



REPUBLIC OF VANUATU

CONSTITUTION (SIXTH) (AMENDMENT) ACT NO. 27 OF 2013

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REPUBLIC OF VANUATU

Assent: 20/12/2013
Commencement: 21/01/2014

CONSTITUTION (SIXTH) (AMENDMENT) ACT NO. 27 OF 2013

An Act to amend the Constitution of the Republic of Vanuatu.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Constitution of the Republic of Vanuatu is amended as set out in the Schedule.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day on which it is published in the Gazette.
- (2) Item 1 (on dual citizenship) and Item 27 (on customary institutions to resolve land ownership and disputes) are to commence on a date to be specified by the Prime Minister by Order.”

SCHEDULE

AMENDMENTS OF THE CONSTITUTION OF THE REPUBLIC OF VANUATU

1AA At the end of Article 4

Add

“(4) For the purposes of determining national sovereignty, **people of Vanuatu** means all indigenous and naturalised citizens of Vanuatu.”

1AB Article 5

After “non – citizens” insert “and holders of dual citizenship who are not indigenous or naturalised citizens”

1AC Article 10

Delete “, within 3 months of the Day of Independence or such longer period as Parliament may prescribe. The Vanuatu citizenship of such a person shall automatically lapse if he has not renounced his other citizenship or nationality within 3 months of the granting of Vanuatu citizenship or such longer period as Parliament may prescribe, except that in the case of a person under the age of 18 years the period of renunciation shall be 3 months after he has reached the age of 18 years”

1 Article 13

Repeal the Article, substitute

“13. Recognition of dual citizenship

- (1) The Republic of Vanuatu recognises dual citizenship.
- (2) A person who is a citizen of Vanuatu or of a state other than Vanuatu may be granted dual citizenship.
- (3) For the purposes of protecting the national sovereignty of Vanuatu, a holder of dual citizenship must not:
 - (a) hold or serve in any public office; and
 - (b) be involved in Vanuatu politics; and
 - (c) fund activities that would cause political instability in Vanuatu;
and

- (d) affiliate with or form any political parties in Vanuatu;
- (e) stand as a candidate and vote at any of the following elections:
 - (i) general election for Members to Parliament; and
 - (ii) provincial election for members to a Provincial Government Council; and
 - (iii) municipal election for members to a Municipal Council.
- (4) To avoid doubt, subarticle (3) does not apply to an indigenous citizen or a person who has gained Vanuatu citizenship by naturalisation, who hold dual citizenship.
- (5) Parliament may prescribe:
 - (a) the requirements to be met by categories of persons applying for dual citizenship; or
 - (b) the privileges to be accorded to any category of persons who are holders of dual citizenship.”

2 Subarticle 18(2)(b)

Delete “local government”, substitute “provincial government”

3 Subarticle 18(2)(c)

Delete “National Council of Chiefs”, substitute “Malvatumauri Council of Chiefs”

4 Subarticle 20(1)

- (a) Delete “National Council of Chiefs”, substitute “Malvatumauri Council of Chiefs”
- (b) Delete “local government”, substitute “provincial government”

5 Subarticle 20(3)

- (a) Delete “National Council of Chiefs”, substitute “Malvatumauri Council of Chiefs”
- (b) Delete “local government”, substitute “provincial government”

6 After subarticle 21(4)

Insert

“(4A) For the purpose of subarticle (4), **days** means working days and not Saturday or Sunday.”

7 Chapter 5 (heading)

Repeal the heading, substitute “MALVATUMAURI COUNCIL OF CHIEFS”

8 Subarticle 29(1)

Delete “National Council of Chiefs”, substitute “Malvatumauri Council of Chiefs”

9 Subarticle 29(4)

Delete “chairman”, substitute “President”

10 Subarticle 30 (1)

(a) Delete “National Council of Chiefs”, substitute “Malvatumauri Council of Chiefs”

(b) After “to” (second occurring) insert “land,”

11 Subarticle 30(2)

(a) Delete “may” substitute “must”

(b) After “to” insert “land,”

12 Article 31

Delete “National Council of Chiefs”, substitute “Malvatumauri Council of Chiefs”

13 Subarticle 32(1)

Delete “National Council of Chiefs”, substitute Malvatumauri Council of Chiefs”

14 Subarticle 34(1)

Delete “Chairman of Local Government Council”, substitute “President of the Provincial Government Councils”

15 Subarticle 36(2)

Delete “chairman of the Local Government Councils”, substitute “President of the Provincial Government Councils”

16 Subarticle 48(1)

Delete “National Council of Chiefs”, substitute “Malvatumauri Council of Chiefs”

17 Article 51

Repeal the Article substitute

“51. Ascertainment of rules of custom

(1) Parliament may provide for the manner of the ascertainment of relevant rules of custom except for the rules of custom relating to ownership of custom land, and may in particular provide for persons knowledgeable in such custom to sit with the judges of the Supreme Court or the Court of Appeal and take part in its proceedings.

- (2) Subarticle (1) does not apply to any matter being referred to a Court before the commencement of this amendment.”

18 Article 54

- (a) Delete “National Council of Chiefs”, substitute “Malvatumauri Council of Chiefs”
- (b) Delete “Local Government Council”, substitute “Provincial Government Council”

19 Subarticle 57(4)

Delete “chairman of a Local Government Council”, substitute “President of a Provincial Government Council”

20 Subarticle 59(3)

- (a) Delete “National Council of Chiefs”, substitute “Malvatumauri Council of Chiefs”
- (b) Delete “Local Government Council”, substitute Provincial Government Council”

21 Subarticle 61(1)

- (a) Delete “chairman of the National Council of Chiefs”, substitute “President of the Malvatumauri Council of Chiefs”
- (b) Delete “chairmen of the Local Government Councils”, substitute “Presidents of the Provincial Government Councils”

22 Subarticle 61(2)

- (a) Delete “National Council of Chiefs”, substitute “Malvatumauri Council of Chiefs”
- (b) Delete “Local Government Council, substitute “Provincial Government Council”

23 Subarticle 62(1)(b)

- (a) Delete “National Council of Chiefs”, substitute “Malvatumauri Council of Chiefs”,
- (b) Delete “Local Government Council”, substitute “Provincial Government Council”

24 Article 76

Delete “National Council of Chiefs”, substitute “Malvatumauri Council of Chiefs”

25 Article 78

Repeal the Article, substitute

“78. Customary institutions to resolve land ownership and disputes

- (1) Parliament by enactment shall formalise the recognition of appropriate customary institutions or procedures to resolve land ownership or any disputes over custom land.
- (2) Parliament may recognise an institution as a customary institution by enactment for the purposes of subarticle (1).
- (3) Despite the provisions of Chapter 8 of the Constitution, the final substantive decisions reached by customary institutions or procedures in accordance with Article 74, after being recorded in writing, are binding in law and are not subject to appeal or any other form of review by any Court of law.
- (4) Subarticle (3) does not apply to any matter being referred to a Court before the commencement of this amendment.
- (5) Where consequent to the provisions of this Chapter there is a dispute concerning the custom ownership of land the government may hold such land and manage it in the interests of disputing parties until the dispute is resolved.”

26 Article 82

Delete “Local Government Region”, substitute “Provincial Government Region”

27 Article 83 (heading)

Delete “Local Government Councils”, substitute “Provincial Government Councils

28 Article 83

- (a) Delete “Local Government Regions”, substitute “Provincial Government Regions”
- (b) Delete “Local Government Council”, substitute “Provincial Government Council”