

REPUBLIC OF VANUATU

BILL FOR THE OCEANS ACT NO. OF 2025

Explanatory Note

The Government of Vanuatu has identified the Marine Spatial Plan (the “Plan”) as an essential tool to address the increasing ocean threats, including unsecured maritime rights and climate change. In 2012, the Government through the Council of Ministers approved a National Ocean Governance Framework (“Framework”) that outline the pillars for holistic management of the ocean space. This Framework remains an important foundation from which Vanuatu’s ocean program currently stems. Since then, the Government has made significant process including:

- (a) establishment of the National Committee on Maritime Boundary Delimitation; and
- (b) establishment of the new Maritime and Ocean Affairs Division; and
- (c) establishment of the National Ocean Policy which is the first in the Pacific regions; and
- (d) increasing of the capacity of the Government in relation to Hydrographic Survey and Aids to Navigation; and
- (e) actively collaborating with international partners to address ocean threats such as the Marine Litter program co-chaired with the United Kingdom under the Commonwealth Clean Ocean Alliance (CCOA).

This Bill is significant as it aligns with Vanuatu’s national and international commitments to safeguard the country’s interests and rights in its Ocean space, and ensure that its space and resources are managed for the benefit of present and future generations.

This Bill gives effect to the following objectives:

- (1) to oversee Vanuatu’s ocean space through the enactment of the Vanuatu Marine Spatial Plan, over Vanuatu’s 100% ocean space and ensure effective coordination of plans, decisions, and activities among agencies and ministries responsible for ocean and marine governance; and

- (2) to support the continued application of traditional knowledge and governance of the coastal zone.

This Bill will also strengthen the legal foundation for ocean governance, enhance national coordination and accountability and ensure that the ocean resources contribute to sustainable development, resilience and intergenerational equity.

Minister of Fisheries, Oceans and Maritime Affairs



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Arrangement of Sections

PART 1	PRELIMINARY MATTERS	3
1	Interpretation.....	3
PART 2	VANUATU NATIONAL OCEAN COUNCIL	5
2	Vanuatu National Ocean Council	5
3	Composition of the Council	5
4	Functions of the Council.....	6
5	Powers of the Council.....	6
6	Meetings of the Council.....	7
PART 3	ADMINISTRATION	8
7	Functions and powers of the Minister.....	8
8	Functions and powers of the Director.....	8
PART 4	MARINE SPATIAL PLAN	9
9	Marine Spatial Plan.....	9
10	Approval of the Plan	10
11	Review of the Plan.....	11
12	Amendments of the Plan.....	11
13	Ocean zones	11
14	Designation and management of Marine Protected Area	11
15	Jurisdictional areas.....	12
PART 5	AUTHORISED OFFICERS	13
16	Appointment of Authorised officers	13
17	Functions of an authorised officer	13
18	Powers of an authorised officer	13

PART 6	OFFENCES AND PENALTY NOTICE	14
19	General offence.....	14
20	Offences	14
21	Penalty notice.....	15
PART 6	MISCELLANEOUS PROVISIONS	16
22	Notification	16
23	Protection from liability.....	16
24	Regulations	16
25	Commencement	16

REPUBLIC OF VANUATU

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An act to provide for a sustainable management of the ocean's space of Vanuatu through the adoption of a comprehensive Vanuatu Spatial Plan, and for related matters.

Be it enacted by the President and Parliament as follows-

PART 1 PRELIMINARY MATTERS

1 Interpretation

In this Act, unless the contrary intention appears:

Council means the Vanuatu National Ocean Council established under section 2;

Department means the Department of Oceans and Maritime Affairs;

Director means the Director of the Department;

Director General means the Director General of the Ministry responsible for oceans and maritime affairs;

marine protected area means an area within the ocean space of Vanuatu that is designated and managed according to this Act, its Regulation or other Act to conserve marine ecosystems, protect biodiversity and allow for sustainable human activities;

Minister means the Minister responsible for ocean and maritime affairs;

the ocean space means:

- (a) the ocean space of Vanuatu from the mean high-water mark to 200 nautical miles; and
- (b) it comprises the archipelagic waters, territorial sea, the exclusive economic zone, the continental shelf and the extended continental shelf;

plan area means the total area subject to the Plan;

Plan means the Marine Spatial Plan under section 9.

PART 2 VANUATU NATIONAL OCEAN COUNCIL

2 Vanuatu National Ocean Council

The Vanuatu National Ocean Council is established.

3 Composition of the Council

- (1) The Council consists of the following members:
 - (a) the Director General who is the Chairperson of the Council; and
 - (b) the Director who is to be the Deputy Chairperson of the Council; and
 - (c) the Director of the Department of Fisheries; and
 - (d) the Director of the Department of Environment, Protection and Conservation; and
 - (e) the Director of the Department of Tourism; and
 - (f) the Director of the Department of Climate Change; and
 - (g) the Director of the Department of Meteorology and Geohazards; and
 - (h) the Director of the Department of Internal Affairs; and
 - (i) the General Council of the Office of the Attorney General; and
 - (j) the National Security Advisor; and
 - (k) the Commissioner of the Vanuatu Maritime Safety Authority; and
 - (l) the Commander of the Police Maritime Wing; and
 - (m) the Commissioner of Mines and Minerals; and
 - (n) the Chief Executive Officer of the Malvatumauri Council of Chiefs.

- (2) If a member of the Council is unable to attend a meeting of the Council, he or she may nominate another person to attend on his or her behalf.

4 Functions of the Council

The Council has the following functions:

- (a) to oversee the development and implementation of the Plan; and
- (b) to provide recommendations and advice to the Minister on matters related to the ocean space of Vanuatu through the Plan and any related ocean matters; and
- (c) to provide recommendation and advice to the Minister on matters related to the extended continental shelf; and
- (d) to seek and approve external support for the implementation of the Plan; and
- (e) to evaluate the implementation of the Plan with other cross-cutting strategies, planning, instruments and programs; and
- (f) to uphold the vision of the Vanuatu National Ocean Policies and deliberate to on any serious actions to be taken in addressing matters arising within the ocean space of Vanuatu; and
- (g) to ensure that the Plan aligns with the national development goals and the international commitments; and
- (h) to protect and promote a sustainable marine and a healthy ocean through partnership, dialogue and support to ocean users; and
- (i) such other functions that may be conferred on the Council by this Act or any other Act.

5 Powers of the Council

The Council 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.

6 Meetings of the Council

- (1) The Council is to meet at least 2 times in a year in its ordinary meetings and may hold extraordinary meetings as are necessary for the proper performance of its functions under this Act.
- (2) The Chairperson of the Council is to preside at all meetings of the Council and in his or her absence, the Deputy Chairperson is to preside at these meetings.
- (3) The Department is the secretariat of the Council.
- (4) The quorum for a meeting of the Council is 8 members of the Council, present at the meeting.
- (5) A member present at a meeting of the Council has one vote and questions arising at a meeting are to be decided by a majority of votes.
- (6) If the voting at a meeting is equal, the Chairperson or the Deputy Chairperson (if he or she is presiding over the meeting) has a casting vote.
- (7) Subject to this Act, the Council may determine and regulate its own procedures.

PART 3 ADMINISTRATION

7 Functions and powers of the Minister

- (1) The Minister has the following functions and powers:
 - (a) to oversee and coordinate the management of the ocean space of Vanuatu through the Plan; and
 - (b) to endorse policy guidance on oceans matters; and
 - (c) to delegate responsibilities and issue general or specific directions to the Director from time to time.
- (2) A responsibility or direction issued under paragraph (1)(c) must not be inconsistent with this Act, its Regulations or any other Act.

8 Functions and powers of the Director

In addition to such functions and powers as conferred on the Director under this Act and any other Act, the Director has the following functions and powers:

- (a) to manage and control the affairs of the Department; and
- (b) to advise the Minister on any matter relating to the management of the ocean space and in relation to any of the functions, powers and responsibilities of the Department; and
- (c) to manage the development, review and amendment of the Plan; and
- (d) to facilitate the communication of the Plan and subsequent amendments of the Plan to the public; and
- (e) such other functions as may be imposed of the Director by this Act or any other Act.

PART 4 MARINE SPATIAL PLAN

9 Marine Spatial Plan

- (1) For the purpose of this section, a Marine Spatial Plan is an area-based management tool:
 - (a) to collectively formulate and implement a shared allocation of human activities in the ocean space of Vanuatu; and
 - (b) to achieve ecological, economic, and social development priorities.
- (2) The Director must, after consultation with the Council, develop the Plan for Vanuatu.
- (3) The Director and the Council must have regard to the following considerations in developing the Plan:
 - (a) the national priorities of the government, to ensure an effective stewardship of its ocean waters held in trust for the benefit of the public; and
 - (b) the areas of interest that connects, social, cultural and historical linkages to neighbouring countries; and
 - (c) the sustaining of the livelihoods; and
 - (d) the up-to-date marine scientific data on biodiversity and ecosystem health including hydrographic data; and
 - (e) the protection of special, sensitive or unique estuarine and marine life and habitats; and
 - (f) the implications of climate change, sea-level rise and marine pollution; and
 - (g) the Vanuatu's regional and international commitments.
- (4) The Plan must include:
 - (a) a map that delineates:
 - (i) the boundaries of the plan area; and

- (ii) any zones within the plan area in which one or more specified ocean activities are allowed, prohibited, or otherwise regulated; and
 - (b) for each zone within the plan area, a written description indicating how the zone may be used, including:
 - (i) identification of permissible ocean activities in the zone, including any licenses, authorisations or permits under the Fisheries Act No. 10 of 2014 or any other Act that may be required to engage in such activities; and
 - (ii) a description of any prohibitions, limitations, or other requirements applicable to the zone, including the nature, timing, duration, or location of any ocean activity; and
 - (iii) references to any Act, law, regulation, marine protected area designation, or policy of Vanuatu that governs ocean activities within the zone; and
 - (c) a narrative information concerning the cultural, environmental, economic, or social context of the plan area, the plan's procedural history and development or relevant regional or international factors; and
 - (d) references to scientific data and information, studies, and reports, and traditional knowledge; and
 - (e) supplemental maps, charts, graphs, tables, photographs, and other graphic materials or visual aids.
- (5) The Director must carry out consultation with relevant stakeholders in relation to the development and implementation of the Plan, or any proposed amendment of the Plan, or any matters in the Plan that affects the traditional or the Provincial authorities.

10 Approval of the Plan

- (1) The Minister, after recommendation of the Council, submits the Plan to the Council of Ministers for Approval.
- (2) The Director must ensure that the approved Plan is published in the Gazette.

11 Review of the Plan

- (1) The Director must review the Plan once every 3 years, and may make proposal to the Minister about any proposed changes in the Plan.
- (2) Despite subsection (1), the Director may, as requested by the Minister or the Council of Ministers, review the Plan at any time, to ensure it is in accordance with the existing laws, the national policy relating to the plan's activities, and any new scientific information or data available through the monitoring activities.

12 Amendments of the Plan

- (1) The Director may, after consultation with the Council, make amendments to the Plan.
- (2) The Director must ensure that the approved amendment Plan is published in the Gazette.

13 Ocean zones

The type of ocean zones to be included in the Plan are as follows:

- (a) the General Use Zone - allows for a range of ecologically sustainable activities; and
- (b) the Sustainable Use Zone - protects the pelagic and benthic habitats of the ocean space of Vanuatu by restricting most large-scale commercial fishing activities, while permitting other ecologically sustainable practices; and
- (c) the No-Take Zone - provides full protection for pelagic, benthic, coral reef, coastal, and lagoon habitats of the ocean space of Vanuatu by prohibiting all seabed mineral activities and other ecologically sustainable uses; and
- (d) the Tabu Zone - protects the pelagic, benthic, coral reef, coastal, and lagoon habitats of the ocean space of Vanuatu by prohibiting all ecologically sustainable activities as determined by traditional entities.

14 Designation and management of Marine Protected Area

- (1) The Minister may by Order, after consultation with the Council designate an area within the ocean space of Vanuatu as a marine protected area.

- (2) The designated area under subsection (1) must have a written management plan.
- (3) To avoid doubt, subsection (1) does not apply to a Tabu Zone or a marine protected area located within the inshore and coastal jurisdictional area.

15 Jurisdictional areas

The Director must ensure that the different jurisdictional areas are managed by the respective authorities as follows:

- (a) The offshore jurisdictional area is to be managed by the National Government; and
- (b) The inshore and intermediate jurisdictional area is to be managed by the Provincial Government of each province in close collaboration with the Department; and
- (c) The inshore and coastal jurisdictional area is to be managed by the existing traditional entities in close collaboration with the Department.

PART 5 AUTHORISED OFFICERS

16 Appointment of Authorised officers

- (1) The Minister may, on the recommendation of the Director, by notice published in the Gazette, appoint a person or category of persons as an authorised officer or authorised officers for the purposes of this Act.
- (2) An appointment made under subsection (1) may include nationals of other States that are parties to a multilateral access agreement or which are participating in a related agreement or arrangement.
- (3) All enforcement officers within the Department and the Department of fisheries and police officers who hold the rank of sergeant or above are taken to be authorised officers for the purposes of this Act
- (4) The Director must issue an identity card to an authorised officer which must contain a recent photograph of the authorised officer.

17 Functions of an authorised officer

The functions of an authorised officer are to ensure that the provisions of this Act and its Regulations are complied with.

18 Powers of an authorised officer

An authorised officer has the power to do all things that are necessary or convenient to be done for or in connection with the performance of his or her functions under this Act.

PART 6 OFFENCES AND PENALTY NOTICE

19 General offence

A person who contravenes a provision of this Act commits an offence and is punishable on conviction by a fine not exceeding VT100,000,000.

20 Offences

(1) A person who carries out an activity in the inshore and coastal jurisdictional area without a valid licence, authorisation or permit under the Fisheries Act No. 10 of 2014 or any other Act, commits an offence and is punishable on conviction:

(a) in the case of an individual- to a fine not exceeding VT500,000;
and

(b) in the case of a body corporate- to a fine not exceeding
VT5,000,000.

(2) A person who carries out an activity in the inshore and intermediate jurisdictional area without a valid licence, authorisation or permit under the Fisheries Act No. 10 of 2014 or any other Act, commits an offence and is punishable on conviction:

(a) in the case of an individual- to a fine not exceeding VT2,000,000;
and

(b) in the case of a body corporate- to a fine not exceeding
VT10,000,000.

(3) A person who carries out an activity in the offshore jurisdictional area without a valid licence, authorisation or permit under the Fisheries Act No. 10 of 2014 or any other Act, commits an offence and is punishable on conviction:

(a) in the case of an individual- to a fine not exceeding VT10,000,000;
and

(b) in the case of a body corporate- to a fine not exceeding
VT50,000,000.

(4) A person who carries out an activity in the offshore jurisdictional area in beach of an ocean zone as set out in the Plan, commits an offence and is punishable on conviction:

- (a) in the case of an individual- to a fine not exceeding VT10,000,000;
and
- (b) in the case of a body corporate- to a fine not exceeding
VT50,000,000.

21 Penalty notice

- (1) An authorised officer may serve a penalty notice on a person if it appears to the authorised officer that the person has committed an offence under any provision of this Act.
- (2) A penalty notice is a notice to the effect that if the person served does not wish to have the matter determined by a Court, the person may, within a time and to a person specified in the notice, pay the amount of penalty stated in the penalty notice.
- (3) A penalty notice may be served personally, by post or email.
- (4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil proceeding arising out of the same occurrence.
- (6) The Regulations may prescribe the amount of penalty payable for the offence if dealt with under this section.
- (7) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty provided for in this Act.

PART 6 MISCELLANEOUS PROVISIONS

22 Notification

A person who intends to undertake any activities in any of the different type of zones must notify the Director.

23 Protection from liability

- (1) A civil or criminal proceeding must not be brought against the Director, any employee of the Department or any authorised officer for anything done or omitted to be done in good faith by him or her in carrying out his or her functions or in exercising his or her powers under this Act.
- (2) Subsection (1) does not apply if the Director, any employee of the Department or any authorised officer acted in bad faith in performing his or her functions or exercising his or her powers under this Act.

24 Regulations

- (1) The Minister may, on the advice of the Council make Regulations prescribing all matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) that are necessary or convenient to be prescribed for the carrying out or giving effect to the provisions of this Act.
- (2) Without limiting the generality of subsection (1), the Minister may, on the advice of the Council make Regulations for all or any of the following:
 - (a) to establish advisory committees, research or technical bodies and outline their functions and powers;
 - (b) to prescribe the types of activities that may be undertaken in the different types of zone;
 - (c) to prescribe any prohibitions or requirements under the different types of zone;
 - (d) any other matters required to be prescribed under this Act.

25 Commencement

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