

II a

NEW ZEALAND EMBASSY
PARIS

9 July 1986

Mr. Prime Minister:

I have the honour to refer to your letter of today's date which in the English language reads as follows:

"On 19 June 1986, wishing to maintain the close and friendly relations which have traditionally existed between New Zealand and France, our two Governments agreed to refer all of the problems between them arising from the Rainbow Warrior affair to the Secretary-General of the United Nations for a binding ruling. In the light of that ruling, made available on 7 July 1986, I have the honour to propose the following:

"The Prime Minister of France will convey to the Prime Minister of New Zealand a formal and unqualified apology for the attack, contrary to international law, on the "Rainbow Warrior" by French service agents which took place in Auckland on 10 July 1985. Furthermore, the French Government will pay the sum of \$US7 million to the Government of New Zealand as compensation for all the damage which it has suffered.

"The Government of New Zealand will transfer Major Alain Mafart and Captain Dominique Prieur to the French military authorities. Immediately thereafter, Major Mafart and Captain Prieur will be transferred to a French military facility on the island of Hao for a period of not less than three years.

"They will be prohibited from leaving the island for any reason, except with the mutual consent of the two Governments. They will be isolated, during their assignment in Hao, from persons other than military or associated personnel and immediate family and friends. They will be prohibited from any contact with the press or other media whether in person, in writing or in any other manner. These conditions will be strictly complied with and appropriate action will be taken under the rules governing military discipline to enforce them.

"The French Government will every three months convey to the New Zealand Government and to the Secretary-General of the United Nations, through diplomatic channels, full reports on the situation of Major Mafart and Captain Prieur in terms of the two preceding paragraphs in order to allow the New Zealand Government to be sure that these paragraphs are being implemented as agreed.

"If the New Zealand Government so requests, a visit to the facility on Hao may be made, by mutual agreement between the two Governments, by an agreed third party.

"The undertakings relating to an apology, the payment of compensation and the transfer of Major Mafart and Captain Prieur will be implemented not later than 25 July 1986. If the foregoing is acceptable to the Government of New Zealand I would propose that the present letter and your response to that effect

should constitute an agreement between our two Governments with effect from today's date."

I confirm that the contents of your letter are acceptable to the Government of New Zealand and that, accordingly, your letter and this reply will constitute an agreement between our two Governments with effect from today's date.

Please accept, Mr. Prime Minister, the assurances of my high consideration.

[Signed — Signé]¹

Ambassador

His Excellency Mr. Jacques Chirac
Prime Minister of France

[TRADUCTION — TRANSLATION]

AMBASSADE DE NOUVELLE-ZÉLANDE
PARIS

9 juillet 1986

Monsieur le Premier Ministre :

J'ai l'honneur de me référer à votre lettre d'aujourd'hui, qui se lit comme suit :

[Voir lettre I a]

Je vous confirme que les dispositions contenues dans votre lettre recueillent l'agrément du Gouvernement néo-zélandais et qu'en conséquence votre lettre et la présente réponse constituent un accord entre nos deux gouvernements qui entre en vigueur à compter de ce jour.

Veillez agréer, etc.

[J. G. McARTHUR]
Ambassadeur

Son Excellence Monsieur Jacques Chirac
Premier Ministre de la France

¹ Signed by J. G. McArthur — Signé par J. G. McArthur.

II b

NEW ZEALAND EMBASSY
PARIS

9 July 1986

Mr. Prime Minister:

I have the honour to refer to your letter of today's date which in the English language reads as follows:

“On 19 June 1986, wishing to maintain the close and friendly relations which have traditionally existed between New Zealand and France, our two Governments agreed to refer all of the problems between them arising from the Rainbow Warrior affair to the Secretary-General of the United Nations for a binding ruling. In the light of that ruling, made available on 7 July 1986, I have the honour to confirm that the French Government:

“(a) Will not oppose continuing imports of New Zealand butter into the United Kingdom in 1987 and 1988 at levels proposed by the Commission of the European Communities in so far as these do not exceed those mentioned in document COM(83)574 of 6 October 1983, that is to say, 77,000 tonnes in 1987 and 75,000 tonnes in 1988; and

“(b) Will not take measures which might impair the implementation of the agreement between New Zealand and the European Economic Community on trade in mutton, lamb and goatmeat — which entered into force on 20 October 1980¹ (as complemented by the exchange of letters of 12 July 1984).

“If the foregoing is acceptable to the Government of New Zealand I would propose that the present letter and your response to that effect should constitute an agreement between our two Governments with effect from today's date.”

I confirm that the contents of your letter are acceptable to the Government of New Zealand and that, accordingly, your letter and this reply will constitute an agreement between our two Governments with effect from today's date.

Please accept, Mr. Prime Minister, the assurances of my high consideration.

[Signed — Signé]²
Ambassador

His Excellency Mr. Jacques Chirac
Prime Minister of France

¹ United Nations, *Treaty Series*, vol. 1324, p. 239.

² Signed by J. G. McArthur — Signé par J. G. McArthur.

[TRANSLATION — TRADUCTION]

THE PRIME MINISTER

Paris, 9 July 1986

Mr. Ambassador:

[See letter II c]

JACQUES CHIRAC

His Excellency Mr. J. G. McArthur
Ambassador of New Zealand in Paris

II c

NEW ZEALAND EMBASSY

9 July 1986

Mr. Prime Minister:

I have the honour to refer to your letter of today's date which in the English language reads as follows:

"I have the honour to refer to the two agreements concluded today in the light of the ruling of the Secretary-General of the United Nations.

"On the basis of that ruling, I have the honour further to propose that any dispute concerning the interpretation or application of either of these two agreements which it has not been possible to resolve through the diplomatic channel shall, at the request of either of our two Governments, be submitted to an arbitral tribunal under the following conditions:

"(a) Each Government shall designate a member of the tribunal within 30 days of the date of the delivery by either Government to the other of a written request for arbitration of the dispute, and the two Governments shall, within 60 days of that date, appoint a third member of the tribunal who shall be its chairman;

"(b) If, within the times prescribed, either Government fails to designate a member of the tribunal or the third member is not agreed the Secretary-General of the United Nations shall be requested to make the necessary appointment after consultations with the two Governments by choosing the member or members of the tribunal;

"(c) A majority of the members of the tribunal shall constitute a quorum and all decisions shall be made by a majority vote;

"(d) The decisions of the tribunal, including all rulings concerning its constitution, procedure and jurisdiction, shall be binding on the two Governments.

“If the foregoing is acceptable to the Government of New Zealand, I would propose that the present letter and your response to it to that effect should constitute an agreement between our two Governments with effect from today’s date.”

I confirm that the contents of your letter are acceptable to the Government of New Zealand and that, accordingly, your letter and this reply will constitute an agreement between our two Governments with effect from today’s date.

Please accept, Mr. Prime Minister, the assurances of my high consideration.

[Signed — Signé]¹

Ambassador

His Excellency Mr. Jacques Chirac
Prime Minister of France

[TRADUCTION — TRANSLATION]

AMBASSADE DE NOUVELLE-ZÉLANDE

9 juillet 1986

Monsieur le Premier Ministre :

J’ai l’honneur de me référer à votre lettre d’aujourd’hui, qui se lit comme suit :

[*Voir lettre I c*]

Je vous confirme que les dispositions contenues dans votre lettre recueillent l’agrément du Gouvernement néo-zélandais et qu’en conséquence votre lettre et la présente réponse constituent un accord entre nos deux Gouvernements qui entre en vigueur à compter de ce jour.

Veillez agréer, etc.

[J. G. McARTHUR]

Ambassadeur

Son Excellence Monsieur Jacques Chirac
Premier Ministre de la France

¹ Signed by J. G. McArthur — Signé par J. G. McArthur.