

Constituting Vanuatu: Societal, Legal and Local Perspectives

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Abstract

Governance in Vanuatu has been a source of concern for Australia as it forms part of Australia's 'Arc of Instability.' Vanuatu has adopted a modified Westminster system as that system is often advocated as the model for constitutions and governance around the world. In various former colonies local populations were expected to simply absorb its liberal democratic principles apparently on some assumption that such principles were an innate part of human nature. Most readings of history would come to a different conclusion. Vanuatu illustrates this error and the complexities of a society that not only creates a broad challenge for governance, but undermines the credibility of simplistic, universalist approaches of liberal solutions, including institutional transplants, to these challenges. This paper asks questions about the nature and status of law in and governance of society in Vanuatu and then examines various answers, from broad social perspectives and academic sources to interviews conducted among members of the Vanuatu community. It concludes that the system fails as insufficiently attuned to the realities of the society that makes up Vanuatu. That is to say the system fails to effectively address the needs and interests of the population, and fails to sufficiently incorporate the indigenous systems *in situ*.

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