NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
45TH CONSTITUTION REGULAR SESSION, 2024

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

NATIONAL SECURITY ACT, 2024

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NATIONAL SECURITY ACT, 2024

AN ACT to create new Chapter the National Security Act under Title 43 of MIRC for the establishment of the National Security Framework for the Republic of the Marshall Islands and to provide for all other matters concerning national security both domestic and international.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short title.

This Act may be cited as the National Security Act, 2024 .

§102. Purpose and Objective

The purpose of this Chapter is to develop the Marshall Islands National Security Framework by establishing the National Security Council, the position of a Director of National Security who shall also be the National Security Advisor to the President, and the Office of National Security to provide national security related administrative support to the President and Council and to implement national security measures for the Marshall Islands. A National Security Strategy will be developed indicating the security priority areas approved by the Council. The National Security Office shall coordinate with any Government department or Ministry activity as well as any domestic or international policies to further the national security interest of the Marshall Islands.

§103. Definitions

In this Chapter, unless the context otherwise requires:

(a) "Attorney General" shall mean the Attorney General or his or her designee as provided under Article VII, Section 3 of the Constitution of the Marshall Islands;

(b) "Cabinet" shall mean the executive authority of the Government of the Marshall Islands provided under Article V of the Constitution;

(c) "Constitution" shall mean the Constitution of the Marshall Islands;

(d) "Council" shall mean the National Security Council provided under this Chapter;

(e) "Director" means the Director of National Security provided under this Chapter;

(f) "Government" shall mean the National Government of the Republic of the Marshall Islands;

(g) "National Security Act" shall mean the National Security Act of 2024 and amended versions that follow;

(h) "National Security" shall mean all dimensions of matters impacting the security and long-term sustainment of the country and its people. The national security of the Republic of the Marshall Islands reflects a broad range of subjects both domestic and international and include economic security, energy security, environmental security, food security, matters impacting to the economy, the effects of climate change, the provision of health, education, and other support services to the society, the protection and effective management of natural resources, the development of infrastructure, response to natural and man-made disasters, threats related to transnational organized crime, cyber security, and other such matters that may impede or degrade the performance and resiliency of the country;

(i) "National Security Strategy" shall mean a public document that articulates the vision for the country, identifies strategic imperatives that must be addressed, sets forth goals and objectives to be accomplished, prioritizes actions, and aligns budgetary measures to accomplish the actions. The National Security Strategy addresses a range of measures that including political, economic, and diplomatic actions to safeguard the security of a nation-state. These actions also address initiatives designed build regional and international relationships that reduce insecurity, such as climate change,

economic inequality, political exclusion, and the country's nuclear legacy issue;

(j) "National Security Advisor" shall mean the Assistant to the Cabinet and President in their role as members of the National Security Council. The National Security Advisor shall be a political appointee agreed upon by the President and Cabinet. The National Security advisor shall also serve as the Director of the Office of National Security overseeing the assigned staff;

(k) "Office of National Security" shall mean the administrative office supporting the National Security Council and the President and on matters of national security importance.

§104. National Security Priority Areas.

(1) The National Security Office shall provide advice on priority areas that the Cabinet may focus on. The National Security Council may add or remove any priority areas advised by the National Security Office and must confirm a set of priority areas. The confirmed list of security priority areas may be published to the general public and all Government departments.

(2) Notwithstanding subsection (1), the National Security Council may amend or modify any security priority area in any special circumstance. If the list of priority areas is amended or modified, and was made public under subsection (1) of this Section, then the amended or modified list of priority areas shall be made public.

(3) Upon the Council's approval of the security priority areas, the Office shall be responsible for drafting the National Security Strategy of the Republic of the Marshall Islands. At the Direction of, and in close consultation with the President and the Council. The Strategy will be completed and signed into effect by the President and Council no later than 180 days from the President's inauguration. The Strategy may be updated at two-year intervals during the President's administration or sooner if required by circumstances.

§105. National Security Council.

(1) A National Security Council is established to decide, at a policy level, all matters of national security and to coordinate with the National Security Office implementing all policy decisions.

(2) The Cabinet of the Republic of the Marshall Islands shall be the National Security Council. The Council is chaired by the President of the Republic of the Marshall Islands. The Council may invite members of government or other experts and individuals to present information necessary to inform deliberations on matters related to national security.

(3) The Cabinet shall not use the National Security Council for the purpose of conducting routine affairs of the executive to restrict transparency of their normal business.

(4) Without limiting the roles and functions, the Council shall:

(a) assess and appraise the objectives of the national security priority areas;

(b) in cases of national emergency, shall decide and issue directives on any recommendations made by the Director of National Security on addressing the emergency.

(c) decide on any other matters relating to national security.

§106. Establishment of the Office of the National Security; Roles and Functions.

(1) There shall be an Office of National Security established under the Office of the President of the Republic of the Marshall Islands or under the Minister in Assistance to the President Portfolio.

(2) The Office shall provide strategy and policy advice to the Council and serve as an interagency and whole-of-government coordinating office on matters related to the national security of the Republic of the Marshall Islands.

(3) The Office shall consist of the Director of National Security, who is also the National Security Advisor to the President, and shall be staffed with analysts and experts skilled in matters of national

security. The Director and staff shall all be members of the Public Service.

(4) The Office, under the direction of the Director, may establish international counterparts that will assist in the sharing of information relating to the security interests of the Marshall Islands.

(5) The Office may contract any individual or body to provide consultancy services to the Office. Such service shall be contracted with the Government of the Marshall Islands and must adhere to any confidentiality provisions. Any contracted individual or body must also provide technical training to all officers and support staff during the contractual period. The contracted individual or body shall report to the Director.

(6) The office may invite personnel secondments from partner nations and government ministries on a rotational basis to provide specific expertise or staff mentoring as required.

(7) According to established protocols, the Office shall conduct liaison with other governments at the direction of the Council in matters involving foreign government engagement. The nature of such support shall include conducting analysis, drafting briefing papers, and other matters related to national security required to support the Council and Presidential visits foreign travels. The Office shall also provide direct support to the Council as required during matters of crisis or national emergencies.

(8) Without limiting the roles and functions, the Office shall:

(a) ensure the Council has the necessary information and enabling support required to address matters related to the national security of the country.

(b) regularly update all information that affects any of the national security priority areas;

(c) produce analytical research, develop policy recommendations and support policy developments on any matters that relate to any of the security priority areas;

(d) keep and securely store all records and information related to policy decisions or directives of the National Security Council;

(e) assist the Director of National Security in providing security advice to the President and Council;

(f) assist in the implementation of any directives on national security throughout the government departments, agencies, or state-owned enterprises;

(g) carry out any other role or function the Director requires.

§107. Establishment of Director of National Security; Roles and Functions.

(1) There shall be a Director of National Security that provides advice to the President on all matters related to the designated security priority areas. Serve concurrently with the title, "National Security Advisor and Assistant to the Council and President for National Security Affairs

(2) The Director is the head of the Office. The Director shall report directly to the Council.

(3) The Director shall serve for the duration of the term of the Cabinet under which he or she was appointed and until a new appointment is made by the sitting Cabinet. A Director's term of Office may be renewed by any sitting Cabinet.

(4) The Director may attend Cabinet meetings to brief on security issues whenever required by the Cabinet.

(5) As the National Security Advisor, the Director shall take meeting notes during all Council meetings. All meeting notes shall be filed in an orderly procedure, retrievable, and maintained in a secure and controlled location for posterity.

(6) The Director shall be a public service employee under Article VII, Section 1(1) of the Constitution of the Republic of the Marshall Islands. Pursuant to Article VII, Section (1)(3) of the Constitution, the Council may set specific roles and functions for the Director, in order to efficiently carry out the roles and functions under this Act.

(7) The Director will serve as the primary liaison point of contact for foreign government law enforcement, security services, and embassy and military representatives on matters relating to national security and keep the President and Council informed as appropriate. Special liaison duties and roles may be delegated to a member of the Office on an as required basis.

(8) Without limiting the roles and functions, the Director shall:

(a) prepare and circulate the agenda for the Council meetings;

(b) keep records of all advices, recommendations, decisions, and directives of the Council;

(c) coordinate the implementation of Council decisions and directives;

(d) liaise with government departments regarding Council decisions;

(e) approve secondments from partner nations and government ministries;

(f) coordinate the preparation of submissions, reports, papers, and briefs on national security matters for the Council;

(g) keep minutes of the Council meetings;

(h) prepare the annual work plan for the council;

(i) prepare reports on matters considered by the Council;

(j) ensure the application of analytical rigor in the creation of reports and policy recommendations including design performance metrics to monitor and evaluate progress on policy implementation on matters related to national security;

(k) provide other administrative and secretarial support to the meetings of the council as required;

(l) be the administrative head and decide all administrative matters of the National Security Office in accordance with the Regulations of the Public Service.

(m) recommend to the Public Service Commission employment posts including analysts and other relevant fields of specialized training in national security in order to carry out the roles and functions of the National Security Office.

(n) perform other functions as prescribed by this Act or regulations.

(9) The Director may also provide policy advice to any government department, agency, or State-Owned Enterprise that will assist in aligning any activity with the national security interests.

§108. Attorney General.

Notwithstanding the Constitutional role, the Attorney General of the Marshall Islands or his or her designee shall be the legal counsel for the Council and Office.

§109. Confidentiality:

(1) In certain instances, related to criminal activities or other matters that may be reviewed, a duty of confidentiality shall be adhered to. The Director shall analyze and determine whether a specific instance triggers a higher duty of confidentiality.

(2) In such matters, the Director shall mark all documents "CONFIDENTIAL." Such matters shall remain confidential until the National Security Office and the National Security Council deems the matter closed.

(3) The Office shall develop classification procedures and processes to ensure the secure handling, dissemination, and storage of sensitive information either created and or derived internally by the Office and Council or provided to the Office and Council by partner nation law enforcement, security services, and military services.

§110. Regulations.

The Office may promulgate regulations or policies on it deems necessary to effectively achieve its objectives under this Act including but not limited to establishing international counterparts under Section 104 above.

§111. Effective Date.

This Chapter shall take effect on the date of certification in accordance with the provisions of Article IV Section 21 of the Constitution of the Republic of the Marshall Islands.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: **12** was passed by the Nitijela of the Republic of the Marshall Islands on the 12th day of April 2024; and

2. That I am satisfied that Nitijela Bill No: **12** 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 29th day of April 2024.

Brenson S. Wase
Speaker
Nitijela of the Marshall Islands

Attest:

Morean S. Watak
Clerk
Nitijela of the Marshall Islands