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NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

28<sup>TH</sup> CONSTITUTIONAL REGULAR SESSION, 2007

BILL NO.: 142N.D.1

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P.L. 2007-89

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1 AN ACT

2  
3 generally to provide for the establishment of the Ministry of Foreign Affairs, in  
4 particular to designate its functions and those of its officers, and to provide for the  
5 conduct of relations between the Republic of the Marshall Islands and foreign  
6 states.  
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8

9 BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

10 PART I – PRELIMINARY

11  
12 §1. Short title and commencement

13 (1). This Act may be cited as the Foreign Affairs Act 2007.

14 §2. Interpretation

15 In this Act, unless the context otherwise requires, -

16 “Citizen of the Republic of the Marshall Islands” means a –

- 17 (i) a citizen of the Republic at birth; or  
18 (ii) an immigrant alien legally admitted to the Republic and is a naturalized  
19 citizen under the Citizenship Act 1984; or  
20 (iii) a person that has acquired citizenship under Article XI of the Constitution  
21 of the Republic of the Marshall Islands;

22 and the term “Marshallese citizen” has a corresponding meaning as (a):

23 “Constitution” means the Constitution of the Republic of the Marshall Islands:

24 “Dependent” means

- 25 (i) a legal spouse; and

1 (ii) children including any unmarried child under 18 years of age; any  
2 unmarried child between 18 and 25 years of age who is attending an  
3 educational institution; and any mentally or physically disabled person of  
4 any age

5 provided that they are wholly and directly dependent for maintenance and support  
6 on that person, that person being a parent or legal guardian employed by the  
7 Ministry:

8 **“Government”** means the Government of the Republic of the Marshall Islands:

9 **“Head of Mission”** means any person who is appointed under section 13(1) to be  
10 a Head of a Mission:

11 **“Head of post”** means a person who is not a Head of Mission but is appointed by  
12 the President to be the head of a government office of the Republic of the  
13 Marshall Islands in any country:

14 **“Ministry”** means the Ministry of Foreign Affairs:

15 **“Minister”** means the Minister appointed by the President to be responsible for  
16 the Ministry of Foreign Affairs:

17 **“Mission”** means a Mission of the Republic of the Marshall Islands and shall also  
18 refer to an Embassy of the Republic of the Marshall Islands:

1        **“Public Service Commission”** means the Public Service Commission established  
2        under the Constitution of the Republic of the Marshall Islands;

3        **“Public Service Regulations”** means the Public Service Regulations of the  
4        Republic of the Marshall Islands;

5        **“Republic of the Marshall Islands”** or **“the Republic”** means any land territory  
6        within the territorial limits of the Republic of the Marshall Islands, and includes  
7        the internal waters and territorial sea of the Republic of the Marshall Islands;

8        **“Secretary”** means the Secretary of the Ministry of Foreign Affairs.

9  
10    **§3. Functions of the Ministry of Foreign Affairs**

11        (1) There is hereby established a Ministry of Foreign Affairs, to be responsible for  
12        the following functions:

13        (a)    pursuing the foreign policy objectives of the Government promulgated  
14        under section 4;

15        (b)    establishing and maintaining bi-lateral relations with other States and  
16        Governments;

17        (c)    developing, articulating and pursuing the economic, social and political  
18        interests of the Republic within the region and internationally;

19        (d)    actively seeking bilateral, multilateral and international assistance to  
20        support national developmental goals of the Republic;

21        (e)    providing consular services for Marshallese citizens abroad;

22        (f)    providing representation for the Republic in all regional and international  
23        organizations where it has membership;

- 1 (g) negotiating and concluding international treaties and agreements with a  
2 view to pursuing foreign policy objectives of the Government and  
3 protecting its national interests;
- 4 (h) ensuring that the Nitijela, as far as is applicable to local circumstances,  
5 enacts domestic legislation to give effect to the Republic's obligations  
6 under international treaties and conventions which it has ratified;
- 7 (i) acting as the national and political focal point of the Republic in all  
8 organizations, agreements and conventions in which the Republic has  
9 membership.

10  
11 **PART II – GOVERNMENT FOREIGN POLICY**

12  
13 **§4. Government's foreign policy objectives to be published**

14 (1) The formulation of the Government's foreign policy objectives vests with the  
15 President and the Cabinet on the recommendation of the Minister.

16 (2) The Cabinet will, from time to time, publish the Government's foreign policy  
17 objectives. Publication for the purposes of this section should include, but is not  
18 restricted to, the inclusion of that policy in;

19 (a) the Government Gazette:

20 (b) a document available to the public at offices of the Ministry of Foreign

21 Affairs:

22 (c) official Government websites.

1 (3). Government's foreign policy objectives may include, but will not be limited

2 to:

3 (a) general or specific objectives of the Government relating to

4 foreign policy:

5 (b). priorities for national development and advancement:

6 (c). articulation of the Government's position on relevant foreign  
7 policy issues:

8 (d). external trade priorities in the Republic's bilateral, regional  
9 and multilateral relations:

10 (e) directives to Missions, Embassies, posts and consular services  
11 of the Republic abroad:

12 (f) determination of technical and or financial assistance required  
13 for national development priorities in the Republic:

14 (g). any other matters relevant to the overall objectives of  
15 Government.

16

**PART III – POWERS AND FUNCTIONS**

**§5. Minister of Foreign Affairs**

(1) Pursuant to article V, section (4)(1) of the Constitution, the President may appoint a Minister to be responsible for Foreign Affairs, or alternatively, may choose to retain in his charge the responsibility.

(2) The Minister of Foreign Affairs is charged with the following functions:

(a) conducting the foreign affairs of the Republic, including the following:

(i) consulting with and advising the Public Service Commission on appropriate officers to be appointed under section 7(1):

(ii). ensuring that the Secretary and officers of the Ministry and its Missions pursue the foreign policy objectives of the Government, in coordination with other Ministries and agencies in the Republic:

(iii). subject to section 11(1), authorizing the establishment of Missions of the Republic abroad:

(iv) providing policy advice to the President and Cabinet on matters to be included in the Government's foreign policy objectives and on issues of national interest in respect of the Government's foreign policy objectives:

(v) conducting diplomatic and consular relations on behalf of the Republic:

(vi) conducting and coordinating all communications between the Government of the Republic of the Marshall Islands and Governments of

1 other countries and international organizations:

2 (vii) overseeing and implementing directives by the President and  
3 Cabinet related to the appointment or recalling of Heads of Missions and  
4 other diplomatic appointees:

5 (viii) administering, managing and developing the capacity of the  
6 Foreign service of the Republic of the Marshall Islands:

7 (ix) approving the cross-accreditation of Ambassadors to  
8 jurisdictional areas of responsibility:

9 (b) subject to subsection (6), negotiating, concluding and signing bi-lateral  
10 and multilateral agreements on behalf of the Government;

11 (c) ensuring the enactment of domestic legislation, to give effect to the  
12 Republic's obligations under international treaties and conventions which have  
13 been ratified by the Nitijela.

14 (3) The Minister of Foreign Affairs will be directly accountable to the President  
15 and the Cabinet and in accordance with section 30, will present an annual report to  
16 Cabinet each year.

17 (4) A ministerial appointment under this section shall be in the form set out in  
18 Schedule 1.

19 (5) The Minister may, in writing, delegate to the Secretary or any other officer all  
20 or any of the powers conferred upon the Minister by this Act, except this power of  
21 delegation and the powers conferred by or in any of sections 5(2)(a)(iii), 5(2)(a)(ix) or  
22 5(2)(b).

23 (6) The Cabinet may, in writing, authorize a Minister within the Government to

1 sign a bi-lateral or multi-lateral agreement on behalf of the Government, as required from  
2 time to time.

3 (7) Any delegation may be made subject to such restrictions and conditions as the  
4 Minister thinks fit and shall be revocable in writing at will. No such delegation shall  
5 prevent the exercise of any power by the Minister.

6 (8) A delegation of the Minister's powers will continue in force until revoked in  
7 writing, notwithstanding that the Minister by whom it was made has ceased to hold  
8 office, and such delegation will continue to have effect as if made by the successor in  
9 office of the Minister.

10

11 **§6. Secretary of Foreign Affairs.**

12 (1). The Public Service Commission shall, in consultation with the Minister,  
13 appoint a suitably qualified person to the position of Secretary of the Ministry of Foreign  
14 Affairs.

15 (2) The Secretary, shall be responsible to the Minister, and is charged with the  
16 following functions:

17 (a) overseeing the administration and management of the Ministry and its  
18 Missions including the following;

19 (i) recruiting, developing and maintaining effective foreign service  
20 staff:

21 (ii) preparing, overseeing and managing the budget of the Ministry:

22 (iii). ensuring that the Ministry responds to all diplomatic and  
23 official correspondences received by the Ministry:



1 (iv) ensuring timely action or advice is received from appropriate  
2 Ministries, agencies and organizations within the Republic for forwarding  
3 to relevant international organizations as requested:

4 (v) establishing performance output criteria and assessment  
5 guidelines for recommending the promotion of officers to the Public  
6 Service Commission:

7 (vi) ensuring that Heads of Missions, Embassies and posts are  
8 briefed in accordance with section 13(5) prior to being posted abroad:

9 (vii) establishing and maintaining a list of current Missions and  
10 their jurisdictional areas of responsibility in accordance with section  
11 11(3):

12 (viii). ensuring that in executing its functions, Heads of Missions  
13 and officers of the Ministry adhere to proper diplomatic protocol in  
14 accordance with the Vienna Convention on Diplomatic Relations, Vienna  
15 Convention on Consular Relations and any applicable national legislation  
16 on diplomatic protocol;

17 (ix) acting as the point of contact for the Ministry in accordance  
18 with section 12(c):

19 (x) establishing and maintaining a list of honorary consuls of the  
20 Republic in accordance with section 18(2):

21 (b) acting as the principal policy adviser to the Minister in formulating  
22 recommendations for adoption and inclusion in the Government's foreign policy  
23 objectives;

1 (c) ensuring that all officers of the Ministry and its Missions pursue the  
2 Government's foreign policy objectives and are aware of the Government's  
3 position on pertinent foreign policy issues;

4 (d) recommending legislative and policy changes to the Minister as  
5 appropriate, for the attainment of an effective and efficient Ministry;

6 (e) perform any other functions as delegated by the Minister in accordance  
7 with section 5(5), or as directed by the Public Service Commission from time to  
8 time.

9 (3) The Secretary of Foreign Affairs shall report directly to the Minister.

10  
11 **§7. Appointment of staff for Ministry Headquarters**

12 (1). Unless otherwise specified in this Act, the Public Service Commission, shall,  
13 in consultation with the Minister, appoint suitably qualified officers to execute the  
14 functions of the Ministry.

15 (2). The Secretary and all other officers appointed under subsection (1) will, in  
16 addition to the Act and Regulations, be bound by the Public Service Regulations.

17  
18 **§8. Establishment of a career foreign service**

19 (1) There shall be established within the Ministry a career structure for the  
20 development of the foreign service of the Republic.

21 (2) The Secretary, in consultation with the Public Service Commission, will be  
22 primarily responsible for the establishment and maintenance of a career foreign service.

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1                   **PART IV – STRUCTURE OF MINISTRY HEADQUARTERS AND**  
2   **OVERSEAS MISSIONS**

3  
4   **§9.   Organizational Structure**

5           (1). The organizational structure of the Ministry headquarters and its overseas  
6 Missions shall be set out in Regulations made under this Act.

7           (2) From time to time, the Minister may recommend changes to the organizational  
8 structure of the Ministry, for the approval of the Public Service Commission and  
9 President and Cabinet.

10          (3). Changes to the organizational structure of the Ministry and its overseas  
11 Missions shall be annexed to the Regulations.

12  
13   **§10.   Administrative Divisions of Headquarters**

14          (1) For the effective administration of this Act, the Ministry headquarters will  
15 consist of the following core function areas:

- 16                   (a)   Office of the Minister
- 17                   (b)   Office of the Secretary:
- 18                   (c)   Office of the Deputy Secretary:
- 19                   (d)   Office of the Legal Advisor:
- 20                   (e)   Policy advisor, planning and research:
- 21                   (f)   Bureau of Management:
- 22                   (g)   Bureau of multilateral affairs:
- 23                   (h)   Bureau of bilateral affairs:

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1 (i) Bureau of US affairs.

2 (j) Office of Compact Implementation

3  
4 **§11. Establishment of Missions of the Republic**

5 (1) The Minister subject to the consent of the President and Cabinet, will be  
6 responsible for the establishment of Missions of the Republic abroad.

7 (2) Primary functions of Missions, Embassies or posts include:

8 (a) pursuing foreign policy objectives of the Government in the host  
9 country and jurisdictional areas of responsibility;

10 (b) seeking bilateral, multilateral and international assistance to support  
11 national developmental goals of the Republic;

12 (c) transmitting official communications between the Government of the  
13 Republic of the Marshall Islands and the Governments of other countries and  
14 international organizations;

15 (d) promoting and protecting the interests of Marshallese citizens residing  
16 in the host country and jurisdictional areas of responsibility;

17 (e) providing consular services for citizens of the Republic abroad:

18 (f) any other functions as directed by the President and Cabinet.

19 (3) A list of current Missions and their jurisdictional areas of responsibility shall  
20 be established and maintained by the Secretary. The list will be annexed to Regulations  
21 under this Act.

1           **PART V – REPORTING, NOTIFICATIONS AND COMMUNICATIONS**

2  
3   **§12. Reporting, notifications and communications**

4           (1) Unless otherwise directed by the President and Cabinet -

5                   (a) all diplomatic or official correspondences sent directly to the  
6           Republic’s Missions must be forwarded to or channeled through the Ministry  
7           headquarters: and

8                   (b) all diplomatic or official correspondences originating from Embassies  
9           within the Republic to any Ministry or agency in the Republic must be forwarded  
10           or channeled through the Ministry headquarters: and

11                   (c) all diplomatic or official correspondences originating from domestic  
12           Ministries, agencies, or Missions and international organizations that are  
13           channeled through Ministry headquarters should, where appropriate, be forwarded  
14           to relevant Embassies for their information.

15           (2) The first point of contact for Missions of the Republic will be the head of  
16   Mission or his or her designate.

17           (3) The first point of contact for the Ministry headquarters will be the Secretary.  
18

19           **PART VI – APPOINTMENT AND RECALL OF HEAD OF MISSION**

20  
21   **§13. Appointment of Head of Mission**

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1 (1). Subject to subsection (3) of this section, the Head of a Mission shall be  
2 appointed in one of the following ways:

3 (a) he case of a career diplomat, by the Minister with the consent of the  
4 President and Cabinet; or

5 (b) he case of a political appointee, by the President with the consent of the  
6 Cabinet.

7 (2). Pursuant to Article V, Section 1(3)(d) of the Constitution, the appointment of  
8 an Ambassador or Head of Mission by the President and Cabinet must be approved  
9 by the Nitijela, signified by Resolution.

10 (3). A person appointed under subsection (1)(a) or (1)(b) must:

11 (a). be a citizen of the Republic of the Marshall Islands; and

12 (b). be of a reputable character and standing within the Republic; and

13 (c). in the case of a career diplomat, must have served within the Ministry  
14 for at least five (5) years; and

15 (d). in the case of a political appointee, be suited by training or experience  
16 to be stationed at the relevant post.

17 (4). Prior to assuming the new post, the Head of a Mission must be briefed by the  
18 Secretary on the following:

19 (a). functions of the Mission:

20 (b). organizational structure of the Mission, proper line of authority and  
21 functions of its officers:

22 (c). foreign policy objectives of Government as applicable to the host  
23 country or jurisdictional area of responsibility:

1 (d). national development objectives of the Government:

2 (e) relevant history, culture and traditions of the host country:

3 (f) procedures relating to the presentation of credentials and other  
4 diplomatic protocol of the Foreign Ministry:

5 (g) Vienna Convention on Diplomatic Relations and Vienna Convention  
6 on Consular Relations:

7 (h) any other issues relevant to the diplomatic posting.

8 (5). The Head of a Mission shall:

9 (a) ensure that each Mission discharges its functions set out in section  
10 11(2) of the Act; and

11 (b) be accountable for any expenditures of the Mission and ensure that the  
12 budget of the Mission is administered in accordance with the Financial  
13 Management Act 1990, Procurement (Code) Act 1988, Income Tax Act, Policies  
14 and Regulations on Official Government Travel and other applicable laws of the  
15 Republic; and

16 (c) report directly to the Secretary.

17 (6) The Secretary shall establish and maintain a list of all appointed Heads of  
18 Missions. The list shall be annexed to Regulations.

19  
20 **§14. Duration of appointment**

21 (1). Unless terminated earlier under section 15, all Heads of Missions shall serve  
22 for the duration of the term of the Government under which he or she was appointed.

1           (2) Every election year, within seven (07) calendar days after the announcement of  
2 official results of the general election, each Head of Mission:

3                   (a) who is a career diplomat shall submit his or her resignation letter to the  
4 Minister:

5                   (b) who is a political appointee shall submit his or her resignation letter to  
6 the President.

7           (3). At the commencement of the next Parliamentary session, the incoming  
8 Government may either:

9                   (a) appoint new Heads of Missions in accordance with sections 13(1)(a) or  
10 13(1)(b); or

11                   (b) re-appoint Heads of Missions who were confirmed by the Nitijela in  
12 the preceding term under section 13(5).

13           (4) In the event that a Head of Mission is re-appointed under subsection 3(b), re-  
14 confirmation by the Nitijela will not be required.

15           (5) Following the submission of a resignation letter under subsection (2):

16                   (a) in the case of a career diplomat, he or she may be recalled to Ministry  
17 headquarters and will continue to serve the Ministry as designated by the  
18 Secretary; and

19                   (b). in the case of a political appointee, he or she will be recalled but will  
20 not continue to be employed by the Ministry, unless subsequently reappointed  
21 under subsection 3(b) of this section.



1 **§15. Termination of appointment**

2 (1) The Minister, subject to the approval of the President and Cabinet, may  
3 terminate the appointment of a Head of Mission before the end of his or her term.

4 (2) Where an appointment has been terminated under subsection (1):

5 (a) in the case of a career diplomat, he or she will be recalled to Ministry  
6 headquarters and continue to serve the Ministry as designated by the Secretary;  
7 and

8 (b) in the case of a political appointee, he or she will be recalled but will  
9 not continue to be employed by the Ministry unless subsequently reappointed  
10 under section 14(3)(b).

11 (3) A termination under subsection 1 shall be in the form set out in Schedule 3.  
12

13 **PART VII - HONORARY CONSULS OF THE REPUBLIC**

14  
15 **§16. Appointment of Honorary Consuls**

16 (1). The President and Cabinet shall, on the recommendation of the Minister  
17 appoint suitable persons as Honorary Consuls for the Republic.

18 (2). When recommending a person for appointment under subsection (1), the  
19 Minister shall provide to the President and Cabinet evidence that the person:

20 (a) is of independent means;

1 (b) is of high standing in his or her community;

2 (c) has excellent contacts within and beyond the Government of the host  
3 country;

4 (d) has an impeccable record;

5 (e) is committed and has the ability to promote, pursue and articulate the  
6 interests of the Republic in the host country, in pursuance of the foreign policy  
7 objectives of the Government.

8 (3) Each Honorary Consul shall report directly to the Head of Mission responsible  
9 for that country, listed under Schedule 2 of the Regulations.

10 (4) The Secretary shall establish and maintain a list of all appointed Honorary  
11 Consuls. The list shall be annexed to Regulations.

12  
13 **§17. Functions and responsibilities of Honorary Consuls**

14 (1). Functions and responsibilities of Honorary Consuls shall include, but not be  
15 limited to:

16 (a). actively pursuing the foreign policy objectives of the Republic in the  
17 host country;

18 (b). assisting the Mission to which he or she is required to report under  
19 section 16(3), as requested by the Head of Mission;

20 (c). acting as an official representative of the Republic at official functions  
21 in the host country;

22 (d) reporting to the Head of Mission, business, training, vocational and  
23 other opportunities available to nationals of the Republic in the host country.

1

2 **§18. Termination of appointments of Honorary Consuls**

3 (1) The President and Cabinet may, on the recommendation of the Minister, terminate  
4 the appointment of a person acting as an honorary consul of the Republic.

5 (2). A termination under subsection (1) must be in writing and forwarded to the  
6 honorary consul as soon as is practicable.

7

8 **PART VIII - SECONDMENTS, ASSIGNMENTS AND INTERNSHIPS**

9

10 **§19. Secondment of officers to International organizations**

11 The Secretary may from time to time, with the concurrence of the Public Service  
12 Commission, second officers of the Ministry to any international organization as part of  
13 its capacity building and skills development program.

14

15 **§20. Assignment of officers within the Ministry to serve at Missions**

16 (1) The Secretary may, with notification to the Public Service Commission,  
17 assign any officer of the Ministry to any Mission.

18 (2) The Secretary may extend or terminate any overseas assignment under  
19 subsection (1), following which the officer shall return to headquarters.

1           (3) Any officer of the Ministry assigned to serve at a Mission shall be required to  
2 sign an employment contract with the Public Service Commission, in accordance with  
3 R25 of the Public Service Regulations 1998. The employment contract shall include the  
4 term of the assignment, duties and responsibilities, remuneration and applicable tax  
5 deductions, entitlements for service abroad, and any other terms agreed upon by the  
6 Ministry.

7           (4) Any officer of the Ministry assigned overseas shall, in addition to provisions  
8 under his or her employment contract, continue to be bound by the Public Service  
9 Regulations of the Republic.

10          (5) The Secretary may, in consultation with the Minister, recall an officer  
11 assigned to serve at a Mission prior to the end of his or her term.

12          (6) Procedures relating to a recall under subsection (5) shall be included in  
13 regulations under the Act.

14

15 **§21. Secondment of officers of other Ministries to serve at Missions**

16          (1) The Public Service Commission may, from time to time, with the concurrence  
17 of the relevant Ministers, second staff from any other Ministry of the Republic to any  
18 Mission

19          (2) In the event that a person is seconded under subsection (2), the Ministry of  
20 Foreign Affairs and relevant Ministry involved shall enter into a Memorandum of  
21 Agreement regarding the employment and financial conditions that will apply for the  
22 duration of the secondment.

23          (3) The Secretary may, in consultation with the Ministry from which the officer

1 was seconded, recall an officer prior to the end of his or her term.

2 (4) Procedures relating to a recall under subsection (3) shall be included in  
3 regulations under the Act.

4  
5 **§22. Internships**

6 (1) The Secretary may, from time to time, approve or terminate the engagement of  
7 a person as an intern at the Ministry headquarters or at Missions.

8 (2) Any appointment or termination under subsection (1) shall be in writing.

9 (3) Prior to the engagement of the intern, the Secretary or Head of Mission shall  
10 conduct a thorough background check of the intern, including obtaining criminal and  
11 health clearances, and relevant qualifications and references from previous employers.

12 (4) Every intern shall be required to sign an internship contract. The contract  
13 shall include the term of the internship, duties and responsibilities, entitlements if  
14 applicable, and any other terms agreed upon by the Ministry.

15  
16 **§23. Locally engaged staff (LES)**

17 (1). The Head of a Mission may, with the concurrence of the Minister or Secretary,  
18 employ suitably qualified persons, including citizens of the Republic who are living  
19 abroad at any Mission.

20 (2) Prior to the engagement of such a person, the Head of the Mission or Secretary  
21 shall conduct a thorough background check, including obtaining criminal and health  
22 clearances and relevant qualifications and references from previous employers.

1 (3) Any person employed under this section shall be required to sign an  
2 employment contract with the Ministry. The employment contract shall include the term  
3 of employment, duties and responsibilities, remuneration, entitlements if applicable, and  
4 any other terms agreed upon by the Ministry.

5 (4) Citizens of the Republic engaged abroad are to be considered independent  
6 contractors and not as members of the public service of the Republic. They shall not be  
7 bound by the Public Service Regulations.

8 (5) The Head of Mission may, in consultation with the Secretary, terminate the  
9 employment of a locally engaged staff member provided that such termination shall be in  
10 writing.

11  
12 **PART IX – CONDITIONS OF SERVICE**

13  
14 **§24. Conditions of service for officers**

15 (1) Conditions of service for staff members, including the Secretary, Heads of  
16 Missions and diplomatic personnel, shall be in accordance with regulations under the Act.

17 (2) The Secretary shall seek the President and Cabinet's approval for the level of  
18 allowances and other entitlements applicable to –

19 (a) Heads of Missions; or

20 (b) staff members assigned, engaged or seconded to serve at a Mission of  
21 the Republic.

1 (3) Every three years, the Secretary shall undertake a review of the level of  
2 allowances and other entitlements of its overseas staff and shall in consultation with the  
3 Minister, seek the President and Cabinet's approval to vary those entitlements as  
4 appropriate.

5 (4) Changes to the level of allowances and entitlements of overseas staff under  
6 subsection (3) must be published in the Foreign Policy Manual of the Ministry.

7  
8 **PART X – CONDUCT OF OFFICERS**

9  
10 **§25. Code of conduct**

11 All officers, including independent contractors engaged by the Ministry shall  
12 adhere to and be bound by a Code of Conduct to be developed by the Ministry and  
13 annexed to Regulations.

14  
15 **§26. Confidentiality**

16 (1) All officers, including independent contractors engaged by the Ministry shall  
17 keep all information and instructions received in the course of their employment  
18 confidential.

19 (2) Any person found to have disclosed confidential information without first being  
20 authorized by the Secretary, may be liable to disciplinary action by the Minister or Public  
21 Service Commission.

22 (3) All information received under section 12 shall be deemed to be confidential  
23 information of the Ministry.

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**PART XI – MISCELLANEOUS PROVISIONS**

**§27. Administration of Act**

The Minister of Foreign Affairs shall be responsible for the administration of this Act.

**§28. Establishment of a Foreign Policy Advisory Committee**

(1) The President and Cabinet may, at the recommendation of the Minister, establish a Foreign Policy Advisory Committee consisting of relevant representatives from within the Government and civil society for the following purposes:

(a). recommending matters to be included in the Foreign Policy objectives of the Government;

(b). recommending positions on policy issues as requested by the Minister from time to time.

(2) The Foreign Policy Advisory Committee shall:

(a) be chaired by the Secretary; and

(b) determine its rules and procedures.

(3) The Secretary shall take into account the recommendations of the Foreign Policy Advisory Committee when providing policy advice to the Minister under section 6(2)(b).



1 **§29. Diplomatic and other training of staff**

2 (1). The Secretary shall ensure that all members of staff receive appropriate  
3 diplomatic and other training relevant to each officer's position.

4 (2). In particular, priority consideration should be given to the following:

5 (a) participation in training programs in and around the Pacific region;

6 (b) specialized diplomatic training programs which may include short term  
7 courses in diplomatic practice, medium term detailed programs and longer term  
8 post graduate initiatives;

9 (c) attachments or postings to selected regional organizations;

10 (d) utilization of experienced returned senior diplomats, including retirees,  
11 to conduct on the job training and mentoring in Ministry headquarters;

12 (e) diplomatic or other training offered by bilateral sources.

13 **§30. Annual Reports**

14 (1) The Minister shall present an Annual Report of the Ministry to the President  
15 and Cabinet each year.

16 (2) The Secretary shall establish and maintain a register of the Ministry's annual  
17 reports.

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**§31. Prerogative of Government not affected**

Nothing in this Act extinguishes any appointment, exercise of any power or authority that, if this Act had not been passed, would be exercisable by virtue of the prerogative of the Government or provided for under the Constitution of the Republic of the Marshall Islands.

**§32. Relationship with other Acts and International Conventions**

(1) In the administration of this Act, the Ministry shall, as far as it is applicable, execute its functions consistent with, provisions of the:

- (a) Diplomatic Privileges and Immunities Act 1988;
- (b) International Organizations Immunities Act;
- (c) Income Tax Act;
- (d) Financial Management Act 1990;
- (e) Procurement (Code) Act 1988;
- (f) Policies and Regulations on Official Government Travel;
- (g) Republic of the Marshall Islands Public Service Regulations;
- (h) Vienna Convention on Diplomatic Relations; and
- (i) Vienna Convention on Consular Relations.

1 **§33. Regulations**

2 (1) The Minister shall, with the approval of President and Cabinet, promulgate  
3 regulations to give effect to the provisions of this Act, for all or any of the following  
4 purposes:

5 (a) prescribing matters of procedure in relation to any application under  
6 this Act:

7 (b) prescribing conditions of employment, allowances and entitlements for  
8 overseas staff:

9 (c) prescribing Government foreign policy:

10 (d) providing for such other matters as is contemplated by or necessary for  
11 giving full effect to the provisions of the Act and for its due administration.

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13 **§34. Repeal**

14 The Foreign Policy Regulations 1994 is hereby repealed.

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16 **§35. Effective date**

17 This Act shall come into force in accordance with the Article V, Section 21 of the  
18 Constitution and the Rules of Procedures of the Nitijela.

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**CERTIFICATE**

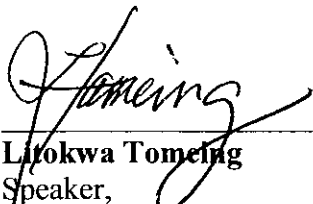
**I hereby certify:**

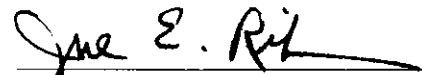
(1) That Nitijela Bill No: 142 N.D. was passed by the Nitijela of the Marshall Islands on the 21<sup>th</sup> day of September, 2007; and

(2) That I am satisfied that Nitijela Bill No: 142 N.D. was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 29<sup>th</sup> day of October, 2007.

**Attest:**

  
\_\_\_\_\_  
**Litokwa Tomeling**  
Speaker,  
Nitijela of the Marshall Islands

  
\_\_\_\_\_  
**Joe E Riklon**  
Clerk,  
Nitijela of the Marshall Islands

SCHEDULES

**Schedule 1**

**CONSTITUTION OF THE REPUBLIC OF THE MARSHALL ISLANDS**

Ministry of Foreign Affairs Act 2007

Section 5 (4)

**MINISTERIAL APPOINTMENT**

To: Hon. \_\_\_\_\_

Minister for Foreign Affairs

PURSUANT to the powers conferred upon me by section 5 of the Constitution of the Republic of the Marshall Islands and section 5(1) of the Ministry of Foreign Affairs Act 2007, you are hereby appointed Minister for Foreign Affairs with effect from [ DATE ].

1 NOW THEREFORE in exercise of the powers conferred on me, I hereby assign to you  
2 the responsibility for the conduct of the foreign affairs of the Republic of the Marshall  
3 Islands and the administration of the following written laws and conventions:

4 *Ministry of Foreign Affairs Act 2007*

5 *Labor (Non-Resident Workers) Act 2007*

6 *Diplomatic Privileges and Immunities Act 1988*

7 *International Organizations Immunities Act*

8 *Vienna Convention on Diplomatic Relations*

9 *Vienna Convention on Consular Relations*

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11 Made at Majuro this \_\_\_\_\_ day of \_\_\_\_\_ 200\_

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H.E. [            ]

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**President of the Republic of the Marshall Islands**

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P.L. 2007-88

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**Schedule 2**

**Ministry of Foreign Affairs Act 2007**

Section 13(1)(a)

**INSTRUMENT OF APPOINTMENT – POLITICAL APPOINTEE**

**HEAD OF MISSION AND RMI AMBASSADOR TO [COUNTRY]**

**EXTRAORDINARY PLENIPOTENTIARY**

To: \_\_\_\_\_

Majuro

PURSUANT to the powers conferred upon me by section [13(1)(a)] or [13(1)(b)]\* of the Ministry of Foreign Affairs Act 2007, you are hereby appointed as Head of Mission and the Republic of the Marshall Island’s Ambassador Extraordinary Plenipotentiary to [COUNTRY] with effect from [ DATE ].

1 NOW THEREFORE in exercise of the powers conferred on me by the Act, I hereby  
2 assign to you the responsibility for the conduct of the foreign affairs of the Republic of  
3 the Marshall Islands in [COUNTRY] and the administration of the Republic of the  
4 Marshall Island's Mission to [COUNTRY].

5

6 In executing the duties and functions of your office, you shall adhere to the following  
7 written laws and conventions:

8 *Ministry of Foreign Affairs Act 2007*

9 *Ministry of Foreign Affairs Regulations 2007*

10 *Republic of the Marshall Island's Foreign Policy Manual*

11 *Republic of the Marshall Island's Public Service Regulations*

12 *Diplomatic Privileges and Immunities Act 1988*

13 *International Organizations Immunities Act*

14 *Vienna Convention on Diplomatic Relations*

15 *Vienna Convention on Consular Relations*

16 Made at Majuro this \_\_\_\_\_ day of \_\_\_\_\_ 200\_

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20 H.E. [ ]

21 **President of the Republic of the Marshall Islands**

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**Schedule 4**

**Ministry of Foreign Affairs Act 2007**

Section 15(3)

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**INSTRUMENT OF RECALL**

**HEAD OF MISSION AND RMI AMBASSADOR EXTRAORDINARY**

**PLENIPOTENTIARY TO [COUNTRY]**

To: \_\_\_\_\_

Ambassador to [       ]

1 PURSUANT to the powers conferred upon me by section 15(1) of the Ministry of  
2 Foreign Affairs Act 2007, you are hereby recalled from duties as Head of Mission and the  
3 Republic of the Marshall Island's Ambassador Extraordinary Plenipotentiary to  
4 [COUNTRY] with effect from [DATE ].

5

6 NOW THEREFORE in exercise of the powers conferred on me by section 15(1) of the  
7 Act, the responsibility for the conduct of the foreign affairs of the Republic of the  
8 Marshall Islands in [COUNTRY] and the administration of the Republic of the Marshall  
9 Island's Mission to [COUNTRY] is hereby terminated.

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11 Made at Majuro this \_\_\_\_\_ day of \_\_\_\_\_ 200\_

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**Hon. Minister of Foreign Affairs**

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**Republic of the Marshall Islands**

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P.L. 2007-88

1 NOW THEREFORE in exercise of the powers conferred on me by the Act, I hereby  
2 assign to you the responsibility for the conduct of the foreign affairs of the Republic of  
3 the Marshall Islands in [COUNTRY] and the administration of the Republic of the  
4 Marshall Island's Mission to [COUNTRY].

5

6 In executing the duties and functions of your office, you shall adhere to the following  
7 written laws and conventions:

8 *Ministry of Foreign Affairs Act 2007*

9 *Ministry of Foreign Affairs Regulations 2007*

10 *Republic of the Marshall Island's Foreign Policy Manual*

11 *Republic of the Marshall Island's Public Service Regulations*

12 *Diplomatic Privileges and Immunities Act 1988*

13 *International Organizations Immunities Act*

14 *Vienna Convention on Diplomatic Relations*

15 *Vienna Convention on Consular Relations*

16

17 Made at Majuro this \_\_\_\_\_ day of \_\_\_\_\_ 200\_

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**Hon. [ ]\***

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**Minister of Foreign Affairs**

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**Republic of the Marshall Islands**

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