VANUATU

BASELINE ASSESSMENT OF R2P IMPLEMENTATION 2022

Asia-Pacific Centre for the Responsibility to Protect

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The following Updated Assessment Annex provides an overview of Vanuatu’s efforts in implementing R2P as of 2022. For a full description of the methodology used in this study, see Part II of ‘Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges’, available here. For more information on R2P implementation in the Asia Pacific in 2022, see the updated assessment here.
Vanuatu is a strong performer on R2P implementation, scoring highly in relation to both the Pacific and the wider region.

It has ratified only seven of the twelve relevant international human rights treaties, and those it has not ratified include the Genocide Convention and the 1951 Refugee Convention. Yet, it is a member State of the International Criminal Court and signed the Rome Statute in 2011, and it is the only country that has called on the body to expand its remit to include ecocide, in the context of further climate change effects. And while it has yet to establish an independent human rights institution, the constitution provides for a wide array of protections.

Domestically, Vanuatu’s strong judicial sector, effective and accountable security forces, and its vibrant civic space ensure the risk of atrocity crimes occurring in the country remains low. Like many Pacific countries, it possesses high levels of sexual and gender-based violence, and little capacity in criminalising atrocity crimes. It recently adopted its first National Security Strategy, creating a nascent capacity to counter violent extremism and provide for better border control facilities in response to refugee flows.

Internationally, Vanuatu has engaged strongly with both the UPR process and the UN General Assembly, where it has voted in favour of all resolutions referencing R2P. It has supported R2P and atrocity prevention in statements it has made at the Informal Interactive Dialogue on R2P, and regionally it is very active in fora to promote action on climate change and the self-determination of people in former colonial territories. However, a lack of capacity has meant this rhetorical support is not always backed up with practical action.

Despite not having a standing army, Vanuatu has a strong peacekeeping record, and the country has deployed peacekeepers since 2000. While Vanuatu has no peacekeepers currently deployed, it is likely to expand its capacity in this area in the future.
<table>
<thead>
<tr>
<th>Assessment</th>
<th>Indicator</th>
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<tbody>
<tr>
<td><strong>Very Strong</strong></td>
<td>Reduction of atrocity crime risks</td>
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<td>Dealing with past atrocities</td>
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<td>Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court</td>
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<td>Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council</td>
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<td>Support UN Security Council veto restraint on issues relating to atrocity prevention</td>
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<td><strong>Strong</strong></td>
<td>Protection of populations from atrocity crimes</td>
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<td>Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination</td>
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<td>Cultivate and protect and active, diverse and robust civil society</td>
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<td>Support preventive actions on atrocity crimes</td>
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<td>Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)</td>
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<td><strong>Fair</strong></td>
<td>Sign, ratify and implement relevant instruments of international law</td>
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<td>Establish and maintain National Human Rights Institutions in accordance with the Paris Principles</td>
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<td>Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations</td>
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<td>Strengthen regional and international networks for atrocity crime prevention</td>
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<td>Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping</td>
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<tr>
<td><strong>Weak</strong></td>
<td>Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity</td>
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<td></td>
<td>Take measures to counter and prevent violent extremism</td>
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<td></td>
<td>Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence</td>
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<td>Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law</td>
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<td>Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness</td>
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<td>Prevent nationals committing atrocity crimes overseas</td>
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<td>Strengthen the role and capacity of regional organisations</td>
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<td>Support atrocity prevention through development and assistance partnerships</td>
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<td>Support the Kigali Principles</td>
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<td><strong>Very Weak</strong></td>
<td>Appoint national R2P Focal Point</td>
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<td>Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships</td>
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<td>Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect</td>
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<td></td>
<td>Conduct a national assessment of risk and resilience</td>
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**Vanuatu 2022 Score: 54**

Vanuatu is a strong supporter of R2P implementation, both within the wider region and amongst other Pacific island nations. It possesses strong institutions, an accountable security sector, and vibrant civic space that helps it mitigate risks of atrocities, and it continues to advocate for R2P through international mechanisms. While Vanuatu lacks capacity in some areas, it continues to engage regionally with the norm, and has undertaken efforts to address some of its domestic weaknesses, including high rates of sexual and gender-based violence and low levels of school enrolment.
<table>
<thead>
<tr>
<th>Thematic Area</th>
<th>Indicator</th>
<th>Assessment</th>
<th>Notes</th>
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<tbody>
<tr>
<td>Basic Compliance</td>
<td>Protection of populations from atrocity crimes.</td>
<td>Strong</td>
<td>There is effective protection from atrocity crimes for the people of Vanuatu. The country suffers from political volatility and corruption, as well as rampant sexual and domestic violence. The lack of a national human rights institution is a protection gap in preventing discrimination against minorities within the country. However, Vanuatu has a traditionally vibrant civic space with an independent judiciary. These combined with general respect for human rights, effectively protect the population from atrocity crimes.</td>
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<tr>
<td></td>
<td>Reduction of atrocity crime risks.</td>
<td>Very Strong</td>
<td>Due to relatively strong institutions and close ties with other Pacific nations, risks of atrocity crimes occurring in Vanuatu are low.</td>
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<td></td>
<td>Dealing with past atrocities.</td>
<td>Very Strong</td>
<td>Vanuatu has been fortunate to never suffer widespread conflict or past atrocity crimes on its territory. The Coconut War, occurring around the time of Vanuatu’s independence from Britain and France in 1980, was a short-lived rebellion on the island of Espiritu Santo, in the northern part of the Vanuatu archipelago. It was quickly resolved through British diplomacy and soldiers from Papua New Guinea, who arrived at the behest of the nation’s first prime minister, Father Walter Lini.</td>
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<tr>
<td>Policy Mechanisms</td>
<td>Appoint national R2P Focal Point.</td>
<td>Very Weak</td>
<td>Vanuatu, as of late 2020, does not possess a national R2P Focal Point.</td>
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<td></td>
<td>Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.</td>
<td>Very Weak</td>
<td>No evidence could be found of Vanuatu undertaking these initiatives.</td>
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<tr>
<td></td>
<td>Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.</td>
<td>Very Weak</td>
<td>No evidence could be found of Vanuatu having done this.</td>
</tr>
<tr>
<td>International Human Rights Obligations</td>
<td>Sign, ratify and implement relevant instruments of international law.</td>
<td>Fair</td>
<td>Vanuatu has ratified seven of the following instruments of international human rights law most relevant to R2P:</td>
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<td>• Geneva Conventions (Ratification/Accession: 1982).</td>
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<td>• Geneva Protocol I (Ratification/Accession: 1985).4</td>
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<td></td>
<td></td>
<td></td>
<td>• Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [CAT] (Ratification/Accession: 2011).</td>
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</table>


| Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court. | Very Strong | Vanuatu is an ICC member State and ratified the Rome Statute in 2011. Vanuatu has in the past asked for assistance in drafting legislation for its full implementation within the country. Furthermore, Vanuatu was the only country in the 2019 Assembly of States’ Parties to call for the ICC to include the crime of ecocide in addition to genocide, crimes against humanity, war crimes and the crime of aggression. Vanuatu’s delegation believed the Court needed to remain relevant to the threats facing humanity, and that it was well placed to both respond to the climate crisis and support its victims. |
| Establish and maintain National Human Rights Institutions in accordance with the Paris Principles. | Fair | Vanuatu does not possess an independent institution to further human rights in the country. However, it has been undertaking studies and consultations for several years in preparation for the development of one within its governance architecture. |

Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.

Strong

The Constitution of Vanuatu provides for the freedoms of religion, expression, assembly and association and equal treatment before the law, without discrimination based upon race, place of origin, religious beliefs, political opinions, language, or sex.¹³

There remain areas of discrimination within Vanuatuan society. Instances of various forms of sexual and gender-based violence (SGBV) were common, particularly against women (see subsequent Indicator). Child abuse and latent discrimination against those in the LGBTIQA+ community was also widely prevalent. While rape (regardless of gender) is criminalised, there are no specific laws prohibiting spousal rape. Same-sex relationships are not criminalised, but nor is there legislation in place to prevent discrimination.¹⁴

Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.

Very Strong

Vanuatu has participated in three UPR sessions, the first of which was conducted in 2009. Of the 49 recommendations it received, Vanuatu accepted 44 of them, rejecting four and partly rejecting another one.¹⁵ At the end of the process, the delegation “…reiterated that the universal periodic review was a new process for Vanuatu, but that the Government was firmly committed to the promotion and protection of human rights. Vanuatu would take on board the comments made by States and stakeholders and use them to improve its human rights-related policies and laws”.¹⁶

At its second UPR in 2014, Vanuatu accepted 95 recommendations and made note of the other 14 it received.¹⁷ The country had appointed a UPR committee to oversee the publication of its second review report. Vanuatu had worked towards implementing a number of the recommendations it received, including the ratification of certain treaties including the CAT, for which it was commended.¹⁸ Notably, one of the recommendations it noted regarded ratification of the genocide convention. This was due to genocide and aggression not being perceived as a serious threat in the context of Vanuatu.¹⁹

At its third UPR in 2019, it accepted 96 of the 135 recommendations it received, noting the other 39. Vanuatu was commended for developing a national implementation plan for the UPR that divided recommendations into thematic areas, the first of its kind in the Pacific, to better facilitate their implementation. It also reiterated its commitment to “…cooperating constructively with the review mechanism and making further efforts for the protection and promotion of human rights”.  

| Cooperative fully with UN Human Rights mandate holders and those of relevant regional organisations. | Fair | Vanuatu put forth a standing invitation to UN mandate holders in 2009, the same year as its first UPR. None of the six proposed visits have yet to be fulfilled.  

| Ensure equal access to justice. | Very Strong | Justice proceedings within Vanuatu are strong and effective. Innocence is assumed in trials in accordance with the constitution, and the judiciary is widely considered effective and impartial, ruling in high profile cases of corruption of former elected officials.  

| Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity. | Weak | There is provision in Vanuatu for the criminalisation of war crimes committed in Vanuatu under the *Geneva Conventions Act of Vanuatu*, yet that is the only atrocity accounted for. There is no direct reference to any atrocity crimes in the *Penal Code [CAP 135]*.  

| Take measures to counter and prevent violent extremism. | Weak | Measures against violent extremism and terrorism in Vanuatu have historically been small, given there has been no terrorist attacks in the country and limited resources to provide for counter-terrorism measures.  

Vanuatu’s first ever National Security Strategy developed the country’s first National Security Council, to deliver on the Strategy’s objectives, which conceptualises security to include climate change and natural disasters, cyber security, and human security in addition to more traditional security threats.
The National Security Strategy is organised into ten ‘pillars’ covering areas of Vanuatu’s economy, governance, and what it perceives as its threat environment in the wider Pacific. It recognises the capabilities and limitations of Vanuatu’s current strategic architecture and lays out plans to develop them at a subnational, national, and regional level.

| Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence. | Weak | Vanuatu has a large and enduring problem with sexual and gender-based violence (SGBV). The law criminalises rape (although not specifically spousal rape) but violence and discrimination against women, children and those in the LGBTIQA+ community was widespread and most likely underreported. Police have been traditionally reluctant to becoming involved in domestic violence matters, but there is some improvement through international funding and training to build capacity and develop support through NGOs. |
| Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law. | Weak | Vanuatu law does not provide for the granting of asylum and refugee status, and refugees are only granted protection on an ad hoc basis with the assistance of the UNHCR. There is no comprehensive set of procedures, laws or reporting mechanisms present in Vanuatu regarding migration, and the country has yet to sign the 1951 Refugee Convention and its 1967 Protocol. Overall, there is protection gap within Vanuatu for those fleeing atrocity crimes or those already vulnerable, which may potentially increase in the future due to rising instability. To its credit, Vanuatu has identified immigration and border control in its National Security Strategy (see earlier Indicator) as an area of national importance. As such, its capacity may improve in the future. |

| Domestic Implementation | Conduct a national assessment of risk and resilience. | Very Weak | No assessment has been carried out in Vanuatu. |
| | Cultivate and protect an active, diverse and robust civil society. | Strong | Vanuatu has traditionally had a strong civic space, and rights of assembly, association, movement, expression and religion are upheld and respected. There are some concerns with the freedom of the press, as while it has been generally respected in the past, some events have warranted warnings from civil liberty groups of its potential erosion. The rejection of a work permit for a journalist covering Chinese influence in Vanuatu in 2019, and the assault on a journalist by a government minister in... |

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| Ensure a legitimate, effective and civilian controlled security sector. | Very Strong | Vanuatu is served by the Vanuatu Police Force for domestic security and the Vanuatu Mobile Force, a paramilitary unit responsible for external security and some issues of domestic security. While there have been some reports of abuses that civilian authorities have not had the capability to address, the government remains ultimately in control of the security sector. |
| Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness. | Weak | Children in Vanuatu have the opportunity to enrol in either an English or French speaking school (to reflect demographics), with the system containing two years of preschool, six years of primary, four years of lower secondary and three years of upper secondary education. There is no tertiary institution in Vanuatu, meaning those wishing to pursue further education after school must travel abroad. However, education is not compulsory and remains expensive relative to most family’s incomes, and as such Vanuatu has one of the lowest rates of enrolment and literacy in the Pacific. While the government recognises the need for a strong education sector with help from international donors, currently capacity is lacking. |
| Prevent nationals committing atrocity crimes overseas. | Weak | While Vanuatu is a member of the Rome Statute, they are currently lacking in capacity to draft proper legislation to incorporate it into domestic courts. As such, however minor the possibility, Vanuatu nationals may not face proper prosecution for committing atrocity crimes abroad. While not directly related to this Indicator, Vanuatu’s Citizenship by Investment Program can allow foreign nationals to apply for and gain citizenship without having to set foot within the country or to speak one of its languages. Applicants must donate USS130,000 to the government’s development fund to secure citizenship and a passport. While it has proved to generate a large amount of government revenue, there is the potential for the system to be open to abuse and see technical Vanuatu citizens commit atrocities without a chance of prosecution in Vanuatu. |


| Bilateral and Multilateral Relations | Participate in international, regional, and national discussions on the further advancement of R2P. | Strong | Vanuatu has been an active participant in many discussions of R2P and broader human rights issues over the years, both internationally and regionally through the Pacific Islands Forum (PIF), the Secretariat of the Pacific Community (SPC),\(^{39}\) and the Melanesian Spearhead Group (MSG),\(^{40}\) which has its headquarters in Port Vila.

Vanuatu delivered statements at the 2015, 2016, and 2017 UN General Assembly Informal Interactive Dialogues on R2P, commonly bringing attention to preventive actions towards atrocity crimes.\(^{41}\) In 2015, the delegation made note of the role women, faith-based organisations and traditional leaders can play in preventing genocides in different countries.\(^{42}\) At all of the Dialogues, Vanuatu was supportive of the R2P principle and its three-pillar structure.

Vanuatu, when it has voted, has supported all resolutions at the UN General Assembly that have referenced R2P.

### UN General Assembly Resolutions:


Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect. | Very Strong | Vanuatu has been an active participant in many discussions of R2P and broader human rights issues over the years, both internationally and regionally through the Pacific Islands Forum (PIF), the Secretariat of the Pacific Community (SPC),\(^{39}\) and the Melanesian Spearhead Group (MSG),\(^{40}\) which has its headquarters in Port Vila.

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Vanuatu, when it has voted, has supported all resolutions at the UN General Assembly that have referenced R2P.

### UN General Assembly Resolutions:


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Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.

**Strong**

Vanuatu has long been a proponent for anti-colonial movements and the self-determination of populations in colonial territories. As already mentioned, support for West Papuan independence and respect for human rights in the province has been a pillar of Vanuatu’s foreign policy for decades.

The country was also a strong supporter of the Regional Assistance Mission to the Solomon Islands (RAMSI), where they contributed members to the Participating Police Force, gaining, along with other Pacific nations, key operational experience.

Strengthen regional and international networks for atrocity crime prevention.

**Fair**

Vanuatu has been an active member in the regional forums of which it is a part, calling in particular for action on climate change and human rights protections in West Papua. In the wake of RAMSI’s end in 2017, Vanuatu’s deputy prime minister suggested the PIF establish a permanent force, based on the RAMSI model, to deploy in crisis situations throughout the Pacific.

Strengthen the role and capacity of regional organisations.

**Weak**

While Vanuatu participates in regional fora, a lack of capacity and a continued reliance on foreign aid

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| Support the development and work of regional human rights and other preventive capacities. | Fair | Vanuatu has offered continuous support for regional human rights, particularly when they are related to anticolonialism and climate change. Through the MSG, Vanuatu sought to sign a MOU with APR2P on priorities within the region and “…the prevention of Climate Change-related atrocities that transcend national borders”.  

https://x.facebook.com/MelanesianSpearheadGroupSecretary/photos/a.796185150569718/1762044203983803/?type=3&source=54.  

49 For example: Australian Government Department of Foreign Affairs, 2022.  *Australia’s development partnership with Vanuatu*,  


53 Fogarty, David, 2022.  ‘Civil society groups back Vanuatu’s quest to link human rights and climate change”. The Straits Times, 6 May. Available at:  
| Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P. | Fair | Vanuatu, in its statements at the Informal Interactive Dialogues of which it has been a part, has frequently supported R2P referenced preventive actions regarding atrocity crimes. While possessing a strong rhetoric, the country was absent when voting occurred on funding for the UN Office of the Special Adviser on the Prevention of Genocide.  


53 Fogarty, David, 2022.  ‘Civil society groups back Vanuatu’s quest to link human rights and climate change”. The Straits Times, 6 May. Available at:  
| Support the strengthening of the UN’s capacity for atrocity prevention, including through the UN Human Rights system. | Fair | Vanuatu has supported the Human Rights Up Front initiative of the UN and the efforts of the wider UN to prevent atrocities in its statements regarding R2P. Yet, perhaps due to a lack of capacity, it has taken no steps to strengthen these capacities, except through the rubric of climate change. Vanuatu has launched a bid for the UN General Assembly to vote on making the International Court of Justice consider the human rights impact of climate change, effectively making climate change a human rights issue.  

53 Fogarty, David, 2022.  ‘Civil society groups back Vanuatu’s quest to link human rights and climate change”. The Straits Times, 6 May. Available at:  
| Support preventive actions on atrocity crimes. | Strong | Vanuatu, given its voting record and comments made in international and regional fora, maintains strong support for preventive actions on atrocity crimes and the further strengthening of human rights. It has thrown its support behind all three pillars of R2P, and the country, along with Fiji and Timor-Leste, provide ample promise for the furtherance of R2P within the Pacific.  


53 Fogarty, David, 2022.  ‘Civil society groups back Vanuatu’s quest to link human rights and climate change”. The Straits Times, 6 May. Available at:  
| Contribute to United Nations peacekeeping and assistance | Strong | For a nation without an official standing military force, Vanuatu’s contribution to UN peacekeeping and assistance partnerships.  

https://x.facebook.com/MelanesianSpearheadGroupSecretary/photos/a.796185150569718/1762044203983803/?type=3&source=54.  

49 For example: Australian Government Department of Foreign Affairs, 2022.  *Australia’s development partnership with Vanuatu*,  
https://www.dfat.gov.au/geo/vanuatu/development-assistance/development-assistance-in-vanuatu#:~:text=Australia%20will%20remain%20Vanuatu%27s%20primary,hit%20Vanuatu%20in%20April%202020;  


53 Fogarty, David, 2022.  ‘Civil society groups back Vanuatu’s quest to link human rights and climate change”. The Straits Times, 6 May. Available at:  
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<tr>
<th>Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.</th>
<th>Fair</th>
<th>Vanuatu has strong and long-standing ties with Australia’s security sector to provide training and materiel to Vanuatu’s personnel. The Australian Defence Force is currently rebuilding and renovating Cook and Tiroas Barracks.(^{57}) and ni-Vanuatuans can train through the e-learning portal of the Australian Defence Force Peace Operations Training Centre.(^{58}) Recognition that operational experience on peacekeeping deployments is beneficial for skills development and career progression is common in Vanuatu. As such, support for more development and training for peacekeeping, along with participation in actual deployments, is generally strong. (^{56}) However, desire for future deployments on peacekeeping missions within the structures of the Police Force and Mobile Force remains generally strong.</th>
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<tr>
<td>Support the Kigali Principles.</td>
<td>Weak</td>
<td>Vanuatu is not a signatory of the Kigali Principles on the Protection of Civilians.(^{60}) Yet, it noted in its statement at the 2016 Informal Interactive Dialogue on R2P that it endorses the Principles, calling “…for their swift implementation so that peacekeepers can be better prepared to play a role in also preventing mass atrocity crimes, and we</td>
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| Support UN Security Council veto restraint on issues relating to atrocity prevention. | Very Strong | Vanuatu is a signatory to both to the ACT Code of Conduct and the French/Mexican initiative on the suspension of veto in the case of mass atrocities. |

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