

No. 27575

**SOLOMON ISLANDS
and
SOUTH PACIFIC FORUM
FISHERIES AGENCY**

**Agreement concerning the status, privileges and immunities
of the South Pacific Forum Fisheries Agency in Solomon
Islands. Signed at Honiara on 10 August 1984**

Authentic text: English.

Registered by Solomon Islands on 1 October 1990.

**ÎLES SALOMON
et
AGENCE DE PÊCHE
DU FORUM DU PACIFIQUE SUD**

**Accord relatif au statut, privilèges et immunités de l'Agence
halieutique du Forum du Pacifique Sud aux îles Salo-
mon. Signé à Honiara le 10 août 1984**

Texte authentique : anglais.

Enregistré par les îles Salomon le 1^{er} octobre 1990.

AGREEMENT¹ CONCERNING THE STATUS, PRIVILEGES AND IMMUNITIES OF THE SOUTH PACIFIC FORUM FISHERIES AGENCY IN SOLOMON ISLANDS

The Government of Solomon Islands and the South Pacific Forum Fisheries Agency:

Having regard to Article VIII of the South Pacific Forum Fisheries Agency Convention;²

Desiring to define the status, privileges and immunities in Solomon Islands of the South Pacific Forum Fisheries Agency and its officers;

Have agreed as follows:

Article 1 - Interpretation

For the purposes of this Agreement

'Agency' means South Pacific Forum Fisheries Agency established by the South Pacific Forum Fisheries Agency Convention;

'Government' means Government of Solomon Islands;

'Act' means Diplomatic Privileges and Immunities Act 1978, as amended from time to time; and

'Vienna Convention' means Vienna Convention on Diplomatic Relations³ as defined in and given effect to by the Act, except that 'the mission' shall be read as a reference to the Agency, 'members of the mission' as officers of the Agency and 'the sending State' as the Forum Fisheries Committee established by the South Pacific Forum Fisheries Agency Convention, or the home State of the officer concerned, as appropriate

Article 2 - Capacity of the Agency

The Agency shall have the legal capacity of a body corporate, including the capacity to conclude contracts, to acquire and dispose of property, to sue and, subject to Article 3, to be sued.

Article 3 - Privileges and Immunities of the Agency

The Agency shall have the following privileges and immunities:

- (a) Immunity from suit and legal process except:
- (i) to the extent that the Director has waived the immunity;
 - (ii) in respect of a counter-claim directly connected with a suit initiated by the Agency; and

¹ Came into force on 10 August 1984 by signature, in accordance with article 12.

² See p. 307 of this volume.

³ United Nations, *Treaty Series*, vol. 500, p. 95.

- (iii) in respect of civil action for personal injury arising from an accident involving a motor vehicle owned or operated by the Agency;
- (b) The like inviolability of official premises and archives as is accorded in respect of the official premises and archives of a diplomatic mission under the Vienna Convention;
- (c) Immunity in relation to its property and assets, wherever located and by whomsoever held, from search, requisition, confiscation, expropriation, or any other form of interference;
- (d) The like exemption from taxes and rates, other than taxes on the importation of goods, as is accorded to the Government of a foreign State under the Vienna Convention;
- (e) Exemption from taxes on the importation of goods directly imported by the Agency for its official use in Solomon Islands or for exportation, or on the importation of any publications of the Agency directly imported by it subject to compliance with such conditions as the Minister responsible for finance may determine for the protection of the revenue;
- (f) Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Agency for its official use and in the case of any publications of the organisation directly imported or exported by it, subject to compliance with such conditions as the Minister responsible for finance may determine for the protection of the public health, the prevention of diseases in plants and animals, and otherwise in the public interest;
- (g) The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Solomon Islands) of any reduced rates applicable for the corresponding service in the case of press communications; and
- (h) The right to freely receive, hold and invest in Solomon Islands and expatriate from Solomon Islands any type and amount of funds or of securities.

Article 4 - Premises and Essential Services

The Government shall assist the Agency to acquire suitable serviced land for office premises and for housing its officers, and shall take all reasonable steps to provide and maintain municipal services, including electricity, water, sewerage, telephone, telex, drainage, collection of refuse and fire protection to Agency premises.

Article 5 - Communications

1. The Government shall permit and protect free communications by any appropriate means by and to the Agency for all official purposes, and in the case of wireless transmission, shall assist in the allocation of a suitable broadcasting frequency.
2. The Agency may instal or use a wireless transmitter only with the consent of the Government.

Article 6 - Privileges and Immunities of Director
and Deputy Director

1. The Director and the Deputy Director of the Agency shall have the like privileges and immunities as are accorded a diplomatic agent under the Vienna Convention.
2. The members of the family of the Director and of the family of the Deputy Director, forming part of the household of each, shall have the like privileges and immunities as are accorded the members of the family of a diplomatic agent under the Vienna Convention.

Article 7 - Privileges and Immunities of other Staff

1. Officers of the Agency other than the Director and the Deputy Director shall have the like privileges and immunities as are accorded members of the administrative and technical staff of a mission under the Vienna Convention.
2. Members of the family of an officer of the Agency other than the Director or the Deputy Director, forming part of his household, shall have the like privileges and immunities as are accorded the members of the family of a member of the administrative and technical staff of a mission under the Vienna Convention.

Article 8 - Application to Solomon Islands Nationals

Persons who are nationals of or permanently resident in Solomon Islands shall have the privileges and immunities set out in Articles 6 and 7 only to the extent that they would have had those privileges and immunities under the Vienna Convention.

Article 9 - Education for Officers' Children

The Government shall use its best endeavours to ensure that children of Agency officers have full opportunity to participate in primary and secondary schooling.

Article 10 - Conferring, removing and waiving benefits

Privileges and immunities under this Agreement shall be conferred and may be removed by the Government at the times and in the circumstances set out in Article 39 of the Vienna Convention, and may be waived in the circumstances set out in Article 32 of the Vienna Convention.

Article 11 - Consultations

At the request of the Government or the Agency, the Government and the Agency shall consult regarding the implementation of this Agreement, any proposed modifications or extensions to this Agreement, and any alleged abuse of the privileges and immunities provided by this Agreement. Any interpretation or application of this Agreement, or any modification or extension which is consistent with Article VIII of the South Pacific Forum Fisheries Agency Convention may be agreed by an exchange of notes between an authorized representative of the Government and the Director of the Agency.

Article 12 - Entry into Force

This Agreement shall enter into force upon signature by the Director of the Agency and by a representative of the Government.

Article 13 - Depository

This Agreement shall be deposited with the Government and registered with the United Nations Organization.

[Signed]

HON. GEORGE M. TALASASA
Minister for Foreign Affairs
and International Trade

For and on behalf of the Government

[Signed]

PHILIPP MULLER
Director of the Agency
for and on behalf of the
South Pacific Forum Fisheries Agency

Dated this 10th day of August in the year nineteen hundred and eighty four.
