

The emergence of trade unionism in the New Hebrides (Vanuatu)

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Introduction

IN MAY 1993 the Vanuatu Teachers Union (VTU) made a call for strike action in support of a pay claim. The membership responded but the strike collapsed after twelve days when the union settled for reinstatement of the striking teachers and a 'promise' of an indeterminate pay rise during the next year (1994). Throughout the strike government had taken the position that teachers were covered by the Teaching Service Act and there was no provision for recognising the existence of disputes, or procedures for settling disputes, under that Act. Further, the Trade Disputes Act did not apply to state employees. Therefore, despite daily (or almost daily) meetings to seek to negotiate issues of substance, despite repeated requests to recognise the existence of a 'dispute' and commence procedures for resolution, the government position was that teachers were simply refusing a directive to return to work. Teachers were suspended as the strike was declared unlawful. Picketing of the Ministry of Education and then Parliament took place. Three arrests, including that of the President of the VTU, occurred at the Parliament picket. After the President had spent three days in gaol, and a Court hearing, the picketing was declared legal, and therefore by implication the issue of a strike and a 'trade dispute' was accepted by the Court, if not the employer.

In November 1993 the Vanuatu Public Service Association (VPSA) commenced a strike that was to last some four months. On 7 February 1994 teachers, and (a few) private sector workers joined the public servants in the strike action, now coordinated by the Vanuatu Council of Trade Unions (VCTU). A visible sign of this action was a public rally and march in Port Vila on Wednesday, 23 February 1994.

Collectively these events were a clear indication of a high degree of industrial unrest and turbulence in Vanuatu, especially in the area of public sector or government employment. A pay claim was a central issue in both the VTU and the VPSA strikes, but there were also far more important issues of principle involved. In both cases, and at the hub of the national supportive action, unions were seeking legitimacy as collective representatives of workers in Vanuatu, and recognition of the right to bargain collectively on behalf of their membership. In both cases the substantive issue that caused the dispute, a pay claim, was soon submerged in this quest for legitimacy, in argument about procedures for resolving the impasses, and, ultimately, the issue of the principle and process of reinstatement.

These events of 1993-94 also highlighted the even more fundamental issue of the struggle by unions and unionists for a determined and acceptable role in the evolution of Vanuatu society, the development of the economy and the nation. 'We are all ni-Vanuatu' was the catchcry. Whilst the extent and intensity of the industrial turbulence of 1993-94 was unprecedented in the short period of political independence, none of these key issues was new to the country. In fact, unionism in Vanuatu had continually faced these issues of recognition and legitimacy of the collective, the right to collective action and a defined role as a social partner, since the first emergence of indigenous unionism in the early 1970s.

It must be noted that the current orthodoxy (Howard 1983; Satungia 1986) places the first unionisation of workers in Vanuatu as being that of waterside workers and employees of Burns Philp in 1975. Without demeaning the developments mentioned by these authors, it is necessary to point to actions and reactions earlier than the mid-1970s, when the first seeds of labour unionism were sown, and to argue that knowledge of worker organisation, worker militancy, government and employer reaction, and suppression of unionism at that earlier time is important to provide historical background to, and facilitate understanding of, the events that occurred in 1993-94, some twenty years later.

This article is not about industrial relations and trade unionism in the modern Vanuatu of the 1990s, but seeks to place such matters in an appropriate historical context. This will involve consideration of the condominium form of colonial government of the New Hebrides (now Vanuatu), the substance of Joint Regulation No.11 of 1969, the emergence

and demise of the New Hebrides General Labour Union (and other unions in the early 1970s), and the re-emergence of unionism in the mid- and late-1970s and early-1980s. Finally, the continuing struggle for consolidation, recognition and 'a place in the sun' for trade unionism in Vanuatu will be recognised, but not canvassed, before a synthesis of the past is attempted.

The New Hebrides: the Condominium

THE GOVERNANCE of the New Hebrides was unique, for from 1906 it was a colony of both the United Kingdom and France. It was an area of 'joint influence' and it was jointly governed, developing a form of government referred to as a Condominium. The central proposition was that each colonial power retained sovereignty over its nationals, both individuals and corporations, with other nationals being identified or allocated as the responsibility of one or other of the powers. Indigenous New Hebrideans were without a clear national status, and became, as time passed, subject to a competitive thrust for influence (or control) by each of the colonising powers.

Government of the Condominium was by a Joint Administration with joint and equal control exercised by the British and French Resident Commissioners. The Joint Administration consisted of three separate administrative services: the British National Service, the French National Service and the Joint (or Condominium) Service. Within this system of governance dual systems of police, courts, education, medical and health delivery, languages and a wide range of government services emerged. Of special interest in the context of this paper is that two Departments of Labour existed, one dealing with the francophone (French speaking) and the other the anglophone (English speaking) workers and employers. Each labour department was headed by a formally titled Inspector of Labour. The British official was also known as the Chief Labour Officer.

Government and administration depended upon consultative and consensual decision making; at times a very painstaking, slow and frustrating process. The attempt to amend Joint Regulation No. 11 of 1969 to facilitate administrative regulation of emerging trade unions is referred to later, and provides but one example of this process in action (or inaction). Vanuatu emerged as an independent nation state in 1980. The movement towards independence occasioned yet another of the

historic differences of approach that had emerged between the colonial powers. In this case the British position became one of facilitating change, the French one of resistance.

Joint Regulation No. 11 of 1969

JOINT regulation No. 11 of 1969 was introduced to control conditions of employment in, broadly, the private sector. Public servants (including police, prison services and teachers), employees of local authorities and ecclesiastical bodies, aircrew and seamen were excluded.

There was no ban on these employees forming associations, but these would operate without the statutory rights awarded by the regulation. The irony was that, technically, these employees could undertake strike action without reporting a trade dispute under the Regulation, and the procedures of the Regulation would not apply. Government, even at this point, considered it ought not be bound by regulation in dealing with its employees, and this difficulty of recognition and procedure was to be an ongoing problem for unions in these sectors.

Sections of Joint Regulation No. 11 of 1969 covered the basic provisions of the contract of employment, the fixing of minimum wages, the payment of wages, the regulation of the employment of women and young persons, forced labour, and health and safety issues. Part III of the Regulation provided for the registration of trade unions, and provided the historic protections of British origin against civil and criminal prosecution against actions taken 'in restraint of trade'. Section 25 provided for the Resident Commissioners to jointly appoint a Registrar of Trade Unions. The Registrar was required to consult both British and French residencies before authorising registration. The first requests for registration were made in 1973, although a registrar had not been appointed. The Attorney-General accepted the role. In 1979, the year before independence, the role of the Registrar of Unions appears to have come within the ambit of the Ministry of Social Affairs. W. H. Lini, later to become the first Prime Minister of Vanuatu, signed the authorisation of the registration of the Luganville Taxi Drivers Union and the Union of Agricultural Field Assistants in his capacity as Minister of Social Affairs in the New Hebrides Government of National Unity (HA 107/7). The first appointment of a registrar of trade unions did not occur until 1982 (with the Registrar of Companies doubling in the role).

Collective bargaining was identified as an acceptable industrial relations process as Section 20 of Part III of the Regulation defined a collective agreement (agreement between one or more trade union and one or more employer), provided that such agreements could establish conditions more favourable (but not less favourable) than the law, and determine the industrial and geographic scope of the agreement. Part VII of the Joint Regulation No. 11 of 1969 provided procedures for assisting in the resolution of trade disputes by conciliation and arbitration.

The first unions: Expatriate origins

AS WITH so many of the micro-states of the South Pacific (and other ex-British colonial states) trade unionism first came to the New Hebrides with the expatriates themselves. Developments of the type are well documented, for example, in Fiji (Hince 1971), Western Samoa (Snell 1992), Kiribati (Hince 1992) and Papua New Guinea (Hess 1992). In the New Hebrides expatriate British civil servants formed an association, the New Hebrides British Civil Servants Association, on 19 December 1945. The foundation meeting was held at the old Customs House in Port Vila. It involved British officers of the British National and Joint Administrations.

By the late 1950s membership rights had been accorded to indigenous civil servants of the British and Condominium Services who had been promoted to specified salary grades. Later, in the 1960s, membership was broadened to include all civil servants and at some point the association was renamed the New Hebrides Condominium Civil Servants Association. However, a separate group, albeit related and with overlapping membership, the New Hebrides British National Service Expatriate Officers Association, also continued in existence. The dichotomy was based on a focus of interest. The first-named group focused on local issues involving all civil servants, the second-named on issues of direct expatriate-Colonial Office relationships. In fact, the latter association was the conduit for links with associations of 'permanent and pensionable' expatriate officers in the other Western Pacific High Commission territories of the Solomon Islands and Fiji. Another separate association, the Designated Permanent and Pensionable Officers Association, was the formal link. Notwithstanding the multiplicity of organisations, the overall level of overt activity of an 'industrial character' was minimal.

It was the indigenous members of the New Hebrides Condominium Civil Servants Association employed in the British National Service who took strike action in 1972. The issue was the delay in processing a pay claim at a time when, it was argued, local pay scales in the British Service had fallen behind those in the French and Condominium services. The strike lasted two weeks, 4 April to 18 April, and was called off only after members accepted an offer of a 12 per cent interim award (although they had rejected such an offer on two earlier occasions). A commentator at the time wrote that the most notable effect of the action was the disturbance of the complacency of the administration in terms of its 'self-satisfied' belief that it had satisfactory relations with the indigenous employees (*PIM*, May 1972).

Indigenous civil servants were involved in another example of militant action prior to independence. In 1978 strike threats were made in response to an attempt to reduce wage rates. Issues of procedure, rather than substance, became central as the employer asserted that the crown was not bound by Joint Regulation No. 11 of 1969, and thus the procedures of the regulation relating to the resolution of trade disputes did not apply. Ironically the strike threats were withdrawn after a series of meetings held in the form provided for by Section 112 of that regulation. A grace and favour action, saving face, or both!

A New Herbridean Trained Teachers Association (a direct antecedent of the VTU) had been formed and, as early as 1972, had given notice of strike action in support of a salary claim. The union committee withdrew the threat, and teachers continued to teach normally, after receiving assurances that the case for a salary revision was under active consideration, albeit that such consideration was occurring in London. An association of francophone teachers, the Association des Maîtres francophones (SSE) des Nouvelle Hébrides, was formed in the 1970s, but no further information has been sighted by this author. Other French expatriate civil servants did not establish an association, although it is not clear whether this is due to a more authoritarian rule from the metropolitan base, a less strong (than in the case of the British) demonstration effect of unionism in the home country, or that salaries and conditions of employment were always substantially in excess of the British counterpart. The French expatriate attitude to forming associations appears to have been reflected in their administration of labour matters.

In November 1972 a New Hebrides Pilots Association representing expatriate pilots served a log of claims on Air Melanesia. The response of the British Labour Office is of interest: the Association had not applied for registration (although in point of fact a Registrar of Unions had not yet been appointed) and in any case 'aircrew' were specifically excluded from the definition of 'worker' under Joint Regulation No. 11 of 1969 (LAB 7/4). The claim was referred on to the Personnel Department of QANTAS in Australia.

The New Hebrides General Labour Union (NHGLU)

Formation

Towards the end of May 1973 a small number of English speaking New Hebrideans, including members of the British Residency day labour staff, approached the British Inspector of Labour for advice and guidance with respect to the requirements of the joint regulations relating to trade unionism. It was the first indication of interest in trade unionism by indigenous workers outside of the civil service and teaching. The Inspector suggested the establishment of a Working Committee. He reported by internal memorandum on 20 June 1973 that '... a reasonably concrete request has been made to me by the workers concerned'. It was agreed that further meetings would be held between workers and administration officials.

The first formal meeting was held in the Condominium Conference Room on 12 July. Both Inspectors of Labour (Messrs Boutiste and Bull) were present with one other representative of the British Labour Office and thirty-five New Hebridean workers who had been elected at a mass meeting. Advice was given from the outset that organisation should be restricted to an industrial basis (it was suggested that initially organisation should be limited to the building and construction industry). The prohibition of registration of general unions under Joint Regulation No. 11 of 1969 was the basis of this advice. Section 24 provided that formation of a trade union was restricted to persons exercising or engaging in the same (or similar) profession or trade.

The view of the workers was that unity could be achieved only by the formation of one all-embracing union. The British Inspector of Labour had some sympathy for this position, and was to comment later that:

... it would be difficult to find sufficient workers of an educational standard high enough to provide for the needs of executive committees of possibly six trade unions, and ... a complexity of industrial unions might well confuse potential members, destroy the ideals of unity and solidarity and result in a number of small, ineffectual unions, which in view of this low membership, could not hope to achieve recognition by employers or play an effective role in the field of industrial relations. Both the above reasons are, to me most valid ones (LAB 7/4/2 CLO to Attorney General 1/2/74).

These observations were exceptionally perceptive from a practical point of view, although contrary to British Colonial Office advice and practice of the times. Official resistance to general unionism can be demonstrated in several instances in the South Pacific, including Fiji (Hince 1991) and Kiribati (Hince 1992). The French also rejected the notion of general unionism in the New Hebrides context.

The NHGLU was formed at a general meeting in late November 1973, and applied for registration on 28 December 1983. A paid-up membership in Port Vila of some 500 members was achieved early in 1974, and a peaceful demonstration was organised by the union on 6 March to greet the new French High Commissioner. The demands of the demonstrators focused on price control and minimum wages. No employers were willing to accept the existence of the union.

The strike

Wednesday 12 June 1974 was a busy day, and the events that occurred illustrated, amongst other things, how serious the workers were, and how quickly things can happen in a small community, given the will to act.

During the morning two committee members of the NHGLU, the Secretary/Treasurer and Vice-President, reported to the British Inspector of Labour that a one-day strike would be held on the following day. The objectives of the strike were to show employers in Port Vila that the workers were organised and that the NHGLU represented those workers

and was demanding recognition for negotiation. The British Inspector of Labour gave two pieces of advice. First, that under the union's constitution a decision to take strike action could only be made by a vote of a majority of members at a special general meeting. Second, the one-day strike, if it occurred on 13 June, would be immediately followed by the Queen's Birthday holiday (14 June) and then a weekend; a four-day break could lead to possible misunderstanding of the notion of a token one-day stoppage.

The union leaders responded with minimum delay. First, they stated a special general meeting would be held that evening, and second, the strike would be postponed until Tuesday 18 June. The union leaders were obviously prepared to accede to the advice to follow appropriate constitutional procedure and hold a meeting, and they were also prepared to back their judgment and assess the outcome of that meeting. The meeting was held: it was attended by some 400 members, who voted unanimously for a one-day strike to be held on 18 June, and the committee was given a mandate to proceed with or call off the strike up to the morning of 17 June, depending upon the response from employers. A manifesto had been circulated to employers on 12 June emphasising the issue of recognition, but also identifying substantive demands, including a minimum hourly rate of 57c per hour, a 40-hour week and for '... immigrant workers to be returned to countries of origin' (LAB 7/3/5).

The strike took place. Discussions had been held with the British Inspector of Labour about the conduct of the action, with the intent of working within the Public Law and Order Regulation. The union committee accepted the advice offered and on 17 June provided the British Information Office with a statement and requested that it be broadcast on Radio Vila. It advised that a one-day strike of daily rated workers would occur the following day, that recognition was the issue, that essential services would be exempt, and that striking members (were) instructed to remain at home, not to picket employers or intimidate workers not taking part in the strike. In the event, the British Inspector of Labour was to report later that these criteria were honoured and a quiet situation prevailed for the whole day of the strike (LAB 7/3/5). He also reported that most employing concerns were affected to some degree, with the building and construction industry probably being most affected. In that industry a total withdrawal of New Hebridean labour was reported.

In the following sections, several elements in the aftermath of this one-day strike are identified for further consideration, including: the immediate and longer-term reaction by employers; the differences between French and British administrations and employers; the abortive attempt to amend Joint Regulation No. 11 of 1969; and the place of this action in the overall development of unionism and militant action.

Employer reaction

The immediate reaction by employers was to reject the notion that unionism had come to their industries. Recognition was not even considered, retaliation was the decision. 'Locking out' or 'dismissals' occurred when workers sought to resume work the following day. The British Inspector of Labour had spent the day of the stoppage counselling British employers against this retaliatory action, clearly with success. The next day some 180 workers congregated in the Rue Bougainville outside both the French and British Departments of Labour; they had been refused re-employment. Fifteen employers were involved, all but one being French.

Union leaders worked with the British Inspector of Labour to establish order, collect names and details of employment of these workers, and instruct them to return home to permit further investigation by the Inspector of Labour. Whilst the union initially thought action for wrongful dismissal under Joint Regulation No. 11 of 1969 should be the course of action, it was agreed, after ascertaining that the individual employees would in fact resume normal employment the following Monday, that matters could be left that way.

One of the interesting issues that emerged in this debate related to the legality or otherwise of the strike, and hence the legality or otherwise of dismissal of workers. The view of the British Inspector of Labour (LAB 7/4/7) was that a strike for recognition was not a trade dispute within Joint Regulation No. 11 of 1969, and hence did not have to be reported in order to be legal; therefore workers could not legally be summarily dismissed. The French Inspector of Labour had provided employers with the exact opposite advice, that the strike was illegal and therefore the dismissals legal.

Workers were progressively re-employed, and on the Friday (21 June) an announcement was made on Radio Vila to the effect that workers should report for normal employment on the Monday. Some fifteen

workers failed to obtain re-employment. It was suggested that these were 'possibly over-active union members' (LAB 7/3/5).

After the immediate 'punitive' reaction there followed, exceptionally quickly, an organisational response by employers. At 9.00 a.m. on 19 June, the day after the strike, thirty-eight employers met, voted to form an employer federation, and elected a board. The first meeting of that board was at 10.30 a.m. that same day in the Commerce Conference Hall, Port Vila. Within a week the organisation had progressed to the point where four separate industry associations (building and construction, hotel and tourism, wholesale and retail trades, and transport and distribution) were being established, together with an umbrella body, the Employers' Federation. The already existing Agricultural Employers' Association also joined the Federation.

The individual associations sought registration under Joint Regulation No. 11. One of the first actions of the Federation was to write to the British Residency accusing the British Inspector of Labour of 'aiding and abetting the formation of a union' (LAB 7/4/7). Government was invited to join the Federation as an employer member but did not accept, indicating it would participate as an observer or adviser. The next step taken by employers reflected the division between the British and French administrations, as well as that of the two groups of employers. The French Resident Commission advised employers 'to form unions within their own ranks' (LAB 7/4/7), thus encouraging the formation of company unions. And that is what happened. Between August and October 1974 fifteen separate trade unions of workers employed by French employers emerged, made applications for registration and achieved collective agreements. These included separate unions representing workers at the French Residency, workers at the French hospital and in the French administration. Unions were established in both Port Vila and Luganville. The British Inspector of Labour commented:

These unions basically exist merely as an entry in the Register of Trade Unions and certainly cannot be considered as capable of initiating any industrial action of their own volition . . . [I]t is significant to mention that employers who were adamant in refusing to recognise the existence of the General Labour Union in mid-1974 in spite of the Union's readiness to prove paid-up membership in individual employing establishments, were only too ready six months later, to sign a collective agreement with one of the newly formed

trade unions of whose existence they were barely aware and whose strength and sphere of influence was, and still is, unknown (LAB 7/4).

Meanwhile the NHGLU struggled, and ultimately failed, to achieve either registration or recognition.

Revision of Joint Regulation No. 11 of 1969

It has already been noted that the British Inspector of Labour forewarned the NHGLU of the prohibition of the Joint Regulation in respect to registration of 'general' unions. He had expressed sympathy with the position of the union, but he also recognised the weaknesses of that regulation. The British Inspector of Labour commenced action as early as August 1973 to bring about change to the regulation.

The first step involved a series of letters to London seeking advice. The correspondence noted '... that trade unionism has arrived on the local employment scene over the past three months ...', and that 'Part III of the joint labour regulation covering Trade Unions ... in its existing forms was only adequate *as long as we had no trade unions* (my emphasis)' (LAB 3/6/1). The British Inspector of Labour requested copies of 'model rules', but whilst awaiting a response from the United Kingdom he commenced a re-draft of this part of the Joint Regulation. He incorporated some features from the current Fiji statute and British Solomon Islands ordinance. The draft made provision for the registration of general unions. The provisions for the conduct of the internal affairs of unions and accounting for funds were enhanced (for example, an annual audit, and presentation of detailed accounts and information as required by the Registrar to be available at twenty-eight days' notice). The number of workers required to form a union was to be increased from seven to twelve, and only persons engaged in the trade could become officers of a trade union. The coverage of the regulation was to be extended to include civil servants, teachers and aircrew, but to exclude from involvement with registered unions 'persons temporarily in the Condominium whether in local employment or not'.

The package was, on balance, enlightened. It accepted that the reality of organisational difficulties required fewer unions if these unions were to be effective. It also accepted that the need had been demonstrated by earlier actions by civil servants, teachers and aircrew that the disputes

procedures would be more useful if they encompassed action by these groups. The package also sought to minimise 'external influence' on local organisations. The section on picketing was to be tightened to preclude 'intimidation and annoyance of persons'. However, an emphasis on 'control' should be noted, a feature of the relationship of British Colonial administration to unionism in the territories. In fact, the British Inspector of Labour used that terminology when arguing his case for the revision of Joint Regulation No. 11. There is some urgency, he noted, '... to make provision for basic control measures relating to the operation and activities of trade unions' (LAB 7/4).

A copy of the draft was sent to the French Residency on 2 November 1973, and the reply was received (rejecting or substantially modifying all suggested changes) in the first month of 1976. Attempts had been made in Port Vila to arrange meetings and facilitate dialogue between the French and British Inspectors of Labour, but to no avail. Writing to the Foreign and Commonwealth Office (LAB 7/4) on 17 March 1976, the British Inspector of Labour noted the facts and sought advice before negotiating further with the French Residency. The Attorney-General, in a minute attached to the file as a draft of the letter crossed his desk before transmission to London, was more direct:

So this is what we have waited three years for . . . I suggest CLO proceeds as at paragraph 7 (that is, refer the matter to the British overseas labour advisers department). *To reply within a year might be taken as an over hasty reaction!* (my emphasis) (LAB 7/4).

This was the condominium style of government in action *par excellence* in a situation where widely diverging views were held by the two colonial powers. In fact, a subsequent comment in the Attorney-General's minute summed it up more succinctly, 'This must surely be a deliberate ploy to fob us off . . . ' (LAB 7/4).

The francophone company unions were formed, but employers refused to recognise a non-registered union (the NHGLU). By early 1976, the time of the receipt of the French response to the possible re-draft of the Joint Regulation, the NHGLU had ceased to function as an entity. The last record of activity was a meeting on 2 July 1974. Ben Alfred was identified as General Secretary at that time. By 1976 francophone company unions were either inactive or non-existent (many had not even

sought registration). Nevertheless, as the British Inspector of Labour had observed, trade unionism had come to the New Hebrides, and it was not long before further organising activity occurred.

Unionism after the NH General Labour Union and toward independence

The formation of the NHGLU and the strike of 18 June 1973 were important, but not isolated indications that the pattern of industrial relations was changing in the colony. The two-week strike by New Hebridean civil servants had occurred a little over a year before, in April 1972. In March 1974 a group of workers in Santo had refused to work an 'unsafe' crane, had been castigated by the employer, and had responded by walking off the job and demanding a wage increase. The employer's response, conveyed via the local administration, was that if wages increased the contract price to government must increase (LAB 7/3/4). In May 1974, less than a year later, sixty indigenous employees of two French companies stopped work to express dissatisfaction about wages and conditions, and to report the complaints to the French Inspector of Labour in Vila.

The francophone unions referred to in the previous section emerged in late 1973; the first request for registration came from agricultural and pastoral workers on Santo. Charles Dambreville was recorded as Secretary/Treasurer and Jean Myas as President. Twelve persons signed the attendance roll at the meeting. By October 1974 ten similar organisations had been registered but the capacity of these unions has already been questioned. One francophone union did appear to have more substance. On 30 November 1974 a meeting in Santo formed a union of wharf labourers and freight handlers. Senge Leca was elected Secretary. A request was made for registration. Evidence exists (letter LAB 7/4/4) that the union still existed in December 1975 and was still seeking registration. The British Inspector of Labour complained (March 1976), referring to French instructions to the Registrar of Unions to refuse registration 'on political grounds'.

A process of organisation of anglophone unions also emerged. The Commercial and Industrial Workers Trade Union, Efate Area, was formed in late 1975-early 1976. Kenneth Satungia (later to establish and become the first secretary of the Vanuatu Trade Union Congress) was

designated President of the union. Delay in registration was obviously not abnormal, for Satungia wrote (28 January 1977) complaining of such a situation. Registration had, in fact, been held up under the same section of Joint Regulation No. 11 that was the nemesis in the case of the NHGLU. The French opposed the registration on the grounds that coverage spanned a range of activities that did not fit the 'engaged in the same or similar trade, profession' criterion. British support for registration argued that the small numbers of employees in each category did not warrant separate unions. Registration was ultimately granted in April 1977.

A request to register a New Hebrides Wharf Labourers Union was forwarded on 19 February 1976. Yoan Kalsakau, James Dick and Andrew Pakoa were the signatories of the request. Technicalities necessary to fit in with the requirements of the prescriptive labour code were to delay acceptance and registration. A memo (28 June 1974, LAB 7/4/6) from the British Inspector of Labour Officer records the objections, namely that there were only three signatories to the request, there was no indication that these were elected representatives or that a committee had been formed, and the constitution was inadequate (including no provision for annual audit or timing of meetings). It was also suggested by him that the 'transport industry' should be the basis of organisation, '... to accord with the industrial association already formed on the employers' side'. Whilst it was often the case that such advice was given with good intent, it clearly is predicated on a belief in a particular pattern of order. Nonetheless, registration was eventually achieved. A union of public works employees was also formed, and sought registration, in early 1976.

The emergence of worker organisations received a formal recognition by government through, for example, appointments to the Labour Advisory Board. This body charged with providing advice to government on labour matters was first established in 1974. The idea was borrowed, together with other labour legislative ideas, from Fiji. The first meeting on 15 October 1974 discussed paid holidays, a model collective agreement and prices and wage control. Initial membership was simply 'representatives of workers and employers'. When the renewal of membership was discussed in mid-1975 reference was made that account should be taken of the trade unions and associations of employers that had been created over the past years. Representatives of six separate unions attended, as worker representatives, at a Labour Advisory Board meeting

in August 1978, indicating that the earlier discussions had changed the process of representation. Other evidence of some acceptance by government administration of worker unionism had emerged earlier in May 1976. A meeting of the British Resident, British Inspector of Labour and representatives of unions discussed an agenda that encompassed the state of the economy, local workers, priority for employment, minimum wages, industrial safety and that collective agreements ought to cover all workers in an industry (not just members of the employers' association).

Another dimension of the recognition of worker unions was the interest shown by indigenous politicians as the movement towards independence progressed. In fact, there had been allegations that the formation and actions of the NHGLU were part of such a political agenda. The British Inspector of Labour noted (February 1974 LAB 7/4/2) the interest of the National (Vanua'aku) Party in the activity of the NHGLU and argued that a refusal to register the union could provide the basis for a complaint to the United Nations Committee of 24, so enhancing the political clout of the pro-independence movement. In 1976 Barak Sope, then a leading figure in that political movement, did seek a copy of a model union constitution from the Labour Office, and in 1977 it was minuted (LAB 7/1) that the Vanua'aku Party was encouraging workers to report grievances to the party from where representation would be made to the Labour Office.

The French administration were far less anxious than the British to facilitate a move towards political independence. Such a stance had repercussions in their attitude to trade unions, as witness their initial refusal to endorse the registration of a union of wharf labourers that emerged in Santo in 1975-76. When independence did occur there was clearly a symbiotic and close relationship between the trade unions and the political leadership. In 1981, addressing the opening session of the Pacific Trade Union Forum, Prime Minister Walter Lini certainly reiterated this view that trade unions were an integral part of the development of Vanuatu. That symbiotic relationship did not last, neither with the Lini governments, nor the successors.

Synthesis

THE COLONIAL labour legislation, and the associated administration of that legislation, were severe constraints on the emerging trade union movement in the New Hebrides. It is a trite comment to note that in this respect the treatment was little different from labour movements developing in other emerging nation states of the South Pacific. There were several aspects of these constraints.

- The insistence on 'the same or associated trade' restriction precluded any form that was an approximation of general unionism. It led to fragmentation, especially in the non-government sector. It was unrealistic since even industry-based unions had very low potential membership bases; it was unrealistic given the paucity of skilled and committed leadership personnel. Resources were spread too thin. Opposition to general unionism had also occurred in Fiji in the pre-independence 1960s (Hince 1971) and in the 1970s in Kiribati (Hince 1992). In both cases the viability of unionism was placed under significant stress. In the New Hebrides the earliest attempts to organise foundered on this criterion, and even in the 1980s in independent Vanuatu the lack of viability for occupational based unions became a fact of life. The British Inspector of Labour clearly recognised these problems, but was contained within the general British Colonial Office approach (and in this case the French opposition, as well).

- Standards of performance (conduct of meetings, voting, financial recording, and accountability) laid down in legislation, and administered as and when deemed necessary by colonial administrators, were based on metropolitan standards. More noticeably they required a level of operation and performance, and a maturity (of both language and administrative expertise) that may have been a norm of office holders of unions in those metropolitan countries, that may have been reached by the colonial administrators of the system, but that was certainly not reasonable for local workers, or worker representation, in the earliest days of organisation. Hince (1971, 1991) clearly illustrates a parallel problem in the context of pre-independence Fiji. Complexity can inhibit organisation and facilitate control through action based on the inevitable default and non-compliance.

- Recognition was not accorded by legislation, either separately or with registration. Therefore the task of securing recognition for collective representation, in both private and government sectors, inevitably involved struggle and conflict. This was the struggle that had engaged unions in Australia and New Zealand in the 1880s and 1890s, before emerging behind the protective arbitration statutes. Common law, and statutory support dating back to the late nineteenth century, buttressed the recognition struggles of British unions, and the Wagner Act and National Labour Relations Board procedures introduced in 1935 became a protective device for labour organisations in the United States. Legislative support for union recognition did not emerge in the systems of industrial relations in the South Pacific micro-states until the 1970s (Fiji 1976) and has not occurred in most of these countries even now. The industrial struggle for recognition coupled with the administrative struggle for registration (and a frequent employer argument of no recognition before registration) placed the emerging unions in the New Hebrides under exceptionally difficult constraints in the earliest days of their existence.
- Dispute procedures in the legislation were complex and indeterminate. Problems of this kind elsewhere in the South Pacific have been noted: for example, in Western Samoa (Snell 1992), Kiribati (Hince 1992) and Solomon Islands (at least until a reformulation of the legislation in 1981) (Frazer 1992). Both the substance and limited industrial coverage of Joint Regulation No. 11 of 1969 contained the constraints in this respect in the New Hebrides. The argument about the legality or illegality of the strike on 18 June 1973 made an interesting argument, but (unfortunately) it also had a substantial impact on behaviour of the employers as it overshadowed the real issue, that of recognition, and was used to justify the retaliatory action of the lockout and refusal to reinstate the strikers.
- The condominium form of government was just an additional complexity in the case of the New Hebrides. It led to greater delay in action and to clear differences, on occasion, between the approaches and views of the two governing bodies. Both factors exacerbated the basic problems.

Overall, it is nothing short of amazing that a form of labour organisation did emerge in the New Hebrides. The embryo political movement developing in the run-up to independence did provide some support, at least for a short period. But this support was not sustained in the longer term. Walter Lini did make the encouraging remarks noted earlier, the colonial labour laws were replaced in 1983, but full integration of a labour movement into the political and social fabric of the nation did not occur. The new labour laws failed to address a number of the problems noted earlier (the metropolitan country experience still dominated legislative drafting) and neither bargaining recognition nor that of a social partner were accorded the labour movement.

The late 1980s and now the 1990s have witnessed continuous struggle to organise, to seek recognition and, in fact, to survive. Strike action on recognition, procedural and substantive issues by teachers, public servants and other groups has occurred on a number of occasions.

However, one important contextual change has occurred. The 1980s and the 1990s have seen the beginning, and the expansion, of an association between the emerging Vanuatu union movement and overseas, international trade unionism. Funding, education and moral support have become available, although this in turn has had a negative impact because of government concern regarding 'external influences'. Struggles to establish unionism in independent Vanuatu, the emergence and demise of the first Vanuatu Trade Union Congress, the rationalisation and restructuring of unionism to increase viability and the emergence of the reorganised Vanuatu Council of Trade Unions—all elements of an ongoing story—lie beyond the scope of this paper. Issues of recognition, and the role and relationship of unions to the governance of the nation state, all call for attention and resolution. Identification and provision of appropriate processes and procedures for dispute resolution and constructive dialogue will need to follow. The detail of the development of trade unionism and industrial relations in Vanuatu in the modern, post-independence, era remains to be written, just as the challenges of the future remain to be faced.

Note

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The author has had a lengthy association in teaching, research and travel in many areas of the South Pacific. One of his major research interests has been related to trade unionism and industrial relations in the region. His deeper and more specific interest in unionism and industrial relations in Vanuatu evolved in 1993 after meeting Ephraim Kalsakau, the first ni-Vanuatu to complete the Certificate of Industrial Relations at Victoria University of Wellington. Ephraim was at that time secretary of the National Union blong Leba (National Union of Labour) and the Vanuatu Council of Trade Unions. He was unable to continue (at that stage) with the Diploma of Industrial Relations as the first 1994 residential module of the diploma programme clashed with the first days of the national strike referred to in the initial paragraphs of this paper. Ephraim Kalsakau chose to remain in Vanuatu; his leadership was, and is, critical to the evolution of the status of workers and worker organisations in Vanuatu. It is to be hoped that he, or perhaps other ni-Vanuatu, can build on this paper and write in more detail with more insight and from a clearer indigenous perspective, the story of work workers and workers' organisations in their country.

Published and unpublished secondary source materials used in this research are identified in the bibliography. The author also had unrestricted access to identify and use relevant files in the National Archives, Port Vila. The majority of files used were those of the Labour Office of the British New Hebridean Civil Service and are designated by the prefix LAB. These files contain correspondence between the British and French Residencies in Port Vila and the British Residency and the Colonial Office in London. Correspondence between the French Residency and metropolitan France was not available. It is possible that if this were available (perhaps in archives in France) additional information or a variant of perspective may emerge. However, location, identification and use of such records is a challenge for another scholar. A limited number and range of files of the Ministry of Home Affairs dating from the immediately pre-independence period of the

Government of National Unity were available in the archives. These files, designated by the prefix HA, were of limited use in the preparation of this paper. The archival material was fundamental to understanding and writing of the early days. Interviews and discussions with contemporary union officials, and rank and file members, in Port Vila in July 1993 were important in understanding, and hence commenting upon, the contemporary scene and the links between the present and the past.

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