

## **CXXX. VANUATU<sup>225</sup>**

### **SUMMARY OF LEGISLATION OF VANUATU RELATED TO TERRORISM**

**(a) The Financial Institutions Act No. 2 of 1999, Anti-terrorism regulatious Order No. 9 of 2002**

The Financial Institutions Act No. 2 of 1999 Anti-terrorism regulations Order No. 9 of 2002 requires domestic banks to freeze accounts of terrorist entities. A terrorist entity is any Taliban, Al-Qaida or other entity designated by the 1267 Committee, the Security Council or declared by the Reserve Bank. The bank must immediately give written notice of the account to the Reserve Bank of Vanuatu and to the Financial Intelligence Unit (FIU). It must then close the account within 24 hours of giving this notice. These regulations came into effect on 2 April 2002 and made as regulations the contents of the Reserve Bank's directive of 18 March 2002.

**(b) The Financial Transactions Reporting Act No. 33 of 2000, Anti-terrorism regulations Order No. 10 of 2002**

The Financial Transactions Reporting Act No. 33 of 2000 Anti-terrorism regulations Order No. 10 of 2002 deems suspicious all transactions or proposed transactions by terrorist entities, thus requiring a suspicious transaction report to be made to the FIU. A terrorist entity is any Taliban, Al-Qaida or other entity designated by the United Nations Security Council Resolution 1267 (1999) Committee or the Security Council.

The regulations also provide that if any entity conducts a transaction or seeks to conduct a transaction that the financial institution reasonably suspects involves funds that are being, likely to be or have been used by a terrorist entity, for terrorism or for acts of terrorism, then this is deemed suspicious and a report must be made to the FIU.

These regulations also prescribe that any entity that by non-formal means transfers, remits, exchanges or otherwise deals with money or money's worth or value for the purposes of remittance, transfer or payment to places outside of Vanuatu is a financial institution and so must comply with the Financial Transactions Reporting Act.

---

<sup>225</sup> Transmitted to the Secretariat by that Government on 18 April 2003 (S/2003/497, enclosure). Information was also provided in respect of other legislation, including the Proceeds of Crime Act No.13 of 2002 and Mutual Assistance in Criminal Matters No.14 of 2002.

Any information received by the FIU by way of a suspicious transaction report or otherwise, that relates to a terrorist entity or person suspected of being involved with terrorism will be shared immediately with foreign counterparts.

**(c) The Immigration Act (CAP. 66) Anti-terrorism regulations Order No. 7 of 2002**

The Immigration Act (CAP. 66) Anti-terrorism regulations Order No. 7 of 2002 prohibits the entering of Vanuatu, including its territorial waters, of individuals who are or are reasonably suspected of being terrorist entities, or are or are reasonably suspected of being members of a terrorist entity.

These regulations also state that an individual must not be granted asylum in Vanuatu if he/she is or is reasonably suspected of being a terrorist entity, or is reasonably suspected of being a member of a terrorist entity, or has engaged or is reasonably suspected of having engaged in an act of terrorism, or has funded, directly or indirectly, or is reasonably suspected of having funded, directly or indirectly, terrorism or acts of terrorism.

A terrorist entity means the Taliban, Al-Qaida or any other entity (defined as an individual, body corporate, an unincorporated association or organization, or any other body) designated from time to time by the United Nations Security Council Resolution 1267 (1999) Committee, or by under one or more other resolutions of the United Nations Security Council.

**(d) The Explosives Act (CAP. 6) Anti-terrorism regulations Order No. 6 of 2002**

The Explosives Act (CAP. 6) Anti-terrorism regulations Order No. 6 of 2002 prohibits persons from exporting from Vanuatu explosives or components of explosives to any terrorist entity. "Terrorist entity" is defined as the Taliban, Al-Qaida or any other entity designated by the 1267 Committee or by or under one of more other resolutions of the United Nations Security Council. These regulations came into force on 2 April 2002.

Vanuatu does not yet have legislation specifically prohibiting the supply of weapons to terrorists. However, under section 9 of the Firearms Act [CAP. 6], the licensing officer must not grant a firearm licence to any person who is for any reason unfit to be entrusted with a firearm. If a person was on one of the United Nations lists of terrorist persons that would be a sufficient reason to not grant that person with a firearm licence.

**(e) United Nations Act No. 1 of 2002 in November 2002**

The Vanuatu Parliament enacted the United Nations Act No. 1 of 2002 in November 2002. This Act has been in force since 3 February 2003.

The Act gives the Prime Minister power to make orders to enable Vanuatu to fulfil the obligations undertaken by it under Article 41 of the Charter of the United Nations.

An order (subsidiary legislation) has been prepared to give effect to resolutions 1267 (1999), 1333 (2000) and 1373 (2001) of the United Nations Security Council. In the order, "Specified entity" is defined as every Al-Qaida entity, the Taliban, every Taliban entity and Usama Bin Laden. Under the order, the collecting or providing of funds for specified entities is prohibited by persons in Vanuatu or by Vanuatu citizens.

The order prohibits dealing with property of, or derived or generated from property of, specified entities.

The order requires that persons in possession or control of property that the person suspects on reasonable grounds is property that is or may be owned or controlled by, or on behalf of, a specified entity must report it to the Attorney General.

Persons in Vanuatu and Vanuatu citizens are prohibited from making property, or financial or other related services, available to specified entities.

It is government policy to refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts. The order that has been prepared pursuant to the United Nations Act (and which has yet to be brought into force) prohibits persons in Vanuatu and Vanuatu citizens in any place outside Vanuatu from recruiting other persons as a member of a group or organization, knowing that the group or organization is a specified entity.

"Specified entity" is defined as every Al-Qaida entity, the Taliban, every Taliban entity and Usama bin Laden.