

TITLE 43 – FOREIGN AFFAIRS, CITIZENSHIP AND IMMIGRATION
CHAPTER 6 - MINISTRY OF FOREIGN AFFAIRS



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

FOREIGN AFFAIRS ACT 2007

Arrangement of Sections

Section	Page
PART I – PRELIMINARY	
§601. Short title and commencement.....	5
§602. Interpretation.	5
§603. Functions of the Ministry of Foreign Affairs.	7
PART II – GOVERNMENT FOREIGN POLICY	
§604. Government’s foreign policy objectives to be published.....	8
PART III – POWERS AND FUNCTIONS	
§605. Minister of Foreign Affairs.....	9
§606. Secretary of Foreign Affairs.	10
§607. Appointment of staff for Ministry Headquarters.	12
§608. Establishment of a career foreign service.....	12
PART IV – STRUCTURE OF MINISTRY HEADQUARTERS AND OVERSEAS MISSIONS	
§609. Organizational Structure.....	12
§610. Administrative Divisions of Headquarters	13
§611. Establishment of Missions of the Republic.....	13
PART V – REPORTING, NOTIFICATIONS AND COMMUNICATIONS	
§612. Reporting, notifications and communications.	14

PART VI – APPOINTMENT AND RECALL OF HEAD OF MISSION	15
§613. Appointment of Head of Mission.....	15
§614. Duration of appointment.	16
§615. Termination of appointment.	17
PART VII - HONORARY CONSULS OF THE REPUBLIC	17
§616. Appointment of Honorary Consuls.	17
§617. Functions and responsibilities of Honorary Consuls.	18
§618. Termination of appointments of Honorary Consuls.	18
PART VIII - SECONDMENTS, ASSIGNMENTS AND INTERNSHIPS	19
§619. Secondment of officers to International organizations.....	19
§620. Assignment of officers within the Ministry to serve at Missions.....	19
§621. Secondment of officers of other Ministries to serve at Missions.....	19
§622. Internships.	20
§623. Locally engaged staff (LES).	20
PART IX – CONDITIONS OF SERVICE	21
§624. Conditions of service for officers.	21
PART X – CONDUCT OF OFFICERS	22
§625. Code of conduct.	22
§626. Confidentiality.....	22
PART XI – MISCELLANEOUS PROVISIONS	22
§627. Administration of Act.	22
§628. Establishment of a Foreign Policy Advisory Committee.	22
§629. Diplomatic and other training of staff.	23
§630. Annual Reports.	23
§631. Prerogative of Government not affected.	23
§632. Relationship with other Acts and International Conventions.....	24
§633. Regulations.	24
§634. Repeal.	24
§635. Effective date.	24
SCHEDULE 1	25
MINISTERIAL APPOINTMENT	25
SCHEDULE 2	26
INSTRUMENT OF APPOINTMENT – POLITICAL APPOINTEE	26

SCHEDULE 3	27
INSTRUMENT OF APPOINTMENT – CAREER DIPLOMAT	27
SCHEDULE 4.	28
INSTRUMENT OF RECALL	28

TITLE 43 – FOREIGN AFFAIRS, CITIZENSHIP AND IMMIGRATION
CHAPTER 6 - MINISTRY OF FOREIGN AFFAIRS



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

FOREIGN AFFAIRS ACT 2007

AN ACT to generally to provide for the establishment of the Ministry of Foreign Affairs, in particular to designate its functions and those of its officers, and to provide for the conduct of relations between the Republic of the Marshall Islands and foreign states.

<i>Commencement:</i>	<i>October 29, 2007</i>
<i>Source:</i>	<i>P. L. 2007-88</i>
<i>Amended By:</i>	<i>P. L. 2009-22</i>

PART I – PRELIMINARY

§601. Short title and commencement.

This Chapter may be cited as the Foreign Affairs Act, 2007.

§602. Interpretation.

In this Chapter, unless the context otherwise requires:

- (a) **“Citizen of the Republic of the Marshall Islands”** means a:
- (i) a citizen of the Republic at birth; or
 - (ii) an immigrant alien legally admitted to the Republic and is a naturalized citizen under the *Citizenship Act 1984*; or
 - (iii) a person that has acquired citizenship under Article XI of the Constitution of the Republic of the Marshall

Islands, and the term “**Marshallese citizen**” has a corresponding meaning as in (a)(i).

- (b) “**Constitution**” means the Constitution of the Republic of the Marshall Islands;
- (c) “**Dependent**” means
 - (i) a legal spouse; and
 - (ii) children including any unmarried child under 18 years of age; any unmarried child between 18 and 25 years of age who is attending an educational institution; and any mentally or physically disabled person of any age; provided that they are wholly and directly dependent for maintenance and support on that person, that person being a parent or legal guardian employed by the Ministry;
- (d) “**Government**” means the Government of the Republic of the Marshall Islands;
- (e) “**Head of Mission**” means any person who is appointed under section 613(1) to be a Head of a Mission;
- (f) “**Head of post**” means a person who is not a Head of Mission but is appointed by the President to be the head of a government office of the Republic of the Marshall Islands in any country;
- (g) “**Ministry**” means the Ministry of Foreign Affairs;
- (h) “**Minister**” means the Minister appointed by the President to be responsible for the Ministry of Foreign Affairs;
- (i) “**Mission**” means a Mission of the Republic of the Marshall Islands and shall also refer to an Embassy of the Republic of the Marshall Islands;
- (j) “**Public Service Commission**” means the Public Service Commission established under the Constitution of the Republic of the Marshall Islands;
- (k) “**Public Service Regulations**” means the Public Service Regulations of the Republic of the Marshall Islands;
- (l) “**Republic of the Marshall Islands**” or “**the Republic**” means any land territory within the territorial limits of the Republic of the Marshall Islands, and includes the internal waters and territorial sea of the Republic of the Marshall Islands;

- (m) “**Secretary**” means the Secretary of the Ministry of Foreign Affairs.

§603. Functions of the Ministry of Foreign Affairs.

There is hereby established a Ministry of Foreign Affairs, to be responsible for the following functions:

- (a) pursuing the foreign policy objectives of the Government promulgated under section 604;
- (b) establishing and maintaining bi-lateral relations with other States and Governments;
- (c) developing, articulating and pursuing the economic, social and political interests of the Republic within the region and internationally;
- (d) actively seeking bilateral, multilateral and international assistance to support national developmental goals of the Republic;
- (e) providing consular services for Marshallese citizens abroad;
- (f) providing representation for the Republic in all regional and international organizations where it has membership;
- (g) negotiating and concluding international treaties and agreements with a view to pursuing foreign policy objectives of the Government and protecting its national interests;
- (h) ensuring that the Nitijela, as far as is applicable to local circumstances, enacts domestic legislation to give effect to the Republic’s obligations under international treaties and conventions which it has ratified;
- (i) acting as the national and political focal point of the Republic in all organizations, agreements and conventions in which the Republic has membership.

PART II – GOVERNMENT FOREIGN POLICY

§604. Government's foreign policy objectives to be published.

- (1) The formulation of the Government's foreign policy objectives vests with the President and the Cabinet on the recommendation of the Minister.
- (2) The Cabinet will, from time to time, publish the Government's foreign policy objectives. Publication for the purposes of this section should include, but is not restricted to, the inclusion of that policy in:
 - (a) the Government Gazette;
 - (b) a document available to the public at offices of the Ministry of Foreign Affairs;
 - (c) official Government websites.
- (3) Government's foreign policy objectives may include, but will not be limited to:
 - (a) general or specific objectives of the Government relating to foreign policy;
 - (b) priorities for national development and advancement;
 - (c) articulation of the Government's position on relevant foreign policy issues;
 - (d) external trade priorities in the Republic's bilateral, regional and multilateral relations;
 - (e) directives to Missions, Embassies, posts and consular services of the Republic abroad;
 - (f) determination of technical and or financial assistance required for national development priorities in the Republic;
 - (g) any other matters relevant to the overall objectives of Government.

PART III – POWERS AND FUNCTIONS

§605. 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 607(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 611(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 other countries and international organizations;
 - (vii) overseeing and implementing directives by the President and Cabinet related to the appointment or recalling of Heads of Missions and other diplomatic appointees;
 - (viii) administering, managing and developing the capacity of the Foreign service of the Republic of the Marshall Islands;

- (ix) approving the cross-accreditation of Ambassadors to jurisdictional areas of responsibility;
 - (b) subject to subsection (6), negotiating, concluding and signing bi-lateral and multilateral agreements on behalf of the Government;
 - (c) ensuring the enactment of domestic legislation, to give effect to the Republic's obligations under international treaties and conventions which have been ratified by the Nitijela. (3) The Minister of Foreign Affairs will be directly accountable to the President and the Cabinet and in accordance with section 630, will present an annual report to Cabinet each year.
- (4) A ministerial appointment under this section shall be in the form set out in Schedule 1.
 - (5) The Minister may, in writing, delegate to the Secretary or any other officer all or any of the powers conferred upon the Minister by this Chapter, except this power of delegation and the powers conferred by or in any of sections 605(2)(a)(iii), 605(2)(a)(ix) or 605(2)(b).
 - (6) The Cabinet may, in writing, authorize a Minister within the Government to sign a bi-lateral or multi-lateral agreement on behalf of the Government, as required from time to time.
 - (7) Any delegation may be made subject to such restrictions and conditions as the Minister thinks fit and shall be revocable in writing at will. No such delegation shall prevent the exercise of any power by the Minister.
 - (8) A delegation of the Minister's powers will continue in force until revoked in writing, notwithstanding that the Minister by whom it was made has ceased to hold office, and such delegation will continue to have effect as if made by the successor in office of the Minister.

§606. Secretary of Foreign Affairs.

- (1) The Public Service Commission shall, in consultation with the Minister, appoint a suitably qualified person to the position of Secretary of the Ministry of Foreign Affairs.
- (2) The Secretary, shall be responsible to the Minister, and is charged with the following functions:

- (a) overseeing the administration and management of the Ministry and its Missions including the following:
 - (i) recruiting, developing and maintaining effective foreign service staff;
 - (ii) preparing, overseeing and managing the budget of the Ministry;
 - (iii) ensuring that the Ministry responds to all diplomatic and official correspondences received by the Ministry;
 - (iv) ensuring timely action or advice is received from appropriate Ministries, agencies and organizations within the Republic for forwarding to relevant international organizations as requested;
 - (v) establishing performance output criteria and assessment guidelines for recommending the promotion of officers to the Public Service Commission;
 - (vi) ensuring that Heads of Missions, Embassies and posts are briefed in accordance with section 613(5) prior to being posted abroad;
 - (vii) establishing and maintaining a list of current Missions and their jurisdictional areas of responsibility in accordance with section 611(3);
 - (viii) . ensuring that in executing its functions, Heads of Missions and officers of the Ministry adhere to proper diplomatic protocol in accordance with the Vienna Convention on Diplomatic Relations, Vienna Convention on Consular Relations and any applicable national legislation on diplomatic protocol;
 - (ix) acting as the point of contact for the Ministry in accordance with section 612(c); and
 - (x) establishing and maintaining a list of honorary consuls of the Republic in accordance with section 618(2);
- (b) acting as the principal policy adviser to the Minister in formulating recommendations for adoption and inclusion in the Government's foreign policy objectives;
- (c) ensuring that all officers of the Ministry and its Missions pursue the Government's foreign policy objectives and are

aware of the Government's position on pertinent foreign policy issues;

- (d) recommending legislative and policy changes to the Minister as appropriate, for the attainment of an effective and efficient Ministry;
 - (e) perform any other functions as delegated by the Minister in accordance with section 605(5), or as directed by the Public Service Commission from time to time.
- (5) The Secretary of Foreign Affairs shall report directly to the Minister.

§607. Appointment of staff for Ministry Headquarters.

- (1) Unless otherwise specified in this Chapter, the Public Service Commission, shall, in consultation with the Minister, appoint suitably qualified officers to execute the functions of the Ministry.
- (2) The Secretary and all other officers appointed under subsection (1) will, in addition to the Act and Regulations, be bound by the Public Service Regulations.

§608. Establishment of a career foreign service.

- (1) There shall be established within the Ministry a career structure for the development of the foreign service of the Republic.
- (2) The Secretary, in consultation with the Public Service Commission, will be primarily responsible for the establishment and maintenance of a career foreign service.

PART IV – STRUCTURE OF MINISTRY HEADQUARTERS AND OVERSEAS MISSIONS

§609. Organizational Structure.

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

- (2) From time to time, the Minister may recommend changes to the organizational structure of the Ministry, for the approval of the Public Service Commission and President and Cabinet.
- (3) Changes to the organizational structure of the Ministry and its overseas Missions shall be annexed to the Regulations.

§610. Administrative Divisions of Headquarters

- (1) For the effective administration of this Chapter, the Ministry headquarters will consist of the following core function areas:
 - (a) Office of the Minister;
 - (b) Office of the Secretary;
 - (c) Office of the Legal Advisor;
 - (d) Policy advisor, planning and research;
 - (e) Bureau of Management;
 - (f) Bureau of multilateral affairs;
 - (g) Bureau of bilateral affairs;
 - (h) Bureau of US affairs; and
 - (i) Office of Compact Implementation. [office of Deputy Secretary removed by P.L.2009-22]

§611. Establishment of Missions of the Republic.

- (1) The Minister subject to the consent of the President and Cabinet, will be responsible for the establishment of Missions of the Republic abroad.
- (2) Primary functions of Missions, Embassies or posts include:
 - (a) pursuing foreign policy objectives of the Government in the host country and jurisdictional areas of responsibility;
 - (b) seeking bilateral, multilateral and international assistance to support national developmental goals of the Republic;
 - (c) transmitting official communications between the Government of the Republic of the Marshall Islands and the Governments of other countries and international organizations;

- (d) promoting and protecting the interests of Marshallese citizens residing in the host country and jurisdictional areas of responsibility;
 - (e) providing consular services for citizens of the Republic abroad; and
 - (f) any other functions as directed by the President and Cabinet.
- (3) A list of current Missions and their jurisdictional areas of responsibility shall be established and maintained by the Secretary. The list will be annexed to Regulations under this Chapter .

PART V – REPORTING, NOTIFICATIONS AND COMMUNICATIONS

§612. Reporting, notifications and communications.

- (1) Unless otherwise directed by the President and Cabinet:
 - (a) all diplomatic or official correspondences sent directly to the Republic's Missions must be forwarded to or channeled through the Ministry headquarters; and
 - (b) all diplomatic or official correspondences originating from Embassies within the Republic to any Ministry or agency in the Republic must be forwarded or channeled through the Ministry headquarters; and
 - (c) all diplomatic or official correspondences originating from domestic Ministries, agencies, or Missions and international organizations that are channeled through Ministry headquarters should, where appropriate, be forwarded to relevant Embassies for their information.
- (2) The first point of contact for Missions of the Republic will be the head of Mission or his or her designate.
- (3) The first point of contact for the Ministry headquarters will be the Secretary.

PART VI – APPOINTMENT AND RECALL OF HEAD OF MISSION

§613. Appointment of Head of Mission

- (1) Subject to subsection (3) of this section, the Head of a Mission shall be appointed in one of the following ways:
 - (a) in the case of a career diplomat, by the Minister with the consent of the President and Cabinet; or
 - (b) in the case of a political appointee, by the President with the consent of the Cabinet.
- (2) Pursuant to Article V, Section 1(3)(d) of the Constitution, the appointment of an Ambassador or Head of Mission by the President and Cabinet must be approved by the Nitijela, signified by Resolution.
- (3) A person appointed under subsection (1)(a) or (1)(b) must:
 - (a) be a citizen of the Republic of the Marshall Islands; and
 - (b) be of a reputable character and standing within the Republic; and
 - (c) in the case of a career diplomat, must have served within the Ministry for at least five (5) years; and
 - (d) in the case of a political appointee, be suited by training or experience to be stationed at the relevant post.
- (4) Prior to assuming the new post, the Head of a Mission must be briefed by the Secretary on the following:
 - (a) functions of the Mission;
 - (b) organizational structure of the Mission, proper line of authority and functions of its officers;
 - (c) foreign policy objectives of Government as applicable to the host country or jurisdictional area of responsibility;
 - (d) national development objectives of the Government;
 - (e) relevant history, culture and traditions of the host country; (f) procedures relating to the presentation of credentials and other diplomatic protocol of the Foreign Ministry; (g) Vienna Convention on Diplomatic Relations and Vienna Convention on Consular Relations;

- (h) any other issues relevant to the diplomatic posting.
- (5) The Head of a Mission shall:
 - (a) ensure that each Mission discharges its functions set out in section 611(2) of the Chapter; and
 - (b) be accountable for any expenditures of the Mission and ensure that the budget of the Mission is administered in accordance with the *Financial Management Act 1990, Procurement (Code) Act 1988, Income Tax Act, Policies and Regulations on Official Government Travel* and other applicable laws of the Republic; and
 - (c) report directly to the Secretary.
- (6) The Secretary shall establish and maintain a list of all appointed Heads of Missions. The list shall be annexed to Regulations.

§614. Duration of appointment.

- (1) Unless terminated earlier under section 615, all Heads of Missions shall serve for the duration of the term of the Government under which he or she was appointed.
- (2) Every election year, within seven (07) calendar days after the announcement of official results of the general election, each Head of Mission:
 - (a) who is a career diplomat shall submit his or her resignation letter to the Minister; or
 - (b) who is a political appointee shall submit his or her resignation letter to the President.
- (3) At the commencement of the next Parliamentary session, the incoming Government may either:
 - (a) appoint new Heads of Missions in accordance with sections 613(1)(a) or 613(1)(b); or
 - (b) re-appoint Heads of Missions who were confirmed by the Nitijela in the preceding term under section 613(5).
- (4) In the event that a Head of Mission is re-appointed under subsection (3) (b), re-confirmation by the Nitijela will not be required.
- (5) Following the submission of a resignation letter under subsection (2):

- (a) in the case of a career diplomat, he or she may be recalled to Ministry headquarters and will continue to serve the Ministry as designated by the Secretary; and
- (b) in the case of a political appointee, he or she will be recalled but will not continue to be employed by the Ministry, unless subsequently reappointed under subsection (3)(b) of this section.

§615. Termination of appointment.

- (1) The Minister, subject to the approval of the President and Cabinet, may terminate the appointment of a Head of Mission before the end of his or her term.
- (2) Where an appointment has been terminated under subsection (1):
 - (a) in the case of a career diplomat, he or she will be recalled to Ministry headquarters and continue to serve the Ministry as designated by the Secretary; and
 - (b) in the case of a political appointee, he or she will be recalled but will not continue to be employed by the Ministry unless subsequently reappointed under section 614 (3) (b).
- (3) A termination under subsection (1) shall be in the form set out in Schedule 3.

PART VII - HONORARY CONSULS OF THE REPUBLIC

§616. Appointment of Honorary Consuls.

- (1) The President and Cabinet shall, on the recommendation of the Minister appoint suitable persons as Honorary Consuls for the Republic.
- (2) When recommending a person for appointment under subsection (1), the Minister shall provide to the President and Cabinet evidence that the person:
 - (a) is of independent means;
 - (b) is of high standing in his or her community;
 - (c) has excellent contacts within and beyond the Government of the host country;

- (d) has an impeccable record; and
 - (e) is committed and has the ability to promote, pursue and articulate the interests of the Republic in the host country, in pursuance of the foreign policy objectives of the Government.
- (3) Each Honorary Consul shall report directly to the Head of Mission responsible for that country, listed under Schedule 2 of the Regulations.
- (4) The Secretary shall establish and maintain a list of all appointed Honorary Consuls. The list shall be annexed to Regulations.

§617. Functions and responsibilities of Honorary Consuls.

- (1) Functions and responsibilities of Honorary Consuls shall include, but not be limited to:
- (a) actively pursuing the foreign policy objectives of the Republic in the host country;
 - (b) assisting the Mission to which he or she is required to report under section 616(3), as requested by the Head of Mission;
 - (c) acting as an official representative of the Republic at official functions in the host country; and
 - (d) reporting to the Head of Mission, business, training, vocational and other opportunities available to nationals of the Republic in the host country.

§618. Termination of appointments of Honorary Consuls.

- (1) The President and Cabinet may, on the recommendation of the Minister, terminate the appointment of a person acting as an honorary consul of the Republic.
- (2) A termination under subsection (1) must be in writing and forwarded to the honorary consul as soon as is practicable.

PART VIII - SECONDMENTS, ASSIGNMENTS AND INTERNSHIPS

§619. Secondment of officers to International organizations.

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

§620. Assignment of officers within the Ministry to serve at Missions.

- (1) The Secretary may, with notification to the Public Service Commission, assign any officer of the Ministry to any Mission.
- (2) The Secretary may extend or terminate any overseas assignment under subsection (1), following which the officer shall return to headquarters.
- (3) Any officer of the Ministry assigned to serve at a Mission shall be required to sign an employment contract with the Public Service Commission, in accordance with R25 of the Public Service Regulations 1998. The employment contract shall include the term of the assignment, duties and responsibilities, remuneration and applicable tax deductions, entitlements for service abroad, and any other terms agreed upon by the Ministry.
- (4) Any officer of the Ministry assigned overseas shall, in addition to provisions under his or her employment contract, continue to be bound by the Public Service Regulations of the Republic.
- (5) The Secretary may, in consultation with the Minister, recall an officer assigned to serve at a Mission prior to the end of his or her term.
- (6) Procedures relating to a recall under subsection (5) shall be included in regulations under the Act.

§621. Secondment of officers of other Ministries to serve at Missions.

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

- (2) In the event that a person is seconded under subsection (2), the Ministry of Foreign Affairs and relevant Ministry involved shall enter into a Memorandum of Agreement regarding the employment and financial conditions that will apply for the duration of the secondment.
- (3) The Secretary may, in consultation with the Ministry from which the officer was seconded, recall an officer prior to the end of his or her term.(4) Procedures relating to a recall under subsection (3) shall be included in regulations under the Chapter.

§622. Internships.

- (1) The Secretary may, from time to time, approve or terminate the engagement of a person as an intern at the Ministry headquarters or at Missions.
- (2) Any appointment or termination under subsection (1) shall be in writing.
- (3) Prior to the engagement of the intern, the Secretary or Head of Mission shall conduct a thorough background check of the intern, including obtaining criminal and health clearances, and relevant qualifications and references from previous employers.
- (4) Every intern shall be required to sign an internship contract. The contract shall include the term of the internship, duties and responsibilities, entitlements if applicable, and any other terms agreed upon by the Ministry.

§623. Locally engaged staff (LES).

- (1) The Head of a Mission may, with the concurrence of the Minister or Secretary, employ suitably qualified persons, including citizens of the Republic who are living abroad at any Mission.
- (2) Prior to the engagement of such a person, the Head of the Mission or Secretary shall conduct a thorough background check, including obtaining criminal and health clearances and relevant qualifications and references from previous employers.
- (3) Any person employed under this section shall be required to sign an employment contract with the Ministry. The employment contract shall include the term of employment, duties and responsibilities,

- remuneration, entitlements if applicable, and any other terms agreed upon by the Ministry.
- (4) Citizens of the Republic engaged abroad are to be considered independent contractors and not as members of the public service of the Republic. They shall not be bound by the Public Service Regulations.
 - (5) The Head of Mission may, in consultation with the Secretary, terminate the employment of a locally engaged staff member provided that such termination shall be in writing.

PART IX – CONDITIONS OF SERVICE

§624. Conditions of service for officers.

- (1) Conditions of service for staff members, including the Secretary, Heads of Missions and diplomatic personnel, shall be in accordance with regulations under the Chapter.
- (2) The Secretary shall seek the President and Cabinet's approval for the level of allowances and other entitlements applicable to:
 - (a) Heads of Missions; or
 - (b) staff members assigned, engaged or seconded to serve at a Mission of the Republic.
- (3) Every three years, the Secretary shall undertake a review of the level of allowances and other entitlements of its overseas staff and shall in consultation with the Minister, seek the President and Cabinet's approval to vary those entitlements as appropriate.
- (4) Changes to the level of allowances and entitlements of overseas staff under subsection (3) must be published in the Foreign Policy Manual of the Ministry.

PART X – CONDUCT OF OFFICERS

§625. Code of conduct.

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

§626. Confidentiality.

- (1) All officers, including independent contractors engaged by the Ministry shall keep all information and instructions received in the course of their employment confidential.
- (2) Any person found to have disclosed confidential information without first being authorized by the Secretary, may be liable to disciplinary action by the Minister or Public Service Commission.
- (3) All information received under section 612 shall be deemed to be confidential information of the Ministry.

PART XI – MISCELLANEOUS PROVISIONS

§627. Administration of Act.

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

§628. 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 606(2)(b).

§629. Diplomatic and other training of staff.

- (1) The Secretary shall ensure that all members of staff receive appropriate diplomatic and other training relevant to each officer's position.
- (2) In particular, priority consideration should be given to the following:
 - (a) participation in training programs in and around the Pacific region;
 - (b) specialized diplomatic training programs which may include short term courses in diplomatic practice, medium term detailed programs and longer term post graduate initiatives;
 - (c) attachments or postings to selected regional organizations;
 - (d) utilization of experienced returned senior diplomats, including retirees, to conduct on the job training and mentoring in Ministry headquarters;
 - (e) diplomatic or other training offered by bilateral sources.

§630. Annual Reports.

- (1) The Minister shall present an Annual Report of the Ministry to the President and Cabinet each year.
- (2) The Secretary shall establish and maintain a register of the Ministry's annual reports.

§631. Prerogative of Government not affected.

Nothing in this Chapter extinguishes any appointment, exercise of any power or authority that, if this Chapter 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.

§632. Relationship with other Acts and International Conventions.

- (1) In the administration of this Chapter, 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.

§633. Regulations.

- (1) The Minister shall, with the approval of President and Cabinet, promulgate regulations to give effect to the provisions of this Chapter, for all or any of the following purposes:
 - (a) prescribing matters of procedure in relation to any application under this Chapter;
 - (b) prescribing conditions of employment, allowances and entitlements for overseas staff;
 - (c) prescribing Government foreign policy;
 - (d) providing for such other matters as is contemplated by or necessary for giving full effect to the provisions of the Act and for its due administration.

§634. Repeal.

The Foreign Policy Regulations 1994 is hereby repealed.

§635. Effective date.

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

Schedule 1

CONSTITUTION OF THE REPUBLIC OF THE MARSHALL ISLANDS

Ministry of Foreign Affairs Act 2007

Section 605 (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 605(1) of the Ministry of Foreign Affairs Act 2007, you are hereby appointed Minister for Foreign Affairs with effect from [DATE].

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

Ministry of Foreign Affairs Act 2007

Labor (Non-Resident Workers) Act 2007

Diplomatic Privileges and Immunities Act 1988

International Organizations Immunities Act

Vienna Convention on Diplomatic Relations

Vienna Convention on Consular Relations

Made at Majuro this _____ day of _____ 20_

H.E. [_____]

President of the Republic of the Marshall Islands

Schedule 2

Ministry of Foreign Affairs Act 2007

Section 613(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 613(1)(a)] or [613(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].

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

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

Ministry of Foreign Affairs Act 2007

Ministry of Foreign Affairs Regulations 2007

Republic of the Marshall Island's Foreign Policy Manual

Republic of the Marshall Island's Public Service Regulations

Diplomatic Privileges and Immunities Act 1988

International Organizations Immunities Act

Vienna Convention on Diplomatic Relations

Vienna Convention on Consular Relations

Made at Majuro this _____ day of _____ 20__

H.E. []*President of the Republic of the Marshall Islands*

Schedule 3

Ministry of Foreign Affairs Act 2007

Section 613(1)(b)

INSTRUMENT OF APPOINTMENT – CAREER DIPLOMAT**HEAD OF MISSION AND RMI AMBASSADOR TO [COUNTRY]
EXTRAORDINARY PLENIPOTENTIARY**

To: _____

Majuro

PURSUANT to the powers conferred upon me by section [613(1)(a)] or [613(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].

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

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

Ministry of Foreign Affairs Act 2007

Ministry of Foreign Affairs Regulations 2007

Republic of the Marshall Island's Foreign Policy Manual

Republic of the Marshall Island's Public Service Regulations

Diplomatic Privileges and Immunities Act 1988

International Organizations Immunities Act

Vienna Convention on Diplomatic Relations

Vienna Convention on Consular Relations

Made at Majuro this _____ day of _____ 20_

HON. []**Minister of Foreign Affairs Republic of the Marshall Islands*

