REPUBLIC OF VANUATU

CONSOLIDATION OF THE FRENCH AND ENGLISH TEXTS OF THE LAWS OF VANUATU ACT [CAP 295]

Approval of the English Text of the Foreign Services Consolidation Edition 2025 Order No. 192 of 2025

In exercise of the powers conferred on me by subsection 9(1) of the Consolidation of the French and English Texts of the Laws of Vanuatu Act [CAP 295], I, the Honourable JOB SAM ANDY, Minister of Youth, Justice and Community Services, make the following Order:

1 Approval of the English Text of the Foreign Services Consolidation Edition 2025

The English Text of the Foreign Services Consolidation Edition 2025 is approved.

2 Appointed day

The appointed day for the coming into operation of the Foreign Services Consolidation Edition 2025 is the day on which this Order is made.

3 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 15th **day of** September**, 2025.**

REPUBLIC OF VANUATU
Ministry of Youth, Justice & Community Services
MINISTER
Ministère de la Jeunesse, de la Justice et des Services Communautaires
REPUBLIQUE DE VANUATU

Honourable JOB SAM ANDY
Minister of Youth, Justice and Community Services

Commencement: 4 November 2013

FOREIGN SERVICES ACT NO. 20 OF 2013

Act 20 of 2013
Act 15 of 2014
Act 3 of 2018
Act 39 of 2019
Act 2 of 2021
Act 37 of 2021
Act 3 of 2022
Act 16 of 2025

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FOREIGN SERVICES ACT NO. 20 OF 2013

An Act to provide for the management and administration of the Foreign Services of Vanuatu and for related purposes.

PART 1 – PRELIMINARY

1. Definitions

In this Act, unless the contrary intention appears:

"Attaché" means a person appointed as an Attaché under section 39 to attach on a Mission to provide advice to the Head of Mission on issues related to Trade, Commerce, Education, Health, Culture, Immigration, Environment, Fisheries and other related matters;

"Board" means the Foreign Service Board established under section 7;

"Commission" means the Public Service Commission established by Article 59 of the Constitution;

"Consul General" means a person appointed as a Consul General under subsection 17(1);

"Council" means the Council of Ministers referred to in Article 40 of the Constitution;

"DCO" means the Developmental Committee of Officials established under section 12 of the Government Act [CAP 243];

"Department" means the Department of Foreign Affairs and International Cooperation;

"Diplomatic Staff" means a staff of a Mission referred to in paragraphs 4(1)(a) to (h);

"Director General" means the Director General of the Ministry of Foreign Affairs, International Cooperation and External Trade;

"Government" means the Government of the Republic of Vanuatu;

"Head of Mission" means a person appointed as a Head of Mission under section 13 and who is issued with a letter of credentials to be:

(a) a High Commissioner of Vanuatu and who is resident or not resident in the State he or she is appointed to; or

(b) an Ambassador of Vanuatu who is resident or not resident in Vanuatu; or

(c) a Roving Ambassador of Vanuatu; or

(d) a permanent representative of Vanuatu to the United Nations or any other international organization;

"Honorary Consul" means a person appointed as the Honorary Consul under subsection 21(1);

"Letter of Credence" means a formal letter or document that is issued by the President under subsection 13(2) to accredit a Head of Mission to a State or international organization;

"Local Staff" means a person who is a resident of a State and is appointed by a Head of Mission to carry out administrative functions of a Mission;

"Minister" means the Minister responsible for Foreign Affairs and External Trade;

"Ministry" means the Ministry responsible for Foreign Affairs, International Cooperation and External Trade;

"Mission" means an office established by the Government to represent its interest in a State or in an International Organisation and includes a high commission, embassy or permanent mission of the Republic of Vanuatu;

"Roving Ambassador" means a person appointed to represent the Government in different States of the world for a period specified in his or her Agreement of Service;

"Special Envoy" means a person appointed under section 29 to carry out a specific mission;
State means a State, country or territory, but does not include Vanuatu;

"Trade Commissioner" means a person who is appointed by the Minister under section 42.

2. Code of Conduct

The Minister may by Order prescribe the Code of Conducts for Diplomatic Staff of a Mission.

3. Functions of the Ministry of Foreign Affairs, International Cooperation and External Trade

(1) The Ministry is Vanuatu's focal point of contact to other States and international organisations and has the following functions:

(a) to formulate, manage and implement all foreign policies; and

(b) to advance and safeguard the political and economic interests of the people of Vanuatu and its nationals abroad; and

(c) to provide consular support to all citizens and non citizens; and

(d) to negotiate all technical cooperation agreements with other countries and international organisations; and

(e) to safeguard the independent territorial sovereignty and integrity of Vanuatu; and

(f) to foster and promote positive engagement with the international community.

(2) The Minister is the legal authority to sign Instruments of Ratifications as required under the Vienna Convention and other International Laws.

4. Composition of a Mission

(1) A Mission consists of the following staff:

(a) the Head of Mission;

(b) the Minister Counsellor who is to be appointed by the Director General upon the approval of the Commission;

(c) the Counsellor who is to be appointed by the Director General upon the approval of the Commission;

(d) the First Secretary who is to be appointed by the Director General upon the approval of the Commission;

(e) the Second Secretary who is to be appointed by the Director General upon the approval of the Commission;

(f) the Third Secretary who is to be appointed by the Director General upon the approval of the Commission;

(g) the Attaché who is to be appointed by the Director General under section 39;

(h) an officer who is to be appointed by the Director General upon the approval of the Commission;

(i) the Advisor who is appointed by the Head of Mission on the approval of the Director General;

(j) the Receptionist who is to be appointed by the Head of Mission on the approval of the Director General;

(k) the Driver who is to be appointed by the Head of Mission on the approval of the Director General;

(l) the Office Assistant who is to be appointed by the Head of Mission on the approval of the Director General.

(2) A person who is appointed under paragraph (i), (j), (k) or (l) is a Local Staff of the Mission.

5. Diplomatic Staff are leaders

A Diplomatic Staff is a leader for the purposes of the Leadership Code Act [CAP 240].

6. Process of Recruitment of a Diplomatic Staff

(1) The Director General must approve all advertisements for the position of a Diplomatic Staff under this Act.

(2) All vacancies must be advertised in such a way that informs and seeks applicants from people throughout Vanuatu and abroad for a period of 2 weeks.

(3) An application for a post under this section must be made in writing to the Director General.

(4) An application must be supported with the following documents:

(a) a certified police clearance from the relevant authorities on the applicant's record; and

(b) a certified document from the Citizenship Office certifying that the applicant does not have dual citizenship; and

(c) a supporting statement from the applicant; and

(ca) a certified copy of a diploma, degree or equivalent qualification from a recognised tertiary institution; and

(d) a curriculum vitae; and

(e) a certified medical report that is less than a month old; and

(f) a birth certificate.

(5) An application will not be considered if the applicant fails to provide any of the documents stated in subsection (4).

(6) The Director General must make available all applications to the Board.

(7) The Board must not consider an application that is supported with forged documents.

(8) The Board must not recommend a person to a position under this section unless the person is a citizen of Vanuatu.

PART 2 – FOREIGN SERVICE BOARD

7. Establishment of the Foreign Service Board

The Foreign Service Board is established.

8. Composition of the Board

The Board consists of the following members appointed in writing by the Minister:

(a) the Director General who is the Chairperson of the Board;

(b) the First Political Advisor to the Minister;

(c) the Director of the Department;

(d) the Director General of the Office of the Prime Minister;

(e) the First Political Advisor to the Prime Minister;

(f) the Director General of the Ministry of Finance and Economic Management;

(g) the First Political Advisor to the Minister of Finance and Economic Management;

(h) the First Political Advisor to the Leader of Opposition.

9. Functions of the Board

The Board has the following functions:

(a) to carryout the recruitment process referred to under section 6; and

(b) to submit to the Minister the names of the recommended candidate and 2 eligible candidates to the Minister for Council's approval; and

(c) to determine the remuneration of the Diplomatic Staff; and

(d) to consider the performance appraisals report of a Head of Mission or Consul General annually; and

(e) to carry out investigations on the Mission if required by the Minister; and

(f) to summon a Head of Mission or a Consul General for a hearing of the Board if required by the Minister to do so; and

(g) prepare and submit reports on any findings and recommendations to the Minister if the Minister requires a submission on that particular report to the Council; and

(h) such other functions as may be imposed upon it under this Act.

10. Sitting allowances

The sitting allowances for a Board meeting is to be determined by the Minister by Order.

11. Meetings of the Board

(1) The quorum for a meeting of the Board is 5 members of the Board present at the meeting.

(2) A member who has a conflict of interest must declare it in writing to the Minister, and must refrain from interfering with the decision of the Board.

(3) The members will elect from amongst themselves a member to preside and chair a meeting of the Board if the chairperson of the Board declares his or her conflict of interest to the Minister.

12. Requirement of Board in Recruitment Process

(1) The Board must:

(a) ensure that a shortlisted applicant must undertake a written assessment and interview; and

(b) ensure it submits its recommendation on the recommended candidate and 2 eligible candidates to the Minister after the Board has interviewed the candidates and made its assessments on the candidates.

(2) The Board must not take into account any direction or statement made by the Minister or any other persons when making its recommendations, except that normal employment references may be considered by the Board.

(3) The recommendation referred to under paragraph (1)(b) must specify the applicant's qualifications, experiences in any related field and his or her suitability for the position.

(4) The Board must not recommend a person if that person is:

(a) an honorary citizen of Vanuatu; or

(b) a person who has a criminal conviction; or

(c) a person who has dual citizenship; or

(d) a person with questionable reputation; or

(e) a person who is certified by a doctor to be unfit for employment.

(5) The Board must not submit its recommendation to the Minister if it considers that the applicant is disqualified under subsection (4).

(6) The Minister is to submit the Board's recommendation to the DCO for noting and to the Council for approval.

PART 3 – HEAD OF MISSION

13. Appointment of a Head of Mission

(1) The Minister on the advice of the Board and on the approval of the Council is to appoint by Order a person to be a Head of a Mission in a State.

(1A) The Board must, in providing the advice to the Minister under subsection (1), state 2 names being for the applicant who has been recommended by the Board and the applicant whom the Board is satisfied is eligible, to be appointed as a Head of Mission.

(1B) The Minister is to submit both names that have been provided to him or her by the Board, to the Council.

(1C) The Minister must not appoint a Head of Mission under subsection (1), unless the Minister has received the Agrément from the receiving State.

(2) The President is to issue a letter of credence to a Head of Mission after his or her appointment by the Minister.

(3) The Head of Mission must sign a performance agreement with the Minister after being appointed to the post.

(4) The appointment of a Head of Mission and the letter of credence issued by the President is to be published in the Official Gazette.

(5) For the purpose of this section, "Agrément" means the approval of a diplomatic representative by the State to which he or she is to be accredited.

14. Term of Appointment

(1) A Head of Mission is to hold office for a period of 3 years and is eligible for reappointment by the Minister on the recommendation of the Board.

(2) A person must be appointed as a Head of Mission within 6 months from the date on which the office became vacant.

(3) If the Minister does not agree with the recommendation of the Board, he or she must refer the recommendation to the Council for consideration.

(4) The Council may approve the recommendation for reappointment or reject the recommendation.

(5) If the Council rejects the recommendation, the position must be readvertised in accordance with the provisions of this Act.

15. Functions of a Head of Mission

A Head of Mission has the following functions:

(a) to manage and administer the activities of the Mission with its resources; and

(b) to coordinate the activities of the departments and other agencies of the Government including the promotion of investment, trade and tourism that are relevant to the Mission; and

(c) to advance the interests of the Government with an organization of the State or another State; and

(d) to strengthen partnership and cooperation with the State through its Mission abroad; and

(e) to manage the performance of a Diplomatic Staff and Local Staff of the Mission; and

(f) to protect the Government's interests in the receiving State; and

(g) to represent the Government in the receiving State; and

(h) to protect the citizens of Vanuatu in the receiving State and within the limits permitted by International Laws; and

(i) to carry out negotiating tasks with the Government of the receiving State; and

(j) to identify lawful conditions and development in the receiving State and compile report to the Government on such findings; and

(k) to promote friendly relations between the Government and the receiving State; and

(l) to develop economic , cultural and scientific relations with the Government and the receiving State; and

(m) safeguarding the interests of nationals, both individuals and bodies corporate, of the Government in cases of succession mortis causa in the territory of the receiving State, in accordance with the laws of the receiving State; and

(n) safeguarding the interests of minors and other persons lacking full capacity who are nationals of the Government's State if a guardianship or a trusteeship is required; and

(o) representing or arranging for an appropriate representation for nationals of the Government State before the tribunals and other authorities of the receiving State; and

(p) liaise with the Government's authorities in transmitting judicial and extrajudicial documents or executing correspondences to take evidence for the courts of the Government State in accordance with international agreements or in any other manner compatible with the laws and regulations of the receiving State; and

(q) liaise with the Government State's authority responsible for Shipping and Aircraft Registry, under the laws of the Vanuatu, to exercise rights of supervision and inspection of vessels having the nationality of the Government State, and including their crews; and

(r) liaise with the responsible authority to provide assistance to vessels and aircraft mentioned in subparagraph (q); and

(s) taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen insofar as this may be authorized by the laws of Vanuatu; and

(t) such other functions as may be assigned to him or her by the Minister or the Director General.

15A. Appointment of Deputy Head of Mission

(1) The Minister is to appoint , in consultation with the Director General, a person to be a Deputy Head of Mission.

(2) A Deputy Head of Mission is to hold office for a period of 3 years and is eligible for reappointment.

(3) A person must not be appointed as a Deputy Head of Mission if he or she:

(a) has a criminal record; or

(b) is not a citizen of Vanuatu.

15B. Functions of a Deputy Head of Mission

A Deputy Head of Mission is to assist the Head of Mission in carrying out the functions under section 15 and is to perform such other functions as required by the Head of Mission, the Director General or the Minister.

16. Reporting requirements of a Head of Mission

(1) A Head of Mission must compile a written report on the performance of his or her functions to the Minister, Director General and the Director.

(2) The Minister, Director General and the Director may require a Head of Mission to report to them from time to time on any specific matter.

(3) A Head of Mission must within the financial year of the Government furnish a written report to the Minister, Director General and the Director relating to the budget expenditure of the Mission.

(4) A Head of Mission must attend the annual Heads of Missions briefing.

(5) The Minister may summon a Head of Mission to return to Vanuatu for briefing.

PART 4 – CONSUL GENERAL

17. Appointment of Consul General

(1) The Minister is to appoint by Order, on the advice of the Board and on the approval of the Council, a person to be a Consul General.

(1A) The Board must, in providing the advice to the Minister under subsection (1), state 2 names being for the applicant who has been recommended by the Board and the applicant whom the Board is satisfied is eligible, to be appointed as a Consul General.

(1B) The Minister is to submit 1 of the names that have been provided to him or her by the Board, to the Council.

(1C) The Minister must not appoint a Consul General under subsection (1), unless the Minister has received the endorsement from the receiving State.

(2) The processes outlined under section 6 applies in relation to appointing a Consul General.

(3) A person must not be appointed as a Consul General unless:

(a) he or she is qualified and capable of carrying out the functions of a consul general; and

(b) he or she is a citizen of Vanuatu.

(4) The appointment of the Consul General is to be published in the Official Gazette.

18. Term of Office

(1) The Consul General is to hold office for a period of 3 years and is eligible for reappointment by the Minister on the recommendation of the Board.

(2) A person must be appointed as a Consul General within 6 months from the date on which the office became vacant.

(3) If the Minister does not agree with the recommendation of the Board, he or she must refer the recommendation to the Council for consideration.

(4) The Council may approve the recommendation for reappointment or reject the recommendation.

(5) If the Council rejects the recommendation, the position must be readvertised in accordance with the provisions of this Act.

19. Functions of a Consul General

The Consul General has the following functions:

(a) to strengthen the relationship between the Government and the Government of the receiving State; and

(b) to promote the Government's economic interest in trade, tourism, education, investment and labour; and

(c) to protect Government interests and its nationals in the receiving State; and

(d) to develop commercial, economic, cultural and scientific relations between the Government and the receiving State; and

(e) to identify lawful conditions and development in the receiving State and providing reports on such findings to interested person; and

(f) liaising with the Principal Passport Officer and the Principal Immigration Officer to issue passports and travelling documents to nationals of the Government, and visas or appropriate documents to persons wishing to travel to the Government's State; and

(g) helping and assisting Government nationals, both individuals and bodies corporate on any matters that may have arise; and

(h) such other functions as may be assigned to it by the Minister.

19A. Appointment of Vice Consul General

(1) The Minister is to appoint , in consultation with the Director General, a person to be a a Vice Consul General.

(2) A Vice Consul General is to hold office for a period of 3 years and is eligible for reappointment.

(3) A person must not be appointed as a Vice Consul General if he or she:

(a) has a criminal record; or

(b) is not a citizen of Vanuatu.

19B. Functions of a Vice Consul General

A Vice Consul General is to assist the Consul General in carrying out the functions under section 19 and is to perform such other functions as required by the Consul General, the Director General or the Minister.

20. Reporting requirement of a Consul General

(1) A Consul General must furnish a report in writing to the Minister and the Director General on a quarterly basis on the performance of his or her functions.

(2) The Minister and the Director General may require a Consul General to compile a written report on any specific matter of importance to the Government.

(3) The Consul General must provide within every 6 months, a written report on the budget expenditure of the Mission to the Minister and the Director General.

(4) The Consul General is required to attend the annual Heads of Missions briefing.

(5) The Minister may summon a Consul General to return to Vanuatu for briefing.

PART 5 – HONORARY CONSUL

21. Appointment of an Honorary Consul

(1) The Minister, after consultation with the Director General or the Director, is to appoint by Order a person to be a Honorary Consul representing Vanuatu in a State.

(1A) The Minister must not appoint a Honorary Consul under subsection (1), unless the Minister has received an Exequatur from the receiving State.

(1B) In this section "Exequatur" means an acceptance of a nomination of consular Commission by a State.

(2) The Minister is to follow the processes outlined under subsections 6(3), (4), (5), (6) and (7), when appointing the person in subsection (1).

(2A) To avoid doubt, subsection 6(8) does not apply to the process of appointment of a Honorary Consul.

(3) A person must not be appointed as a Honorary Consul unless:

(a) the person is qualified and capable of carrying out the functions of a honorary consul; and

(b) the person must be committed to work in partnership with the Government in ensuring the interests and priorities of the Government are met; and

(ba) the person is genuine in his or her commitments to assist and support the Government of Vanuatu in its development programs; and

(c) the Minister has received an Exequatur from the receiving State; and

(d) the person has no record of criminal conviction; and

(e) the person has no bankruptcy records inside or outside Vanuatu; and

(f) the applicant pass the probity checks.

(4) In this section "Exequatur" means an acceptance of a nomination of a Consular Commission by a State.

22. Process of selecting a Honorary Consul

(1) A person may apply in writing to the Director General for a position of a Honorary Consul.

(2) The application must be supported with the following documents:

(a) a certified document from the relevant authorities on the applicant's criminal record; and

(b) a supporting statement from the applicant; and

(c) a curriculum vitae; and

(d) a certified medical report; and

(e) a birth certificate.

(3) After receiving the applications, the Director General is to make recommendations on the most suitable candidate to the Minister.

(4) The Director General must not submit his or her recommendation to the Minister if the applicant has not submitted the supporting documents listed in subsection (2).

23. Term of Office of Honorary Consul

(1) A Honorary Consul is to hold office for a period of 4 years.

(2) The Honorary Consul is eligible for reappointment only once by the Minister.

24. Functions of an Honorary Consul

(1) A Honorary Consul has the following functions:

(a) representing Vanuatu in a State; and

(b) represents the interests of citizens of Vanuatu, legal entities and non-legal entities of Vanuatu in the receiving State within the framework of international law; and

(c) promotes the development of commercial, economic, cultural, scientific, and tourism relations; and

(d) gathers information on the receiving State's current and prepares a report for his or her Foreign Minister as well as responding to inquiries of relevant persons; and

(e) undertakes interest representation for the citizens of Vanuatu in matters of inheritance; and

(f) undertakes interest representation for underage and legally non-competent persons, especially if they require the appointment of a legal guardian or trustee; and

(g) ensures representation of the citizens of Vanuatu in relation to the receiving State's authorities and courts in keeping with local procedural regulations and secures their civil rights, as well as representing their interests when they are not present or are otherwise incapacitated; and

(h) provides assistance and support to the citizens of Vanuatu, legal entities and organisations; and

(i) provides assistance and support to maritime ships under Vanuatu flag as well as to Vanuatu-registered aircraft and crew; and

(j) may receive passport, visa or residency requests within its consular district and, after following procedures for identification, forward these within 3 days to the Mission in charge; and

(k) such functions as may be prescribed by the Director General in consultation with the Minister.

(2) In carrying out these functions, the Honorary Consul must liaise with other relevant authorities in Vanuatu through the Ministry.

25. Reporting requirement of a Honorary Consul

(1) A Honorary Consul must report in writing to the Director General on a quarterly basis on the performance of his or her functions.

(2) The Minister and the Director General may require a Honorary Consul to report on a specific matter.

(3) The Director General may require the Honorary Consul to provide a written report on the budget expenditure.

(4) The Minister may summon a Honorary Consul to return to Vanuatu for briefing.

26. Revocation of Appointment of Honorary Consul

(1) The Minister may on the recommendation of the Director General, revoke the appointment of a Honorary Consul by providing the Honorary Consul 1 month notice in writing of his or her intention.

(2) The Minister may revoke the appointment of the Honorary Consul if he or she:

(a) becomes bankrupt inside or outside Vanuatu; or

(b) is convicted of an offence inside or outside Vanuatu that is listed under subsection 27(2) of the Leadership Code Act [CAP 240]; or

(c) is convicted by a competent Court of Law for offences other than those under paragraph 27(2)(b) of the Leadership Code Act [CAP 240]; or

(d) is incapacitated by an illness; or

(e) commits the State to any bilateral agreement without clearance from the Minister or Director General; or

(f) releases a sensitive information to the media without obtaining authorization from the Director General; or

(g) breaches the Public Finance and Economic Management [CAP 244] Act; or

(h) acted contrary to the instructions given by the Minister; or

(i) by his or her activities brought into disrepute the integrity and reputation of Vanuatu; or

(j) acted contrary to the Government's foreign policy.

27. Resignation and Termination of Honorary Consul

(1) A Honorary Consul may resign at any time by giving 1 month notice in writing to the Minister.

(2) The Minister may terminate the appointment of a Honorary Consul without notice if he or she commits a serious misconduct.

PART 6 – RECALL AND RESIGNATION FROM OFFICE

28. Recall and resignation of Consul General or Diplomatic Staff

(1) The Minister may in writing recall a Consul General or Diplomatic Staff, if he or she:

(a) ceases to be a citizen of Vanuatu; or

(b) becomes bankrupt inside or outside Vanuatu; or

(c) is convicted of an offence inside or outside Vanuatu that is listed under subsection 27(2) of the Leadership Code Act [CAP 240]; or

(d) is convicted for offences other than those under paragraph (1)(c); or

(e) is incapacitated by an illness; or

(f) is not complying with his or her performance agreement with the Minister; or

(g) is regularly absent from functions without providing reasonable excuse to the Director General; or

(h) commits the State to any bilateral agreement without authorization from the Minister or Director General; or

(i) consistently travels for unofficial purposes without obtaining prior approval from the Director General; or

(j) disclosing information to the media without obtaining authorization from the Director General; or

(k) breaches the Public Finance and Economic Management Act [CAP 244]; or

(l) has acted contrary to the instruction given by the Minister; or

(m) brings into disrepute the integrity and reputation of Vanuatu; or

(n) acts contrary to the Government's foreign policy.

(2) If a Diplomatic Staff is recalled under subsection (1), the next senior member of the Mission is to act as an Officer in Charge of the Mission until such time a new Head of Mission is appointed.

(3) If a Consul General is removed under subsection 28(1), the next senior member of the Mission is to be in charge of the Mission until such time a new Consul General is appointed.

(4) A Diplomatic Staff may resign at any time by giving 3 months notice in writing to the Minister.

PART 7 – SPECIAL ENVOY

29. Appointment of Special Envoy

(1) The Minister may, after consultation with the Director General or the Director, appoint a person as a Special Envoy to represent the Republic of Vanuatu on specific matters in a State for the specific period specified in his letter of appointment.

(2) The appointment ceases to have effect on the date on which the matter for which the Special Envoy is appointed for is accomplished.

(3) The Special Envoy will only carryout the functions specified under this Terms and Conditions of Appointment.

PART 8 – ENTITLEMENTS

30. Severance Entitlement

(1) A Head of Mission and a Consul General is entitled to receive from the Government a severance payment calculated at the rate of 2 months by the number of years specified in the terms of their contract.

(2) If a Head of Mission is transferred to a new post prior to the expiry of his or her contractual terms, his or her severance payment must be calculated at the rate of 2 months by the number of years under the terms and conditions of the contract served in their previous post.

31. Access to a Diplomatic Passport

(1) Despite the requirements of the Passports Act No. 20 of 2009, an endorsement from the Director General on a diplomatic passport must only be granted after the completion of the appointment process as stipulated under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations and the relevant provisions of this Act.

(2) The Director General must not approve an application for a Diplomatic Passport if the application is carried out under undue influence and coercion by the applicant or any other party.

(3) All Diplomatic and Official Passports are to be collected from the Passports Office by the Chief of Protocol of the Consular section at the Department or any other person authorised by the Director General.

(4) The Chief of Protocol must handover the passport only to the passport holder or the person whose name is inscribed in the passport.

(5) The Passport is not to be collected by a third party unless authorised by the Director General.

PART 9 – TRANSFERS

32. Transfer of a Head of Mission

(1) The Minister may, after consultation with the Director General and on the approval of the Council, transfer a Head of Mission to another Mission.

(2) The Minister must, after approval granted by the Council, serve a 3 months notice to the Head of Mission for the transfer.

(3) If the term of office of the Head of Mission who is transferred is not complete, the remaining term is to be served in the new posting.

(4) The Head of Mission who is transferred under subsection (1) must serve under the new terms and conditions of the post which he or she is being transferred to.

(5) The transfer must be made in accordance with the requirements of the relevant international laws and the laws of the State he or she is transferred to and Vanuatu.

(6) The Government is to provide for the costs of the transfer.

33. Transfer of other Diplomatic Staff

(1) The Director General may, on the recommendation of the Director, transfer a Diplomatic Staff to a vacant position in another Mission.

(2) The Director General must serve a 3 months notice to the Diplomatic Staff for the transfer.

(3) The Government is to provide for the costs of the transfer.

34. Transfer of Public Servants serving in the Missions

(1) The Director General may, after consultation with the Director and the Head of Mission, transfer a Diplomatic Staff who is a public servant serving in the Missions to fill a vacant position in another Mission in accordance to the requirements of the Public Service Staff Manual.

(2) The Director must serve 3 months notice to the Public Servant for the transfer.

(3) The Government is to provide for the costs of the transfer.

PART 10 – PERFORMANCE APPRAISALS AND TERMS AND CONDITIONS OF EMPLOYMENT

35. Performance Appraisals

(1) The Director General may, after consultation with the Director, appraise a Head of Mission or Consul General.

(2) The appraisal is to be made annually in the form prescribed by the Minister and must submit the form with a report to the Board.

(3) A Head of Mission must appraise the Local Staff annually and submit the appraisal outcomes to the Director General.

36. Terms and Conditions of employment

(1) The Minister is to determine the terms and conditions of a Head of Mission, Consul General and Honorary Consul after consultation with the Director General.

(2) The terms and conditions must be made in accordance with the Laws of the Republic of Vanuatu and the relevant International Laws.

(3) The Director General after consultation with the Director is to determine the terms and conditions of other Diplomatic Staff of the Mission.

PART 11 – POSTINGS AND OTHER APPOINTMENTS

37. Definition

In this Part unless the context otherwise requires:

"consulate" means the office of the Consul General or Honorary Consul;

"intern" means a person appointed by a Head of Mission after consultation with the Director General under section 43.

38. Other staff seconded to the Mission

(1) The Director General may, after consultation with the relevant Director General or Director, submit a nomination of a public servant of a Ministry to the Commission for approval for secondment to a post in a Mission.

(2) The public servant seconded is entitled to salaries and entitlements to be prescribed by the Board and are to be met by the Ministry which employs the public servant.

(3) To avoid doubt, the remuneration and allowances of a public servant seconded under this section are to be discontinued for the duration of the secondment.

(4) (*Repealed*)

(5) The posting of a public servant on secondment to a post in a Mission must not exceed 6 years.

(6) Upon the completion of the period of a secondment under this section, a public servant is to be reinstated into the public service to a post equivalent or higher to the one he or she occupied prior to the secondment.

39. Attaché to a Mission

(1) The Director General may, on the recommendation of the relevant Director General of a Ministry and on the approval of the Commission, appoint a public servant to be an Attaché to a Mission or Consulate.

(2) The appointment of a public servant as an Attaché to a Mission must not exceed a period of 3 years.

(3) To avoid doubt, the remuneration and other entitlements paid by the Government in Vanuatu to a public servant appointed as an Attaché to a Mission, is to continue for the duration of the period on which that person is appointed as an Attaché to the Mission.

(4) Despite subsection (3), the relevant Ministry is required to provide the relevant allowances to the officer appointed as an Attaché to a Mission

(5) Upon completion of the period on which the public servant is appointed as an Attaché to a Mission, he or she is to return and resume duties:

(a) on the same terms and conditions; and

(b) in the same position,

that he or she occupied in the public service prior to his or her appointment as an Attaché to a Mission.

40. Local staff of a Mission

(1) A Head of Mission may appoint a local staff of the Mission.

(2) A Head of Mission must not appoint a member of his or her immediate family as a local staff of the Mission without first obtaining approval from the Director General.

(3) The Director General may appoint the spouse of a Head of Mission in the relevant Mission if necessary.

41. Recruitment of non public servants

(1) The Minister may, on the recommendation of the Director General, appoint a former officer of the Ministry who has been appointed to a post of a Mission or a person who have experience and good knowledge in the field of diplomacy to fill a vacant Head of Mission position.

(2) The Director General may, after consultation with the Director, appoint a former officer of the Ministry who has been appointed to a post of a Mission or a person who have experience and good knowledge in the field of diplomacy to fill a vacant Diplomatic Staff position.

(3) The appointments made under subsection (1) and (2) must be made in accordance with the recruitment processes outlined under section 6.

42. Appointment of Trade Commissioner

The Minister may, on the recommendation of the Director General, by Order appoint a person as a Trade Commissioner to a Mission.

42A. Term of Office of Trade Commissioner

(1) A Trade Commissioner is to hold office for a period of 3 years and is eligible for reappointment following the process set out in section 42.

(2) A person must be appointed as a Trade Commissioner within 6 months from the date on which the office became vacant.

42B. Reporting requirement of a Trade Commissioner

(1) A Trade Commissioner must report in writing to the Director General on a quarterly basis on the performance of his or her functions.

(2) The Minister or the Director General may require a Trade Commissioner to report on a specific matter.

(3) The Minister may summon a Trade Commissioner to return to Vanuatu for briefing on any specific matter.

42C. Revocation of Appointment of Trade Commissioner

(1) The Minister may on the recommendation of the Director General, revoke the appointment of a Trade Commissioner by providing the Trade Commissioner 1 month notice in writing of his or her intention to revoke the appointment.

(2) Without limiting subsection (1), the Minister may revoke the appointment of the Trade Commissioner if he or she:

(a) becomes bankrupt inside or outside Vanuatu; or

(b) is convicted of an offence inside or outside Vanuatu that is listed under subsection 27(2) of the Leadership Code Act [CAP 240]; or

(c) is convicted by a competent Court of Law for offences other than those under paragraph 27(2)(b) of the Leadership Code Act [CAP 240]; or

(d) is incapacitated by an illness; or

(e) commits the State to any bilateral agreement without clearance from the Minister or the Director General; or

(f) releases a sensitive information to the media without obtaining authorization from the Director General; or

(g) breaches the Public Finance and Economic Management Act [CAP 244]; or

(h) acts or has acted contrary to the instructions given by the Minister or the Director General; or

(i) by his or her actions or decisions, has brought into disrepute the integrity and reputation of Vanuatu; or

(j) acts or has acted contrary to the provisions of this Act.

42D. Resignation and Termination of Trade Commissioner

(1) A Trade Commissioner may resign at any time by giving 1 month notice in writing to the Minister.

(2) The Minister may terminate the appointment of a Trade Commissioner without notice if he or she commits a serious misconduct.

43. Appointment of Interns

(1) A Head of Mission may, after consultation with the Director General appoint an intern to carryout his or her internship in the Mission.

(2) The person appointed is to be a person with a master's degree who is undertaking a research related to international Diplomacy, International Relations and Politics.

44. Functions of Interns

The intern must:

(a) carryout the functions allocated to him or her by the Head of Mission or the Director General; and

(b) not commit the Government to any undertaking or agreements, unless authorised by the Head of Mission or Director General; and

(c) maintain confidentiality at all times.

45. Period of internship

The period of the internship must not exceed 6 months.

PART 12 – MISCELLANEOUS

46. Definition

In this part unless the context otherwise requires:

"conflict of interest" has the same meaning given to it under section 7 of the Leadership Code Act [CAP 240];

"public statement" includes making a statement in a news paper, official speech, internet or interview.

46A. Minister to inform the Council

The Minister must inform the Council of any appointment made under subsection 21(1) and 29(1).

47. Secrecy

A Diplomatic Staff, Local Staff and any other staff of a Mission must sign a declaration in the form prescribed under the Official Secrets Act [CAP 111] prior to undertake any services under this Act to the Government.

48. Disclosure of Interest

(1) A Head of Mission who has a conflict of interest (real or apparent) in a matter in the course of his or her functions, must declare his or her conflict of interest on that matter to the Director General.

(2) A Diplomatic Staff and a local staff of a Mission who has a conflict of interest in a matter in the course of his other functions, must declare his or her conflict of interest on that matter to the Head of Mission.

49. Public Statements

(1) A Diplomatic Staff must not make or cause to effect a public statement to a media on matters of sovereign and political issues which may have misrepresent the Government Policies or discredit the Government or harm the relations with other States and Organizations.

(2) A Diplomatic Staff who wishes to cause such statement must seek approval from the Director General.

50. Indebtedness

(1) A Diplomatic Staff must not conduct himself or herself to debts which are beyond his or her financial ability to pay back such debts.

(2) It is the responsibility of the Diplomatic Staff to settle his or her debts if he or she conducts himself or herself to debts under subsection (1).

(3) A Diplomatic Staff must not commit the Government to any financial commitment without the approval of the Director General.

51. Monetary Gifts

A Diplomatic Staff must declare in writing to the Minister and the Director General immediately after receiving the gifts.

52. Monetary Payments

A Diplomatic Staff must declare in writing to the Minister and the Director General immediately after receiving the payments.

53. Diplomatic Immunities and Privileges

A Diplomatic Staff of a Mission is to have diplomatic immunities and privileges in the receiving State pursuant to the Diplomatic Privileges and Immunities Act [CAP 143].

54. Abuse of Diplomatic Privileges and Immunities

(1) A Diplomatic Staff must not abuse the diplomatic privileges and immunities provided to him or her.

(2) A Diplomatic Staff must not import goods to the Receiving State with the intention to sell the imported goods to third parties.

(3) A Diplomatic Staff must abide by the laws of the receiving state and not deliberately commit offences knowing that he or she is immune from arrest and prosecution.

55. Official Travel

(1) The Minister may by Order prescribe the Individual Overseas Travel Approval Form and the Form must be completed and submitted to the Director General by a Diplomatic Staff prior to any travel for official purposes.

(2) The arrangements of expenditure to travel must not be made without the Director General's approval.

(3) The Government through the Ministry and Parliament must appropriate a budget purposely to cover the costs of a Mission.

(4) Subject to subsection (5), the Minister may by Order prescribe the overseas travelling allowances for a Diplomatic Staff.

(5) The allowances referred to under subsection (4) must be used to cover the costs of accommodation, subsistence, transport and incidental.

(6) An officer is not entitled to the allowances referred to in subsection (4) if:

(a) he or she is sponsored by an organisation or another party; or

(b) the subsistence, allocation or transport allowances has been provided for the officer other than the Government.

56. Repatriation

(1) The Minister may by Order prescribe the transport allowance entitlement of a Diplomatic Staff.

(2) A Diplomatic Staff is responsible to settle his or her customs functions, handling charges and other charges if he or she is returning to Vanuatu with the following personal effects:

(a) motor cars, motor bicycle or motor scooters; or

(b) building materials; or

(c) workshop machinery, large engines and cultivating machinery; or

(d) boats, caravans and trailers.

57. Penalties

A person who contravenes the provisions of this Act commits an offence and is liable on conviction to a fine not exceeding VT 5,000,000, or to 3 years imprisonment, or both.

58. Transitional arrangement and cessation of office

(1) This section applies to any person who is a Diplomatic Staff immediately before the commencement of this Act.

(2) On and after that commencement, the person is to continue:

(a) on the same terms and conditions; and

(b) with the same accrued and accruing entitlements; and

(c) in the same position or with the same classification.

59. Regulations

The Minister may make regulations prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Table of Amendments

1	*Amended by Acts 15 of 2014, 3 of 2018*
4(1)(b) – (f),(h)	*Amended by Act 39 of 2019*
9(d)	*Substituted by Act 3 of 2018*
13(1)	*Amended by Act 3 of 2018*
13(1A) – (1C)	*Inserted by Act 3 of 2018*
13(5)	*Inserted by Act 3 of 2018*
14	*Substituted by Act 3 of 2018*
15A, 15B	*Inserted by Act 16 of 2025*
17(1)	*Substituted by Act 3 of 2018*
17(1A) – (1C)	*Inserted by Act 3 of 2018*
17(1B)	*Amended by Act 37 of 2021*
18	*Substituted by Act 3 of 2018*
19A, 19B	*Inserted by Act 16 of 2025*
21(1)	*Amended by Act 37 of 2021*
21(1A), (B)	*Inserted by Act 3 of 2018*
21(2)	*Amended by Act 3 of 2018*
21(3)(ba)	*Inserted by Act 3 of 2018*
21A, 21B	*Inserted by Act 15 of 2014*
21A, 21B	*Repealed by Act 3 of 2018*
22(5)	*Repealed by Act 37 of 2021*
29(1)	*Amended by Act 37 of 2021*
35(1)	*Amended by Act 3 of 2018*
36(1)	*Amended by Act 3 of 2022*
38(1)	*Substituted by Act 3 of 2018*
38(2)	*Amended by Act 3 of 2018*
38(4)	*Repealed by Act 3 of 2018*
38(5)	*Substituted by Act 3 of 2018*
38(6)	*Amended by Act 3 of 2018*
42	*Amended by Act 3 of 2018*
42A – 42D	*Inserted by Act 3 of 2018*
42B(2)	*Amended by Act 2 of 2021*
46A	*Inserted by Act 37 of 2021*