

RÉPUBLIQUE
DE
VANUATU
JOURNAL OFFICIEL



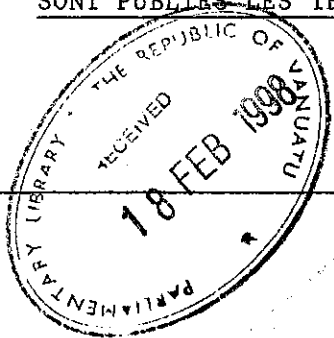
REPUBLIC
OF
VANUATU
OFFICIAL GAZETTE

28 JANVIER 1998

EXTRAORDINARY GAZETTE
NUMERO SPECIAL

28 JANUARY 1998

SONT PUBLIES LES TEXTES SUIVANTS



NOTIFICATION OF PUBLICATION

PRESIDENTIAL ORDER - STATE OF
EMERGENCY

ORDERS

STATE OF EMERGENCY ORDER NO. 8
OF 1998

STATE OF EMERGENCY ORDER NO. 9
OF 1998

STATE OF EMERGENCY ORDER NO. 10
OF 1998

STATE OF EMERGENCY ORDER NO. 11
OF 1998



REPUBLIC OF VANUATU

PRESIDENTIAL ORDER

STATE OF EMERGENCY

WHEREAS On the 12th day of January 1998 destruction of Private Property, looting and loss of public order occurred in Port Vila.

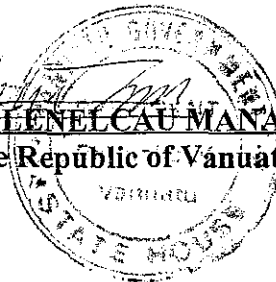
WHEREAS On the 13th day of January 1998 a **State of Emergency** was declared for the whole of Vanuatu to prevent further threat and to restore public order.

WHEREAS The **State of Emergency** will cease to have effect at midnight on the 27th day of January 1998.

NOW THEREFORE, acting on the advice of the Council of Ministers and pursuant to the powers conferred on me by Article 69(b) of the Constitution, I, **JEAN MARIE LEYE LENELCAU MANATAWAI**, President of the Republic of Vanuatu, hereby declare a **STATE OF EMERGENCY** for Port Vila (including Malapoa area, Blacksands area, Bauerfield International Airport area) and in Luganville only, from midnight of the 27th day of January 1998 for a period of 2 weeks for the purpose of restoring and maintaining public order.

DATED this 27th day of January 1998.


JEAN MARIE LEYE LENELCAU MANATAWAI
President of the Republic of Vanuatu





REPUBLIC OF VANUATU

STATE OF EMERGENCY **ORDER NO. 8 OF 1998**

To provide for the restoration and maintenance of public Order:

IN EXERCISE of the powers contained in Article 69 of the Constitution **WE, THE COUNCIL OF MINISTERS** hereby make the following Order:

STATE OF EMERGENCY

1. For the purpose of restoring public Order a State of Emergency has been declared by Order dated 27th January, 1998 under Article 69 of the Constitution, and these regulations are made accordingly.

PROHIBITION OF ASSEMBLIES ANY DEMONSTRATIONS

2. In the interest of public safety, and the restoration and maintenance of public Order it is prohibited to hold or participate in any procession, parade, assembly or demonstration in Port Vila or elsewhere in Vanuatu from the date of this Order until a permit is granted for the holding of a procession, parade, assembly or demonstration under section 7 of the Public Order Act [CAP. 84], (as amended by the Joint Public Order Regulations (Amendment) Act No. 22 of 1989) ("the Principal Act").

OFFENCES CONCERNING ASSEMBLIES AND DEMONSTRATIONS

3. (1) When any procession, parade, assembly or demonstration is held in breach of section 10 of the Principal Act, the Minister may at any time by oral or written notice, order the procession, parade assembly or demonstration, as the case may be, to disperse and may, if necessary, use the police force to give effect to the Order.
- (2) Every member of the Police Force may use such reasonable force as is necessary to give effect to the Order by the Minister under subparagraph (1).

ASSISTANCE TO POLICE

4. For the period of the State of Emergency (as fixed under Article 70 of the Constitution) the Commissioner of Police:
- (a) may appoint special constables from either inside or outside of Vanuatu to assist the Police Force in restoring and maintaining public order; and
 - (b) may commandeer for Police use any motor vehicle in Port Vila, provided however that the Government will compensate the owner of the motor vehicle for any damage incurred to it.

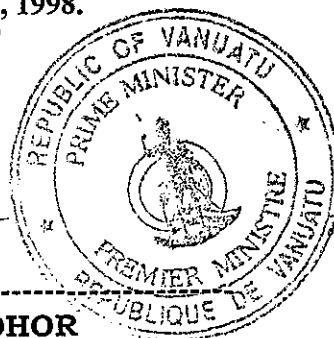
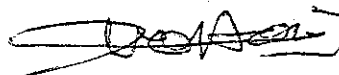
VANUATU NATIONAL PROVIDENT FUND

5. (a) During the state of emergency the Board of Vanuatu National Provident Fund is suspended and replaced with the caretaker board appointed by the Prime Minister on the advice of the Council of Ministers during the first State of Emergency declared on 13th January, 1998.
- (b) Part VIII of the Vanuatu National Provident Fund Act is hereby suspended in so far as it relates to the criteria of withdrawal of monies from the Fund by members.

COMMENCEMENT

6. This Order shall come into force on the 28th day of January, 1998.

MADE at Port Vila this 28 day of *January*, 1998.



RIALUTH SERGE VOHOR
Prime Minister of the Republic of Vanuatu
On behalf of the Council of Ministers



REPUBLIC OF VANUATU

STATE OF EMERGENCY ORDER NO. 9 OF 1998

To provide for the restoration and maintenance of public order:

IN EXERCISE of the powers contained in Article 69 of the Constitution **WE, THE COUNCIL OF MINISTERS** hereby make the following Order:

STATE OF EMERGENCY

1. For the purpose of restoring public order a State of Emergency has been declared by Order dated 27th January 1998 pursuant to Article 69 of the Constitution, and these regulations are made accordingly.

DETENTION OF PERSONS

2. For the purpose of the restoration and maintenance of public order, during the period of the State of Emergency (as determined under Article 70 of the Constitution), any person may be detained by the Vanuatu Police Force without trial for a period of not more than one calendar month, in accordance with Article 71(1)(b) of the Constitution.

RESTRICTION OF MOVEMENT

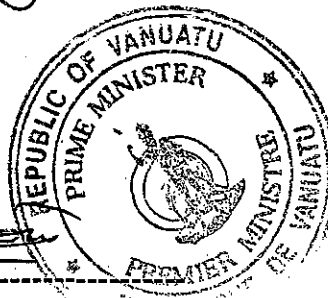
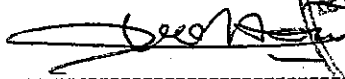
3. (1) In addition to the powers provided to the Vanuatu Police Force under section 18 of the Public Order Act [CAP 84], (as amended by The Joint Public Order Regulations (amendment) Act No 22 of 1989) the Commissioner of Police may, on a direction of the Prime Minister authorise members of the Vanuatu Police Force (including any special constable appointed under the State of Emergency Order No 8 of 1998) to restrict the movement of people to, from and within Vanuatu.
- (2) The restriction of movement powers given to the Prime Minister, and as may be given by him pursuant to a direction under subsection (1) to the Commissioner of Police shall only subsist for the period of the State of Emergency (as determined under Article 70 of the Constitution).
- (3) Subject to subsection (4) any person may be restricted from movement to, from and within Vanuatu (which includes, between islands, within islands and within areas of islands and includes restriction of movement within urban areas including Port Vila).

- (4) The power to restrict the movement of people may only be enforced where it is necessary for the restoration and maintenance of public order.

COMMENCEMENT

3. This Order shall come into force on the ^{28th} day of January 1998.

MADE at Port Vila this 28 day of January 1998.



RIALUTH SERGE VOHOR
Prime Minister of the Republic of Vanuatu
On behalf of the Council of Ministers



REPUBLIC OF VANUATU

STATE OF EMERGENCY
ORDER NO. 10 OF 1998

To provide for the restoration and maintenance of public order:

IN EXERCISE of the powers contained in Article 69 of the Constitution **WE, THE COUNCIL OF MINISTERS** hereby make the following Order:

STATE OF EMERGENCY

1. For the purpose of restoring public order a State of Emergency has been declared by Order dated 27th January, 1998 pursuant to Article 69 of the Constitution, and these regulations are made accordingly.

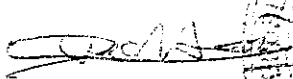
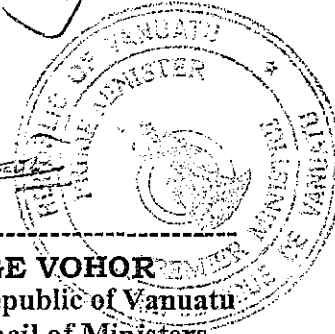
POLICE TO CARRY ARMS

2. (1) For the period of the State of Emergency (as fixed under Article 70 of the Constitution) the Commissioner of Police, in accordance with a direction from the Prime Minister may authorise members of the Vanuatu Police Force (not being special constables appointed under State of Emergency Order No. 8 of 1998) to carry and use firearms in accordance with the rules of engagement contained in the Schedule hereto.
- (2) For the avoidance of doubt members of the Vanuatu Police Force includes members of the Vanuatu Mobile Force.

COMMENCEMENT

6. This Order shall come into force on the ~~27~~th day of January 1998.

MADE at Port Vila this 28 day of January, 1998.

RIALUTH SERGE VOHOR
Prime Minister of the Republic of Vanuatu
On behalf of the Council of Ministers

SCHEDULE

Reg 2

RULES OF ENGAGEMENT FOR THE USE OF FIREARMS

GENERAL CONDITIONS

1. Your immediate commander on the spot will order any changes in the states of weapon readiness. While your commander will normally issue the order to open fire or increase the level of force, you will always have the right to use appropriate force to protect yourself and those it is your duty to protect.
2. The degree of force which may be used by a member of the Vanuatu Police Force ("VMF") to achieve an object is determined by the circumstances at the time. Any VMF member may use such Force as **may be reasonably necessary** in order to prevent crime or to effect or assist in effecting a lawful arrest. Whenever possible **a warning should be given** before opening fire.
3. Nothing shall justify the use of greater force than is reasonable in the particular circumstances in which it is employed or is necessary to prevent a crime from continuing or to effect an arrest.
4. **In all circumstances the rule of Minimum Force applies. Minimum Force includes in increasing order:**
 - (a) open display of weapons;
 - (b) verbal warning;
 - (c) barring access to the point being protected;
 - (d) physical restraint;
 - (e) pointing weapons; and
 - (f) firing of weapons.
5. If you have to fire your weapon: **Fire only enough rounds to achieve your purpose.**



REPUBLIC OF VANUATU

STATE OF EMERGENCY **ORDER NO. 11 OF 1998**

To provide for suspension of the requirement of Parliamentary Approval pursuant to the Public Finance Act [CAP. 117].

IN EXERCISE of the powers contained in Article 69 of the constitution **WE, THE COUNCIL OF MINISTERS** hereby make the following Order:

SUSPENSION OF PARLIAMENTARY AUTHORISATION OF EXPENDITURE

1. Section 15 of the Public finance Act [CAP. 117] in so far as it provides for the requirement of Parliamentary authorisation of expenditure of public funds is hereby suspended.
2. The provisions of section 18(2) of the Public Finance Act is hereby suspended in relation to the amount of Vatu that may be issued from the Revenue Fund to meet the needs specified in section 18(1) of same Act.

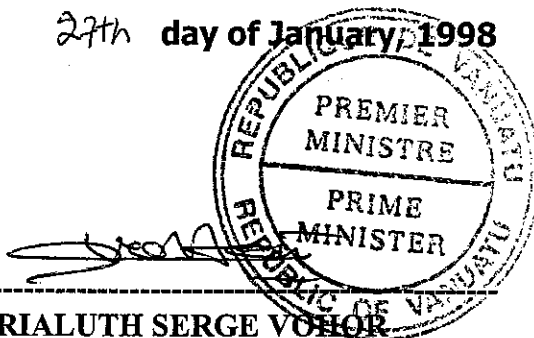
WARRANT TO ISSUE FUND FROM THE REVENUE FUND

2. (1) Pursuant to section 18 of the Public Finance Act, the Minister of Finance is authorised to issue from the Revenue Fund, a sum not exceeding 20 million vatu.
- (2) Such funds issued under this section shall be used to finance the operations by the Vanuatu Mobile Force during the State of Emergency and including any operations continuing after the State of Emergency.

COMMENCEMENT

3. This Order shall come into force on the 27th day of January, 1998.

MADE at Port Vila this 27th day of January 1998



RIALUTH SERGE VOHOR
Prime Minister of the Republic of Vanuatu
On behalf of the Council of Ministers