility that they use. The Government will be obliged to supply some vehicles and the Government will have to provide any accommodation needed. It is not possible yet to give a true figure of costs. He said that as for where the money will come from there will be a revised budget presented to the House soon which
will include all security costs such as these expenses for the forces, the cost of getting people back to Santo, the restoration of the Government in Santo and damages throughout the country, the cost of putting the Police Mobile Unit in Santo and other islands and the replacement of their used equipment.

23. Mr BOULEKONE said the Opposition members were worried about the application of this Bill as Father LEVMANG had said there has not only been trouble from the Moderates but also from the majority and the Government must look at all injustices against the law no matter who commits it. They must remember the case of Alexis YOLOU as well as the treatment of the police in Santo. The Opposition asks for justice, justice in Tanna and justice in Santo. He said the atmosphere before independence and that after is different. Twenty days nearly had passed and there has been no action by the Assembly or Government in an objective of negotiation, tolerance and compromise. Before independence the Government of National Unity swam in an atmosphere of negotiation, compromise, tolerance and unity and continued even after the elections. He said he was afraid now that there was no more tolerance or negotiations as objectives to try a compromise between all parties.

The Government he said is thinking too much about foreign influences and want to punish these influences and they forget the reaction of the local people. How was the army force to be used? In a democratic way or a totalitarian way? A democratic way would be that all foreigners who have strong influences and lead the country in the wrong direction must be kept out of the country but if the army is used against them the local people would not agree. He said that now parts of Ambrym,Malekula,Tanna, Pentecost, Maewo and Aoba are moving with Vemorana and maybe soon the Banks because the Government is not doing enough in these islands, they are not going to them and explaining their policies. They are not telling them what their position is regarding Federal Government and what would be the fruit of a Federal Government, would it be good or bad. The reactions of the island people is simple. He has just returned from Pentecost where he found the people do not yet understand what is democracy, or what is an elected member or democratic elected Government or even what a party is. He said they believe that the Opposition has the same rights as the majority, the rights to have their Government, their flag and their money. They are still awaiting ships to come and bring them food and bulldozers etc. This is the simple reaction of the people and why they are against the Government is because the Government is not doing enough work. He said the Government has not appeared in the island since independence to explain their real policy or the meaning of one nation, one state, one flag or one Government. There are a lot of people in the Opposition now supporting Santo, they are not supporting the Phoenix Foundation. Pentecost, Ambrym, Malekula or Tanna are not supporting the Phoenix Foundation. These people do not know of the right wing group in New Caledonia, they do not know who is Mr LAFLEUR or Mr PENTECOST etc. and they do not know the political party in New Caledonia. He asked why have they gone against order and police in Santo? Who is responsible now? Who carried the authority now and who should go into the islands to explain everything? He said that
Pentecost had never run out the Government, they do recognise the legal authority but they never see a Government man. He said they may go to North Pentecost or to Bay Homo etc but never have they seen a Minister or Director of Cabinet in Central Pentecost to explain the political situation today. These people he said do not understand why the army is coming because they do not understand what is happening in Santo or the position of the Government. He said he is against this Bill because the Government is not doing its work and especially because they are spending money on this and he does not want the budget to suffer any more whereby next year taxes will have to be raised again to balance the budget. He will support the law because of its interpretation of the army and every nation must have an army but he will not support the Annex.

24. Prime Minister said for information only it is going to cost the Papua New Guinea Government 750,000 kinas. He said if the situation in Santo has not been settled quickly and also in Malekula, Tanna and Ambrym etc the cost of damages and compensation will be impossible to be met. He said the problems cannot be solved by custom or by a Melanesian way because the trouble is not Melanesian. As for negotiation he said that Radio Vemorana every morning broadcasts that they refuse to negotiate. He said they cannot wait any longer because the position will deteriorate further. He said it is his responsibility to guarantee the safety of the people and property. He said the door is not shut on negotiation and if the three Opposition members think that there could be negotiations he would ask that they use their influences to try and get the people of Malekula, Ambrym, Tanna and anywhere else there is trouble to get together with the Government to talk.

25. Mr Roslyn said he did not think that negotiations would be possible. He said there are the private groups inside the trouble who are dominating the position too much and they cannot negotiate with them. He said that he did not agree with Mr BouleKone about the Government not going into the islands as they have only been independent a very short time and have not yet had sufficient time to establish their policy. He said also that he was not happy to hear this morning on Radio Australia the new ambassador's comments about the Government's lists of French people who will be expelled from the country. He said these people had caused trouble and disorder in this country and have no longer the right to remain.

26. Minister Kalsakau said it is a fundamental obligation of the Government to restore law and order in the country and they have no other choice than to ask for outside help. He said there is confusion about trade. There cannot be trade with Santo if there is no law and order. The revenue of the country depends on import and export duties and if there is no law and order on Santo there cannot be any exports because no ship will go there. He said even if they lifted the blockade on Santo there would still be no imports or exports there because the ships will not go there whilst there is no authority. If you export copra or cacao etc
there must be an official stamp on the documents that will be accepted internationally. No country would accept a Vemorana stamp as it is not a recognised country. He said it is the same with the mail because the Post Office is now being run by Vemorana. By international conventions the legal Government of the country is to ensure the delivery of mail and this can only be done by the Government of Vanuatu. He said the re-establishing of communications in Santo had been obstructed so the only way to re-establish them will be by force. If the forces are not sent to Santo then the economy will deteriorate. He said there is waiting for export in Santo 3,000 tons of copra, 1,000 tons of fish, the Abattoir is full and there is 10,000 tons of meat but none of these can be exported until the lawful authorities have been restored. He said the Banks in Santo had closed and Barclays have said they will not re-open until security is guaranteed. Even Vemorana cannot do any banking and because of this they have damaged the Barclays Bank Manager's home. He said Santo has run short of oil but the tanker captain will not go to Santo unless he has military protection, not police but military protection. So it must be seen that this piece of legislation must be passed.

27. Mr Sandy said they have only been talking about the Papua New Guinea forces but he believes the Bill also refers to the British as well. He said if there was one force only there would be no compromise but if they have Papua New Guinea and British together that will be better.

28. The Speaker said that the Bill before the House was a request to Parliament to approve the agreement Government had made to have an army come and take the place of the two forces which have been here. He said that the opinions expressed by both sides of the House have been very important and has made it clear to the people. He said there can be no question about law and order as even in their custom at the village level there is no man who wants trouble. Law and order in the country means that everyone, no matter what his politics are, the Government must defend him. He said he as a Member of Parliament wants to see law and order in this country and this is the position of every man whether he is in Opposition or Government. He agrees that it is necessary for an army to come to help the police restore law and order. All trouble makers must go to court and this is straightforward thinking by all men no matter what side of the House they are on. He said there has been some worry that has been expressed that there should not be use of this power of force to make satisfaction on a political side. He said it is not a matter of just arresting the leaders of the trouble but every man who has disturbed the living of another or the services of the Government he must go to court for judgement but he said the political conviction of man should be left for negotiations as this has nothing to do with law and order. He said it is not right for the minority to use force to force his political conviction and at the same time it is not right for the majority to rule and destroy the minority to enforce law and order. Law and order he said is for everyone
and is against the trouble makers and he believes everyone must protect law and order in every country. He said he believed it may not be long before they have to bring law and order to the problems of land so that the owners of land will be protected. He said he is supporting this Bill because he believes in law and order and there cannot be any question about this that every man should live freely irrespective of his political convictions, his family life, his work and the life of the country. He will vote for this Bill on these principles only.

29. Prime Minister said he just wanted to clear the last part of the paper which was simply a letter from the Vanuatu Government to the British High Commissioner regarding the British forces and was included here for information only. He said there was no agreement with the French Government as the French Government said there was no need for it.

The Speaker put to the vote the Bill for the Visiting Forces (Agreements) Act No.1 of 1980 and it was accepted unanimously with 26 votes in favour.

The Speaker put to the vote the Schedule to the Bill which was accepted with 24 votes in favour and 2 abstentions.

30. The Speaker reminded the members to give to the Clerk tomorrow the nominations for the Standing Orders of Parliament Committee.

31. Minister KALPOKAS said they had forgotten to set up a committee to review Members' Allowances.

32. Minister TIMAKATA said that it had been decided in the last session that the Speaker and the Prime Minister would appoint a committee to review the Members Allowances. He also said that the papers on decentralisation were complete and that he hoped on Friday next to be able to make a report on decentralisation and the Government's policy and he wondered if the session would be adjourned until Monday to study this point.

33. The Speaker said that he will inform the House at the next session of who he and the Prime Minister had nominated for the Allowances Committee and as for decentralisation he thought it better that the Government give a report to the people on its policy and that the papers be prepared and sent to all the members for study and a debate and a decision be made at the next Parliament session because this is a very important matter. He said if Parliament agrees they should close the session now and members go home and have time to receive the papers on decentralisation and prepare their debates.

The Speaker called on Father LEYMANG to say the closing prayer.
The Speaker closed the session at 5.35p.m.

The Speaker

Maxime CARLOT
ANNEXES
REPUBLIC OF VANUATU

BILL FOR THE VISITING FORCES
(AGREEMENTS) ACT NO. 1 OF 1980

Arrangement of Sections

1. Visiting Forces Agreements to have force of law.
2. When Agreements cease to have force of law.
3. Extensions of agreements.
4. Additions of agreements to Schedule.
5. Commencement.
Be it enacted by the President and Parliament as follows:-

**Visiting Forces Agreements to have force of law.**

1. The agreements contained in the Schedule are hereby ratified and shall have the force of law in Vanuatu from the dates specified therein.

**When Agreements cease to have force of law.**

2. The agreements in the Schedule shall cease to have the force of law when they cease to have effect in accordance with their provisions.

**Extensions of Agreements.**

3. (1) Notwithstanding the provisions of Section 2 the Government may by agreement with the other High contracting Party extend an agreement contained in the Schedule for such period as may be agreed and Section 1 shall apply thereto.

   (2) If an agreement is extended in accordance with subsection (1) it shall cease to have effect unless a report of the extension is laid before Parliament within 15 days.

   (3) If a report is laid before Parliament in accordance with subsection (2) the extension shall be deemed approved unless Parliament signifies disapproval within 15 days of the report being laid before it.

   (4) If Parliament signifies its disapproval of an extension of an agreement in accordance with subsection (3) the extension shall cease to have effect on the day after such refusal.

**Additions of agreements to Schedule.**

4. (1) The President may by order add more Parts to the Schedule and the agreements with other Governments contained in those Parts shall have the force of law from the dates stated in such orders.

   (2) Orders made in accordance with subsection (1) shall cease to have effect unless laid before Parliament within 15 days.
(3) Parliament may revoke an order laid before it in accordance with subsection (2) within 15 days of the order being laid before it. Such revocation shall be effective from the day after it is made by Parliament.

Commencement. 5. This Act shall come into operation on the day of assent by the President.

SCHEDULE

PART 1


PAPUA NEW GUINEA AND VANUATU;

RECOGNISING THE NEED FOR CO-OPERATION BETWEEN COUNTRIES IN THE SOUTH PACIFIC;

ACKNOWLEDGING THE INDEPENDENCE OF VANUATU ON 30 JULY 1980 AND THE IMPORTANCE OF PRESERVING THE SOVEREIGN STATUS OF VANUATU;

ACCEPTING THE REQUEST OF THE GOVERNMENT OF VANUATU TO PAPUA NEW GUINEA FOR PAPUA NEW GUINEA TO ASSIST WITH THE MAINTENANCE OF LAW AND ORDER IN VANUATU BY THE PROVISION OF MILITARY PERSONNEL

AND DESIRING TO MAKE ARRANGEMENTS FOR THE STATUS OF SUCH PERSONNEL WHILE IN VANUATU

HAVE AGREED AS FOLLOWS:
ARTICLE 1

DEFINITIONS

(A) "ELEMENTS OF THE PAPUA NEW GUINEA DEFENCE FORCE" (HEREINAFTER REFERRED TO AS "THE FORCE") MEANS MEMBERS OR UNITS OF THE PAPUA NEW GUINEA DEFENCE FORCE INCLUDING CIVILIANS PERSONNEL ATTACHED TO THAT FORCE, IN THE TERRITORY OF VANUATU IN CONNECTION WITH ACTIVITIES AGREED BETWEEN THE PARTIES HERETO.

(B) "THE COMMANDER" MEANS THE FIELD COMMANDER OF THE FORCE AND OTHER AUTHORITIES OF THE FORCE DESIGNATED BY HIM.

(C) "VANUATU AUTHORITIES" INCLUDES ALL NATIONAL AND LOCAL, CIVIL AND MILITARY AUTHORITIES CALLED UPON TO PERFORM FUNCTIONS UNDER THE PROVISIONS OF THE AGREEMENT.

(D) "VANUATU CITIZEN" INCLUDES A PERSON OF VANUATU CITIZENSHIP AND A PERSON RESIDENT OR PRESENT IN THE TERRITORY OF VANUATU OTHER THAN ONE ASSOCIATED WITH THE FORCE.

(E) "AREA OF OPERATIONS" INCLUDES ALL AREAS THROUGHOUT THE TERRITORY OF THE REPUBLIC OF VANUATU (HEREINAFTER REFERRED TO AS "VANUATU") WHERE THE FORCE IS DEPLOYED IN THE PERFORMANCE OF ITS FUNCTIONS, MILITARY INSTALLATIONS OR OTHER PREMISES AND LINES OF COMMUNICATION AND SUPPLY UTILISED BY THE FORCE.

ARTICLE 2

AUTHORITY AND COMMAND OF THE FORCE

MEMBERS OF THE FORCE SHALL RESPECT THE LAWS AND ORDERS OF VANUATU AND SHALL REFRAIN FROM ANY ACTIVITY OF A POLITICAL CHARACTER IN VANUATU AND FROM ANY ACTION INCOMPATIBLE WITH THE NATURE OF THEIR DUTIES OR INCONSISTENT WITH THE SPIRIT OF THE PRESENT AGREEMENT. THE COMMANDER SHALL TAKE ALL APPROPRIATE MEASURES TO ENSURE THE OBSERVANCE OF THESE OBLIGATIONS.

ARTICLE 4
ENTRY AND EXIT: IDENTIFICATION

1. MEMBERS OF THE FORCE SHALL BE EXEMPT FROM PASSPORT AND VISA LAWS AND ORDERS AND IMMIGRATION INSPECTION AND RESTRICTIONS ON ENTERING OR DEPARTING FROM VANUATU TERRITORY. THEY SHALL ALSO BE EXEMPT FROM ANY LAWS AND ORDERS GOVERNING THE RESIDENCE OF ALIENS IN VANUATU, INCLUDING REGISTRATION, BUT SHALL NOT BE CONSIDERED AS ACQUIRING ANY RIGHT TO PERMANENT RESIDENCE OR DOMICILE IN THE TERRITORY OF VANUATU. FOR THE PURPOSE OF SUCH ENTRY OR DEPARTURE MEMBERS OF THE FORCE WILL BE REQUIRED TO HAVE ONLY (A) AN INDIVIDUAL OR COLLECTIVE MOVEMENT ORDER ISSUED BY THE COMMANDER OF THE PAPUA NEW GUINEA DEFENCE FORCE OR COMMANDER AND (B) A PERSONAL IDENTITY CARD ISSUED BY THE PAPUA NEW GUINEA DEFENCE FORCE.

2. MEMBERS OF THE FORCE MAY BE REQUIRED TO PRESENT BUT NOT TO SURRENDER THEIR PERSONAL IDENTITY CARDS UPON DEMAND OF AN APPROPRIATE VANUATU AUTHORITY. EXCEPT AS PROVIDED IN PARAGRAPH 1 OF THIS ARTICLE THE IDENTITY CARD WILL BE THE ONLY DOCUMENT REQUIRED FOR A MEMBER OF THE FORCE.

ARTICLE 5

JURISDICTION

The following arrangements respecting Criminal and Civil Jurisdiction are made having regard to the special functions of the force and not for the personal benefit of the members of the force.

ARTICLE 6

CRIMINAL JURISDICTION

Members of the force shall be subject to the exclusive jurisdiction of Papua New Guinea in respect of any Criminal offences which may be committed by them in Vanuatu.

ARTICLE 7

CIVIL JURISDICTION

1. Members of the force shall not be subject to the Civil Jurisdiction of Vanuatu courts or to other legal process in any matter relating to their official duties.

2. In those cases where Civil Jurisdiction is exercised by Vanuatu courts with respect to members of the force, the Vanuatu courts and authorities shall grant members of the force sufficient opportunity to safeguard their rights. If the Commander certifies that a member of the force is unable because of official duties or authorized absence to protect his interests in a civil proceeding in which he is a participant, the Vanuatu court or authority shall at his request suspend the proceeding until the elimination of the disability, but for not more than ninety days. Property of a member of the force which is certified by the Commander to be needed by him for the fulfilment of his official duties shall be free from seizure for the satisfaction of a judgement, decision or order together with other property not subject thereto under Vanuatu law. The personal liberty of a member of the force shall not be restricted by a Vanuatu court or authority in a civil proceeding, whether to enforce a judgement, decision or order, to compel an oath of disclosure, or for any other reason.

ARTICLE 8

NOTIFICATION: CERTIFICATION

If any civil proceeding is instituted against a member of the force before any Vanuatu court having jurisdiction,
NOTIFICATION SHALL BE GIVEN TO THE COMMANDER. THE COMMANDER SHALL CERTIFY TO THE COURT WHETHER OR NOT THE PROCEEDING IS RELATED TO THE OFFICIAL DUTIES OF SUCH MEMBER.

ARTICLE 2

MILITARY POLICE: ARREST; TRANSFER OF CUSTODY AND MUTUAL ASSISTANCE

1. THE COMMANDER SHALL TAKE ALL APPROPRIATE MEASURES TO ENSURE MAINTENANCE OF DISCIPLINE AND GOOD ORDER AMONG MEMBERS OF THE FORCE. TO THIS END MILITARY POLICE DESIGNATED BY THE COMMANDER SHALL POLICE THE PREMISES REFERRED TO IN ARTICLE 10 OF THIS AGREEMENT AND SUCH AREAS WHERE THE FORCE IS DEPLOYED IN THE PERFORMANCE OF ITS FUNCTIONS. ELSEWHERE SUCH MILITARY POLICE SHALL BE EMPLOYED ONLY SUBJECT TO ARRANGEMENTS WITH THE VANUATU AUTHORITIES AND IN LIAISON WITH THEM AND IN SO FAR AS SUCH EMPLOYMENT IS NECESSARY TO MAINTAIN DISCIPLINE AND ORDER AMONG MEMBERS OF THE FORCE. FOR THE PURPOSE OF THIS PARAGRAPH THE MILITARY POLICE OF THE FORCE SHALL HAVE THE POWER OF ARREST OVER MEMBERS OF THE FORCE.

2. MILITARY POLICE OF THE FORCE MAY TAKE INTO CUSTODY ANY PERSON ON THE PREMISES REFERRED TO IN ARTICLE 10 WHO IS SUBJECT TO VANUATU CRIMINAL JURISDICTION, WITHOUT SUBJECTING HIM TO THE ORDINARY ROUTINE OF ARREST, IN ORDER IMMEDIATELY TO DELIVER HIM TO THE NEAREST APPROPRIATE VANUATU AUTHORITIES: (A) WHEN SO REQUESTED BY THE VANUATU AUTHORITIES; OR (B) FOR THE PURPOSE OF DEALING WITH ANY OFFENCE OR DISTURBANCE ON THE PREMISES.

3. THE VANUATU AUTHORITIES MAY TAKE INTO CUSTODY A MEMBER OF THE FORCE, WITHOUT SUBJECTING HIM TO THE ORDINARY ROUTINE OF ARREST IN ORDER IMMEDIATELY TO DELIVER HIM, TOGETHER WITH ANY WEAPONS OR ITEMS SEIZED, TO THE NEAREST APPROPRIATE AUTHORITIES OF THE FORCE: (A) WHEN SO REQUESTED BY THE COMMANDER; OR (B) IN CASES IN WHICH THE MILITARY POLICE OF THE FORCE ARE UNABLE TO ACT WITH THE NECESSARY PROMPTNESS WHEN A MEMBER OF THE FORCE IS ARRESTED IN THE COMMISSION OR ATTEMPTED COMMISSION OF A CRIMINAL OFFENCE THAT RESULTS OR MIGHT RESULT IN SERIOUS INJURY TO PERSONS OR PROPERTY, OR SERIOUS IMPAIRMENT OF OTHER LEGALLY PROTECTED RIGHTS.

4. WHEN A PERSON IS TAKEN INTO CUSTODY UNDER (B) OF PARAGRAPHS 2 AND 3, THE COMMANDER OR VANUATU AUTHORITIES, AS THE CASE MAY BE, MAY MAKE A PRELIMINARY INTERROGATION BUT MAY NOT DELAY THE TRANSFER OF CUSTODY. FOLLOWING THE TRANSFER OF CUSTODY THE PERSONS CONCERNED SHALL BE MADE AVAILABLE UPON REQUEST FOR FURTHER INTERROGATION.
5. THE COMMANDER AND THE VANUATU AUTHORITIES SHALL ASSIST EACH OTHER IN THE CARRYING OUT OF ALL NECESSARY INVESTIGATIONS INTO OFFENCES IN RESPECT OF WHICH EITHER OR BOTH HAVE AN INTEREST, IN THE PRODUCTION OF WITNESSES, AND IN THE COLLECTION AND PRODUCTION OF EVIDENCE, INCLUDING THE SEIZURE OF AND, IN PROPER CASES, THE HANDING OVER OF THINGS CONNECTED WITH AN OFFENCE. THE HANDING OVER OF ANY SUCH THINGS MAY BE MADE SUBJECT TO THEIR RETURN WITHIN THE TIME SPECIFIED BY THE AUTHORITY DELIVERING THEM. EACH SHALL NOTIFY THE OTHER OF THE DISPOSITION OF ANY CASE IN THE OUTCOME OF WHICH THE OTHER MAY HAVE AN INTEREST OR IN WHICH THERE HAS BEEN A TRANSFER OF CUSTODY UNDER THE PROVISIONS OF PARAGRAPHS 2 AND 3 OF THESE ARRANGEMENTS. THE GOVERNMENT OF VANUATU WILL ENSURE THE PROSECUTION OF PERSONS SUBJECT TO ITS CRIMINAL JURISDICTION WHO ARE ACCUSED OF ACTS IN RELATION TO THE FORCE OR ITS MEMBERS WHICH, IF COMMITTED IN RELATION TO THE VANUATU FORCES OR THEIR MEMBERS, WOULD HAVE RENDERED THEM LIABLE TO PROSECUTION. THE AUTHORITIES OF THE FORCE WILL TAKE THE MEASURES WITHIN THEIR POWER WITH RESPECT TO CRIMES OR OFFENCES COMMITTED AGAINST VANUATU CITIZENS BY MEMBERS OF THE FORCE.

ARTICLE 10

PREMISES OF THE FORCE

THE VANUATU GOVERNMENT SHALL PROVIDE, IN AGREEMENT WITH THE COMMANDER, SUCH AREAS FOR HEADQUARTERS, CAMPS, TRAINING AREAS, OR OTHER PREMISES AS MAY BE NECESSARY FOR THE ACCOMMODATION AND THE FULFILMENT OF FUNCTIONS OF THE FORCE. WITHOUT PREJUDICE TO THE FACT THAT ALL SUCH PREMISES REMAIN VANUATU TERRITORY, THEY SHALL BE INVOLUNTARY AND SUBJECT TO THE EXCLUSIVE CONTROL AND AUTHORITY OF THE COMMANDER, WHO ALONE MAY CONSENT TO THE ENTRY OF OFFICIALS TO PERFORM DUTIES ON SUCH PREMISES.

ARTICLE 11

Fa'iu'a New Guinea Flag

THE VANUATU GOVERNMENT RECOGNIZES THE RIGHT OF THE FORCE TO DISPLAY WITHIN VANUATU TERRITORY THE Fa'iu'a New Guinea Flag ON ITS HEADQUARTERS, CAMPS, TRAINING AREAS, POSTS OR OTHER PREMISES, VEHICLES, VESSELS AND OTHERWISE AS DECIDED BY THE COMMANDER. OTHER FLAGS OR PENNANTS MAY BE DISPLAYED ONLY IN EXCEPTIONAL CASES AND IN ACCORDANCE WITH CONDITIONS PRESCRIBED BY THE COMMANDER. SYMPATHETIC CONSIDERATION WILL BE GIVEN TO OBSERVATIONS OR REQUESTS OF THE VANUATU AUTHORITIES CONCERNING THIS LAST-MENTIONED MATTER.
MEMBERS OF THE FORCE SHALL NORMALLY WEAR THE UNIFORM prescribed by the Commander. The conditions on which the wearing of civilian dress is authorized shall be notified by the Commander to the Vanuatu authorities and sympathetic consideration will be given to observations or requests of the Vanuatu authorities concerning this matter. Service Vehicles, Vessels and Aircraft shall carry a distinctive Papua New Guinea Identification Mark and Licence which shall be notified by the Commander to the Vanuatu authorities. Such Vehicles, Vessels and Aircraft shall not be subject to registration and licensing under the laws and orders of Vanuatu. Vanuatu authorities shall accept as valid, without a test or fee, a permit or licence for the operation of Service Vehicles, Vessels and Aircraft issued by the Commander.

ARTICLE 13

ARMS

MEMBERS OF THE FORCE MAY POSSESS AND CARRY ARMS IN ACCORDANCE WITH THEIR ORDERS.

ARTICLE 14

PRIVILEGES OF THE FORCE

The Force shall have the right to import free of duty equipment for the Force and provisions, supplies and other goods for the exclusive use of members of the Force, excluding locally employed personnel, and the right to establish, maintain and operate at headquarters, camps, training areas and posts, service institutes providing amenities for the Force. The amenities that may be provided by service institutes shall be goods of a consumable nature (tobacco and tobacco products, beer etc), and other customary articles of small value. To the end that duty-free importation of the Force may be effected with the least possible delay, having regard to the interests of the government of Vanuatu, a mutually satisfactory procedure, including documentation, shall be arranged between the appropriate authorities of the Force and the Vanuatu Customs Authorities. The Commander shall take all necessary measures to prevent any abuse of the exemption and to prevent the sale or resale of such goods to persons other than those aforesaid. Sympathetic consideration shall be given by the Commander to observations...
OR REQUESTS OF THE VANUATU AUTHORITIES CONCERNING THE OPERATION OF SERVICE INSTITUTES.

ARTICLE 15

MEMBERS OF THE FORCE; TAXATION CUSTOMS AND FISCAL LAWS AND ORDERS

1. MEMBERS OF THE FORCE SHALL BE EXEMPT FROM TAXATION ON THE PAY AND EMOLUMENTS RECEIVED FROM THE PAPUA NEW GUINEA GOVERNMENT. THEY SHALL ALSO BE EXEMPT FROM ALL OTHER DIRECT TAXES, FEES AND CHARGES.

2. MEMBERS OF THE FORCE SHALL HAVE THE RIGHT TO IMPORT FREE OF DUTY THEIR PERSONAL EFFECTS IN CONNEXION WITH THEIR FIRST ARRIVAL IN VANUATU. THEY SHALL BE SUBJECT TO THE VANUATU LAWS AND ORDERS GOVERNING CUSTOMS AND FOREIGN EXCHANGE WITH RESPECT TO PERSONAL PROPERTY NOT REQUIRED BY THEM BY REASON OF THEIR PRESENCE IN VANUATU WITH THE FORCE. SPECIAL FACILITIES FOR ENTRY OR EXIST SHALL BE GRANTED BY THE VANUATU IMMIGRATION, CUSTOMS AND FISCAL AUTHORITIES TO REGULARLY CONSTITUTED UNITS OF THE FORCE PROVIDED THAT THE AUTHORITIES CONCERNED HAVE BEEN DULY NOTIFIED SUFFICIENTLY IN ADVANCE. MEMBERS OF THE FORCE ON DEPARTURE FROM VANUATU MAY, NOTWITHSTANDING ANY FOREIGN EXCHANGE REGULATIONS, TAKE WITH THEM SUCH FUNDS AS THE APPROPRIATE PAY OFFICER OF THE FORCE CERTIFIES WERE RECEIVED IN PAY AND EMOLUMENTS FROM PAPUA NEW GUINEA AND ARE A REASONABLE RESIDUE THEREOF.

3. THE COMMANDER WILL CO-OPERATE WITH CUSTOMS AND FISCAL AUTHORITIES OF VANUATU AND WILL RENDER ALL ASSISTANCE WITHIN HIS POWER IN ENSURING THE OBSERVANCE OF THE CUSTOMS AND FISCAL LAWS AND ORDERS OF VANUATU BY THE MEMBERS OF THE FORCE IN ACCORDANCE WITH THESE OR ANY RELEVANT SUPPLEMENTAL ARRANGEMENTS.

ARTICLE 16

COMMUNICATIONS AND POSTAL SERVICES

1. THE COMMANDER SHALL HAVE AUTHORITY TO INSTALL AND OPERATE A RADIO SENDING AND RECEIVING STATION OR STATIONS TO CONNECT WITH PAPUA NEW GUINEA. THE RIGHT OF THE COMMANDER IS LIKEWISE RECOGNIZED TO ENJOY THE PRIORITY OF GOVERNMENT TELEGRAMS AND TELEPHONE CALLS.

2. THE FORCE SHALL ENJOY, WITHIN ITS AREA OF OPERATIONS, THE RIGHT OF UNRESTRICTED COMMUNICATION BY RADIO, TELEPHONE, TELEGRAPH OR ANY OTHER MEANS, AND OF ESTABLISHING THE NECESSARY FACILITIES FOR MAINTAINING SUCH COMMUNICATIONS.


ARTICLE 17
FREEDOM OF MOVEMENT

THE FORCE AND ITS MEMBERS TOGETHER WITH ITS SERVICE VEHICLES, VESSELS, AIRCRAFT AND EQUIPMENT SHALL ENJOY FREEDOM OF MOVEMENT THROUGHOUT VANUATU. WHEREVER POSSIBLE THE COMMANDER WILL CONSULT WITH THE GOVERNMENT OF VANUATU WITH RESPECT TO LARGE MOVEMENTS OF PERSONNEL, STORES OR VEHICLES ON ROADS USED FOR GENERAL TRAFFIC. THE GOVERNMENT OF VANUATU WILL SUPPLY THE FORCE WITH MAPS AND OTHER INFORMATION INCLUDING LOCATIONS OF DANGERS AND IMPEDIMENTS, WHICH MAY BE USEFUL IN FACILITATING ITS MOVEMENTS.

ARTICLE 18
USE OF ROADS, WATERWAYS, PORT FACILITIES AND AIRFIELDS

THE FORCE SHALL HAVE THE RIGHT TO THE USE OF ROADS, BRIDGES, CANALS AND OTHER WATERS, PORT FACILITIES AND AIRFIELDS WITHOUT THE PAYMENT OF DUES, TOLLS OR CHARGES EITHER BY WAY OF REGISTRATION OR OTHERWISE, THROUGHOUT VANUATU.
ARTICLE 19
WATER, ELECTRICITY AND OTHER PUBLIC UTILITIES

The Force shall have the right to the use of water, electricity and other public utilities free of charge. The Vanuatu authorities will, upon the request of the Commander, assist the Force in obtaining water, electricity and other utilities required, and in the case of interruption or threatened interruption of service, will give the same priority to the needs of the Force as to essential Government services. The Force shall have the right where necessary to generate, within the premises of the Force either on land or water, electricity for the use of the Force, and to transmit and distribute such electricity as required by the Force.

ARTICLE 20
VANUATU CURRENCY

The Government of Vanuatu will, if requested by the Commander, make available to the Force, against reimbursement in a mutually acceptable currency, Vanuatu currency required for the use of the Force, at the rate of exchange most favorable to the Force that is officially recognized by the Government of Vanuatu.

ARTICLE 21
PROVISIONS, SUPPLIES AND SERVICES

The Vanuatu authorities will, upon the request of the Commander, assist the Force in obtaining equipment, provisions, supplies and other goods and services required from local sources for its subsistence and operation. Sympathetic consideration will be given by the Commander in purchase on the local market to requests or observations of Vanuatu authorities in order to avoid any adverse effect on the local economy. Members of the Force may purchase locally goods necessary for their own consumption, and such services as they need, under conditions not less favorable than for Vanuatu citizens. If members of the Force should require medical or dental facilities beyond those available within the Force, the appropriate authorities will provide such facilities. The Commander and the appropriate local authorities will co-operate with respect to sanitary services. The Commander and the Vanuatu authorities shall extend to each other the fullest co-operation in matters concerning health, particularly with respect to the control of...
COMMUNICABLE DISEASES IN ACCORDANCE WITH INTERNATIONAL CONVENTIONS; SUCH CO-OPERATION SHALL EXTEND TO THE EXCHANGE OF RELEVANT INFORMATION AND STATISTICS.

ARTICLE 22

LOCALLY EMPLOYED PERSONNEL

THE FORCE MAY EMPLOY LOCALLY SUCH PERSONNEL AS REQUIRED. THE TERMS AND CONDITIONS OF EMPLOYMENT FOR LOCALLY EMPLOYED PERSONNEL SHALL BE PRESCRIBED BY THE COMMANDER AND SHALL GENERALLY, TO THE EXTENT PRACTICABLE, FOLLOW THE PRACTICE PREVAILING IN THE LOCALITY.

ARTICLE 23

LIAISON

THE COMMANDER AND THE VANUATU AUTHORITIES SHALL TAKE APPROPRIATE MEASURES TO ENSURE CLOSE AND RECIPROCAL LIAISON.

ARTICLE 24

DECEASED MEMBERS; DISPOSITION OF PERSONAL PROPERTY

THE COMMANDER SHALL HAVE THE RIGHT TO TAKE AND RETAIN IMMEDIATE CHARGE OF AND DISPOSE OF THE BODY OF A MEMBER OF THE FORCE WHO DIES IN VANUATU TERRITORY, AND MAY DISPOSE OF HIS PERSONAL PROPERTY AFTER THE DEBTS OF THE DECEASED PERSON INCURRED IN VANUATU TERRITORY AND OWING TO VANUATU CITIZENS HAVE BEEN SETTLED.

ARTICLE 25

CLAIMS

MEMBERS OF THE FORCE AND THE PAPUA NEW GUINEA GOVERNMENT WILL BE INDEMNIFIED BY THE GOVERNMENT OF VANUATU IN RESPECT OF ALL SUMS PAYABLE BY THE GOVERNMENT OF PAPUA NEW GUINEA OR MEMBERS OF THE FORCE RESULTING FROM THE IMPOSITION OR AWARD OF FINES COSTS OR DAMAGES IN CIVIL PROCEEDINGS ARISING OUT OF ACTS OR OMISSIONS OCCURRING DURING THE PERFORMANCE OF OFFICIAL DUTY.
ARTICLE 26
SUPPLEMENTAL ARRANGEMENTS

SUPPLEMENTAL DETAILS FOR THE CARRYING OUT OF THIS AGREEMENT SHALL BE MADE AS REQUIRED BETWEEN THE GOVERNMENT OF PAPUA NEW GUINEA AND THE GOVERNMENT OF VANUATU.

ARTICLE 27
CONSULTATIONS

ANY MATTER ARISING UNDER THIS AGREEMENT WITH RESPECT TO ITS INTERPRETATION, APPLICATION OR IMPLEMENTATION SHALL BE SETTLED BY CONSULTATION OR NEGOTIATION BETWEEN THE TWO GOVERNMENTS.

ARTICLE 28
VARIATION AND SUSPENSION

THE GOVERNMENTS MAY AGREE AT THE INSTANCE OF EITHER GOVERNMENT TO A VARIATION OR SUSPENSION, ON REASONABLE NOTICE, OF THIS AGREEMENT OR A PART OR PARTS THEREOF.

ARTICLE 29
ENTRY INTO FORCE AND DURATION

THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF EXCHANGE OF INSTRUMENTS OF RATIFICATION AND SHALL REMAIN IN FORCE FOR A PERIOD OF 180 DAYS FROM THAT DATE UNLESS EXTENDED BY PRIOR AGREEMENT.

IN WITNESS WHEREOF THE UNDERSIGNED ACTING WITH DUE AUTHORITY HAVE SIGNED THIS AGREEMENT.

DONE AT PORT MORESBY IN TWO ORIGINALS, IN THE ENGLISH LANGUAGE THIS 9TH DAY OF AUGUST, ONE THOUSAND NINE HUNDRED AND EIGHTY.

FOR PAPUA NEW GUINEA

FOR THE REPUBLIC OF VANUATU

J. CHAN

W.H. LINI
BRITISH
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IN
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OF
LAW
AND
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AND
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AUTHORITY
OF
THE
GOVERNMENT
OF
VANUATU.

(3)
NOTWITHSTANDING
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PROVISIONS
OF
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OTHER
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IN
FORCE
IN
VANUATU
THE
UNITED
KINGDOM
SERVICE
AUTHORITIES
WILL
HAVE
AND
MAY
EXERCISE
JURISDICTION
IN
VANUATU
IN
RESPECT
OF
THE
MEMBERS
OF
THE
BRITISH
ARMED
FORCES
IN
ACCORDANCE
WITH
THE
UNITED
KINGDOM
SERVICE
DISCIPLINE
ACTS.

(4)  (A)
NO
CRIMINAL
PROCEEDINGS
WILL
BE
PROSECUTED
BEFORE
ANY
COURT
OF
VANUATU
AGAINST
A
MEMBER
OF
THE
BRITISH
ARMED
FORCES.

(B)
NO
CIVIL
PROCEEDINGS
WILL
BE
ENTERTAINED
BY
ANY
COURT
OF
VANUATU
WITH
RESPECT
TO
ANY
ACT
OR
OMISSION
OF
A
MEMBER
OF
THE
BRITISH
ARMED
FORCES.

(5)
The
provisions
at
paragraphs
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and
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above
will
not
affect
any
power
of
arrest,
search,
seizure
or
custody
exercisable
under
the
law
of
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with
respect
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under
any
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provisions
of
the
UNITED
KINGDOM
SERVICE
DISCIPLINE
ACTS.
AS A PERSON SUSPECTED OF BEING A DESERTER OR ABSENT WITHOUT LEAVE, BUT ANY PERSON SO ARRESTED OR HELD WILL BE HANDLED OVER TO THE UNITED KINGDOM SERVICE AUTHORITIES WITHOUT DELAY.

(6) ANY CORONER HAVING JURISDICTION IN VANUATU TO HOLD AN INQUEST WILL NOT HOLD AN INQUEST INTO A DEATH OF A MEMBER OF THE BRITISH ARMED FORCES.

(7) NO DUTY (WITHIN THE MEANING AScribed TO THAT EXPRESSION IN THE RELEVANT CUSTOMS AND EXCISE ACT OF VANUATU) WILL BE PAYABLE ON GOODS IMPORTED INTO VANUATU, OR ACQUIRED FROM STOCKS IN BOND, FOR THE USE OF THE BRITISH ARMED FORCES AND WHERE ANY GOODS ARE ACQUIRED FROM DUTY-PAID STOCKS IN VANUATU FOR THE USE OF THE BRITISH ARMED FORCES ANY SUCH DUTY WILL BE REFUNDED TO THE UNITED KINGDOM SERVICE AUTHORITIES.

(8) THE GOVERNMENT OF VANUATU WILL WAIVE ANY CLAIM IT MAY HAVE AGAINST THE GOVERNMENT OF THE UNITED KINGDOM OR MEMBERS OF THE BRITISH ARMED FORCES FOR DAMAGE OR INJURY (INCLUDING INJURY RESULTING IN DEATH) CAUSED BY ACTS OR OMISSIONS OF MEMBERS OF THE BRITISH ARMED FORCES IN THE COURSE OF THEIR DUTIES. SUBJECT TO THE PROVISIONS OF PARAGRAPH 4 (2) ABOVE, THE GOVERNMENT OF VANUATU WILL DEAL WITH AND, IF NECESSARY, SETTLE AT ITS OWN COST ANY CLAIM WHICH MAY BE BROUGHT BY ANY PERSON IN RESPECT OF DAMAGE OR INJURY SO CAUSED.

(9) THE GOVERNMENT OF VANUATU WILL MAKE GOOD OR PAY COMPENSATION FOR LOSS OR DAMAGE TO PERSONAL EFFECTS OF MEMBERS OF THE BRITISH ARMED FORCES ARISING OUT OF CIVIL DISTURBANCES OR RIOTS.

(10) THE GOVERNMENT OF VANUATU UNDERTAKE TO PROVIDE WHERE POSSIBLE ANY MATERIAL ASSISTANCE (E.G. ACCOMMODATION, TRANSPORT) REQUIRED BY THE BRITISH TROOPS IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

IF THE ARRANGEMENTS SET OUT ABOVE ARE ACCEPTABLE TO THE GOVERNMENT OF VANUATU, I HAVE THE HONOUR TO SUGGEST THAT THIS NOTE AND YOUR REPLY TO THAT EFFECT WILL CONSTITUTE A RECORD OF THE UNDERSTANDING OF OUR TWO GOVERNMENTS IN THIS MATTER HAVING EFFECT FROM 30 JULY 1980. THESE ARRANGEMENTS WILL CONTINUE TO APPLY UNTIL THE DEPARTURE OF ALL MEMBERS OF THE BRITISH ARMED FORCES FROM VANUATU. THE PROVISIONS RELATING TO JURISDICTION, PRIVILEGES AND IMMUNITIES AND THE TREATMENT OF CLAIMS WILL HOWEVER REMAIN IN OPERATION UNTIL SUCH TIME AS ALL MATTERS TO WHICH THEY APPLY HAVE BEEN DISPOSED OF.

I HAVE THE HONOUR TO INFORM YOUR EXCELLENCY THAT THE FOREGOING PROPOSAL IS ACCEPTABLE TO THE GOVERNMENT OF VANUATU WHO THEREFORE AGREE WITH YOUR SUGGESTION THAT YOUR NOTE AND THIS REPLY SHOULD CONSTITUTE A RECORD OF THE UNDERSTANDING OF OUR TWO GOVERNMENTS IN THIS MATTER HAVING EFFECT FROM THE 30TH JULY 1980 AND CONTINUING TO APPLY AS STATED IN YOUR NOTE.

I TAKE THIS OPPORTUNITY TO REVIEW TO YOUR EXCELLENCY THE ASSURANCES OF MY HIGHEST CONSIDERATION.

W.H. LINI
PRIME MINISTER