

# **REPUBLIC OF VANUATU**

## **BILL FOR THE NATIONAL SECURITY (AMENDMENT) ACT NO. OF 2025**

### **Explanatory Note**

This Bill amends the National Security Act No. 41 of 2019 (“the Act”).

The Act establishes the National Security Council and outline the functions and powers of the Council in ensuring the security and stability of the country is maintained.

The purpose of this Bill is to outline the functions and powers of the Security Senior Officials Committee, to ensure that any bilateral and multilateral security undertakings undergo thorough vetting before signing by the Prime Minister, Deputy Prime Ministers and Ministers only.

This Bill also provides guidance on the processes of obtaining clearance for a marine scientific research and clearance for the removal of war remnants and relics. These processes will ensure sovereign data collected from the research are shared with the State and relevant Authorities are part of the research for monitoring purposes.

Another important matter addressed in this Bill is Vanuatu’s position towards militarization and the importance of protecting our critical infrastructure from militarization. With the heightened geopolitics in the region, it is crucial that such legal measures are taken to best protect our critical infrastructure and our sovereignty.

**Prime Minister**



**REPUBLIC OF VANUATU**

**BILL FOR THE  
NATIONAL SECURITY (AMENDMENT)  
ACT NO. OF 2025**

**Arrangement of Sections**

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# REPUBLIC OF VANUATU

## **BILL FOR THE NATIONAL SECURITY (AMENDMENT) ACT NO. OF 2025**

An Act to amend the National Security Act No. 41 of 2019.

Be it enacted by the President and Parliament as follows-

### **1 Amendment**

The National Security Act No. 41 of 2019 is amended as set out in the Schedule.

### **2 Commencement**

This Act commences on the day on which it is published in the Gazette.

## SCHEDULE

### AMENDMENTS OF NATIONAL SECURITY ACT NO. 41 OF 2019

#### 1 Section 1

Insert in their correct alphabetical positions:

“**militarization** means activities, actions or processes of equipping or supplying a country, a region, a place or an organization with military personnel, equipment, and resources to change into a military character;

**critical infrastructure** means the essential systems, assets and networks that are vital for Vanuatu and whose disruption would severely impact public safety, security and health. Critical infrastructure includes communications (telephone, internet, broadcast and radio), energy (electricity and fuel), water and sanitation, transport (aviation, maritime and land), banking and finance, and health services;”

#### 2 Paragraph 7(2)(f)

Delete “.”, substitute “;

- (g) to seek assistance from bilateral partners in the event of war or an invasion.”

#### 3 After paragraph 9(fa)

Insert

“(fb) the Minister responsible for Infrastructure and Public Utilities; and”

#### 4 After section 18F

Insert

#### “18G. Functions of the Committee

The Committee has the following functions:

- (a) to provide technical and policy advise on security related matters to the Secretariat; and

- (b) to lead in the implementation of the Council’s resolutions and objective outlined in the national security strategy; and
- (c) to carefully examine any submission papers relating to national security prior to it being submitted to the Council; and
- (d) such other functions as may be imposed of the Committee by this Act or any other Act.

**18H. Powers of the Committee**

The Committee has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions under this Act.”

**5 At the end of Part 4A**

Add

**“PART 4B COMMITMENTS BY THE GOVERNMENT TO BILATERAL OR MULTILATERAL SECURITY UNDERTAKINGS**

**18I. Commitments by the Government to bilateral or multilateral security undertakings**

- (1) The Government may, on behalf of the State, enter into bilateral or multilateral security undertakings with other States, regional organizations, or international bodies for the purpose of promoting national, regional, or international peace and security.
- (2) Any commitment under subsection (1) must:
  - (a) obtained clearance from the Office of the Attorney General; and
  - (b) be approved by the Council; and
  - (c) be submitted to the Council of Ministers for final approval; and
  - (d) be signed by the Minister.

**18J. Commitment to be consistent with national interest**

All commitments entered into under section 18I must:

- (a) be consistent with the Constitution and the laws of the State; and
- (b) be aligned with the national security policy; and
- (c) not compromise the sovereignty, independence, or territorial integrity of the State.

**PART 4C MARINE SCIENTIFIC RESEARCH AND REMOVAL OF  
WAR REMNANTS OR RELICS**

**18K. Marine scientific research**

- (1) A person other than the Government must not undertake marine scientific research within the maritime zones of the State unless the person has obtained approval from the Council.
- (2) The Council, in approving a research under subsection (1), must ensure that:
  - (a) the person has consulted the relevant authorities regarding the application for a research permit before any activity is conducted within the maritime zones; and
  - (b) the research, if conducted, does not pose any security threat to the State; and
  - (c) the person conducting any activities within the maritime zones must submit a progress reports and a final report to the Council within 5 days after the conclusion of the research and must make available all relevant data, samples and findings to the Council; and
  - (d) any sovereign data collected from the research must be kept within the State; and
  - (e) relevant authorities are on board any research vessel and are part of the research.

- (3) Upon approval of a research under this section, the National Security Advisor must inform relevant authorities:
  - (a) to monitor the conduct of the research until the research is completed; and
  - (b) to report back to the Council on the outcome of the research not later than 5 days after the research is completed.
- (4) The Council may impose such terms and conditions as are necessary to ensure the safety, environmental protection and the national security of the State.
- (5) A person who conducts research under this section without prior approval of the council commits an offence and is liable on conviction to a fine not exceeding VT10,000,000, or to a term of imprisonment not exceeding 10 years, or to both.

**181. Removal of War Remnants or Relics**

- (1) A person other than the State must not undertake removal of war remnants or relics within the maritime zones or territory of the State, unless the person has obtained approval from the Council.
- (2) The Council in approving a removal under subsection (1), may impose such terms and conditions as are necessary to ensure the safety, environmental protection and the national security of the State.
- (3) Upon approval of a removal of a war remnants or relics under this section, the National Security Advisor must inform the Vanuatu Police Force and other relevant authorities:
  - (a) to monitor the conduct of the removal until the removal is completed; and
  - (b) to report back to the Council on the outcome of the removal not later than 5 days after the removal is completed.
- (4) A person who conducts a removal of a war remnants or relics under this section without prior approval of the council commits an offence and is

liable on conviction to a fine not exceeding VT10,000,000, or to a term of imprisonment not exceeding 10 years, or to both.

## **PART 4D NON-MILITARISATION OF THE STATE**

### **18M. Non-militarisation of the State**

- (1) Vanuatu remains a non-militarised State.
- (2) The maintenance of public order, national security and the defence of the State is to be entrusted to the Vanuatu Police Force and other authorities as prescribed by Regulation.
- (3) The Government, on behalf of the State, must pursue peace, neutrality and resolve disputes by lawful and diplomatic means.
- (4) The Government, on behalf of the State, may enter into international agreements or arrangements for collective security, humanitarian assistance, or protection of sovereignty, provided such agreements does not involve the establishment of a standing military force.
- (5) Vanuatu’s critical infrastructure remains free from militarisation.”

### **6 After section 19**

Insert

#### **“19A Location of assignment of Foreign Advisor**

- (1) A Foreign Advisor engaged in matters relating to national security must be stationed in neutral venues or at his or her respective embassy.
- (2) Where the duties of the Foreign Advisor require temporary access to government premises or agencies, such access must be granted upon authorization by the Minister subject to appropriate security clearances and oversight.”