

No. 31860

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**NEW ZEALAND  
and  
SOLOMON ISLANDS**

**Exchange of notes constituting an agreement on arrangements for visits by contingents of the New Zealand Defence Force to Solomon Islands for Exercise TROPIC DUSK 91 and Exercise TROPIC TWILIGHT 91. Honiara, Solomon Islands, 30 July and 5 August 1991**

*Authentic text: English.*

*Registered by New Zealand on 1 June 1995.*

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**NOUVELLE-ZÉLANDE  
et  
ÎLES SALOMON**

**Échange de notes constituant un accord relatif aux arrangements en vue de visites aux Îles Salomon de contingents de la force de défense néo-zélandaise pour l'Opération TROPIC DUSK 91 et l'Opération TROPIC TWILIGHT 91. Honiara (Îles Salomon) 30 juillet et 5 août 1991**

*Texte authentique : anglais.*

*Enregistré par la Nouvelle-Zélande le 1<sup>er</sup> juin 1995.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN NEW ZEALAND AND SOLOMON ISLANDS ON ARRANGEMENTS FOR VISITS BY CONTINGENTS OF THE NEW ZEALAND DEFENCE FORCE TO SOLOMON ISLANDS FOR EXERCISE TROPIC DUSK 91 AND EXERCISE TROPIC TWILIGHT 91

I

NEW ZEALAND HIGH COMMISSION  
HONIARA SOLOMON ISLANDS

30 July 1991

NOTE NO. 91/36

The Minister of Foreign Affairs and Trade Relations  
HONIARA

Dear Minister

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENTS OF NEW ZEALAND AND THE GOVERNMENT OF SOLOMON ISLANDS ON ARRANGEMENTS FOR VISITS BY CONTINGENTS OF THE NEW ZEALAND DEFENCE FORCE TO SOLOMON ISLANDS FOR EXERCISE TROPIC DUSK 91 AND EXERCISE TROPIC TWILIGHT 91

I have the honour to refer to the talks held between officials from New Zealand and Solomon Islands in May 1991 (EX TROPIC DUSK 91) and April 1991 (EX TROPIC TWILIGHT 91) concerning the visit of contingents of the New Zealand Defence Force to Solomon Islands for Exercise TROPIC DUSK 91, to be held between 6 and 26 August 1991, and Exercise TROPIC TWILIGHT 91 to be held between 26 August and 14 September 1991.

The purpose of the exercises is to provide New Zealand Service personnel with training experience in a South West Pacific jungle environment, and to undertake training with and to provide assistance to the Royal Solomon Islands

<sup>1</sup> Came into force on 5 August 1991, the date of the note in reply, in accordance with the provisions of the said notes.

Police Force (RSIPFF) and the Solomon Islands Marine Division (SIMD). Deploying with the EX TROPIC DUSK 91 group will be a five man EOD team and a five man medical team to undertake civic aid tasks under the auspices of the Mutual Assistance Programme. These teams will remain in Solomon Islands to continue their assignments until mid-September and will return to New Zealand with the EX TROPIC TWILIGHT 91 contingent.

I now propose on behalf of the Government of New Zealand that an agreement be concluded between our two Governments relating to these exercises on the following terms:

1 For the purposes of this Agreement, and unless the context otherwise requires, the terms set out below shall have the following meanings:

"New Zealand contingent" means that group of New Zealand servicemen who will be visiting Solomon Islands for the purpose of taking part in Exercises TROPIC DUSK 91 and TROPIC TWILIGHT 91 in Solomon Islands.

"New Zealand serviceman" means an individual member of the contingent of the New Zealand Defence Force who will be visiting Solomon Islands for the purpose of taking part in Exercises TROPIC DUSK 91 and TROPIC TWILIGHT 91 and "New Zealand Servicemen" means such members.

"New Zealand Service authorities" means the authorities empowered by the law of New Zealand to exercise command or jurisdiction over members of the New Zealand contingents while they are participating in Exercises TROPIC DUSK 91 and TROPIC TWILIGHT 91.

"The Solomon Islands authorities" means the authorities from time to time designated by the Government of Solomon Islands for the purpose of exercising the powers in relation to which the term is used.

#### Ex TROPIC DUSK 91

2 The Government of New Zealand shall send a contingent of 122 Army personnel, which will include the 10-man Civic Aid Team, to Solomon Islands between 6 and 26 August 1991 to take part in Exercise TROPIC DUSK 91. The contingent shall deploy to and from Solomon Islands by RNZAF Hercules C130, HS 748 Andover and RNZAF Boeing 727 aircraft.

3 The New Zealand contingent, excluding the Civic Aid Team, shall be permitted to:

- a conduct theatre indoctrination and minor tactics training on Guadalcanal Island;
- b conduct a low-level field exercise on Tetepare Island;
- c exercise with up to 20 RSIPFF personnel on Tetepare Island;
- d use SIMD vessels and personnel to assist with the deployment and extraction from Tetepare Island;
- e use Solomon Islands Police barracks at Honiara as a base location for the contingent administrative cell during the exercise and as a staging camp prior to recovery to New Zealand.

Ex TROPIC TWILIGHT 91

4 The Government of New Zealand shall send a contingent of 110 Army personnel to Solomon Islands between 26 August 1991 and 14 September 1991 to take part in Exercise TROPIC TWILIGHT 91. The contingent shall deploy to and from Solomon Islands by RNZAF C130 Hercules and RNZAF Boeing 727 aircraft. The contingent which leaves Solomon Islands on 14 September will comprise 120 personnel, the TROPIC TWILIGHT 91 personnel having been joined by the five medical personnel and five engineer personnel who deployed with Exercise TROPIC DUSK 91 to carry out MAP tasks.

5 The New Zealand contingent, excluding the Civic Aid Team, shall be permitted to:

- a carry out theatre indoctrination and minor tactics training on Guadalcanal Island, specifically on Levers Company leased land at Tenaru/Red Beach.
- b conduct a low-level field exercise on Pavuvu Island with up to 20 RSIPFF personnel.
- c use the SIMD vessels LATA and VELE to assist with the deployment and extraction from Pavuvu Island.
- d use Solomon Islands Police barracks at Honiara as a base location for the contingent administrative cell during the exercise and as a staging camp prior to recovery to New Zealand.

### Civic Aid Team

6 The Government of New Zealand shall send a contingent of 10 Army personnel to Solomon Islands between 5 August and 14 September 1991 to carry out Civic Aid tasks on Solomon Islands. The five-man medical team will deploy by HS 748 Andover aircraft to Lata Airfield on 5 August. The five-man engineer team will deploy with the EX TROPIC DUSK 91 contingent on 6 August.

7 The aim of the medical and engineer team deployments is to complete a series of civic assistance tasks in support of the Solomon Islands Government (SIG).

### Objectives

8 The objectives of the medical team deployment are:

- a to gain experience in operating in a South West Pacific Island environment.
- b to undertake practical training in preventative medicine.
- c to enhance cooperation and understanding with the Solomon Islands local population.

9 The objectives of the engineer team deployment are:

- a to gain experience in operating in a South West Pacific Island environment.
- b practice EOD location and clearance procedures.
- c to enhance cooperation and understanding with the Royal Solomon Islands Police Field Force (RSIPFF).

10 The medical team will be supplemented by health service personnel from the Solomon Islands National Hospital, Honiara. The engineer team will be supplemented by five personnel from the RSIPFF.

11 The following Civic Aid tasks will be carried out:

#### a Medical Team

- (1) Conduct a Yaws Eradication Programme on Santa Cruz Island in support of the Lata Hospital.

b Engineer Team

- (1) Location and clearance of unexploded ordnance devices from beaches on Mbanika Island in the Russell Group.
- (2) Detection (shallow search) and clearance of unexploded ordnance devices on the Henderson Airfield extensions.
- (3) Detection (shallow search) and clearance of unexploded ordnance devices at Hells Point, Guadalcanal.
- (4) Detection and clearance tasks to be conducted above the low water mark.

12 The Solomon Islands Government will:

- a make available an area for tented accommodation and ablution facilities at the RSIPFF Barracks, Honiara, for the use by the engineer team over the periods 6-21 August and 11-14 September 1991. SIG will also provide an area for tented accommodation and use of barrack facilities at Gandina Police Station over the period 22 August - 11 September 1991.
- b make available the RSIPFF explosive magazine in Hells Point to store 0.7 cubic metres of explosive.
- c attach five RSIPFF personnel to the engineer team on an as required basis.
- d mount a public relations campaign in Guadalcanal and the Russell Islands group to request the sighting of unexploded ordnance.

13 The Solomon Islands Government will:

- a attach to the medical team five health services personnel as interpreters for the duration of the eradication programme.
- b provide logistic support for the team from Lata Hospital, including storage facilities and transport.
- c conduct a public information campaign through various mediums to inform the inhabitants of Santa Cruz of the programme and availability of treatment.
- d provide local liaison and advice for the medical team.

General

14 The Solomon Islands Government shall make available up to 20 members of the RSIPFF for training and to provide the enemy party, interpreter support, liaison, and advice to the New Zealand contingents for EX TROPIC DUSK 91 and TROPIC TWILIGHT 91.

15 The Solomon Islands Government shall make available the LATA and the VELE to exercise with the New Zealand contingents for EX TROPIC DUSK 91 and TROPIC TWILIGHT 91.

16 The Solomon Islands Government shall make available a 25-foot motor canoe, two boatmen and a liaison officer from the SIMD to provide support to the New Zealand contingents for EX TROPIC DUSK 91 and TROPIC TWILIGHT 91.

17 The New Zealand contingents shall supply rations and blank ammunition for RSIPFF and SIMD personnel.

18 The Government of New Zealand shall facilitate the movement to and from Honiara of those RSIPFF personnel taking part in Exercises TROPIC DUSK 91 and TROPIC TWILIGHT 91.

19 The Government of New Zealand shall pay the fuel costs of the LATA, VELE and 25-foot motor canoe for the duration of Exercises TROPIC DUSK 91 and TROPIC TWILIGHT 91.

20 The Government of Solomon Islands shall not levy landing charges against the Government of New Zealand for the use of airport facilities in connection with both exercises.

21 The Government of Solomon Islands shall facilitate the entry of the New Zealand contingent into Solomon Islands by not requiring passports of its members. The following documents shall, however, be required for entry into Solomon Islands:

- a a personal identity card issued by the appropriate authority of the Government of New Zealand showing the full name, date of birth, rank and number, Service and photograph of the holder;
- b an individual or collective movement order issued by an appropriate authority and certifying to the status of the individual or group as a member of a New Zealand contingent.

22 All freight and exercise stores and equipment required by the New Zealand contingents for the exercises shall be

given entry free of all duties and taxes by the Government of Solomon Islands provided that a detailed list of New Zealand stores and equipment is forwarded to the Government of Solomon Islands. The New Zealand contingent shall provide to the Government of Solomon Islands a list of weapons by type and serial number prior to the commencement of Exercises TROPIC DUSK 91 and TROPIC TWILIGHT 91.

23 The New Zealand contingents shall be permitted to take with them upon departure all equipment brought by them into Solomon Islands for the purpose of Exercises TROPIC DUSK 91 and TROPIC TWILIGHT 91 free from export duties and related charges and restrictions.

24 New Zealand servicemen shall be entitled to use valid New Zealand drivers licences and New Zealand Army drivers licences.

25 The New Zealand contingent shall provide their own 24-hour ration packs which shall comply with the agricultural requirements of Solomon Islands.

26 For the purpose of the command and control of members of the New Zealand contingent and for exercise purposes, the Government of Solomon Islands shall allow the New Zealand contingents to establish and operate HF and VHF radio stations using frequencies approved by the Solomon Islands Government.

27 New Zealand servicemen shall be permitted to wear uniform while performing official duty in Solomon Islands.

28 New Zealand servicemen shall be permitted to possess and carry arms on condition that they are authorised to do so by their orders and provided that arrangements regarding the carrying of arms outside areas and facilities in use by the visiting contingents have been made between the appropriate authorities of the two Governments. Live ammunition shall not be used during Exercises TROPIC DUSK 91 and TROPIC TWILIGHT 91. Blank ammunition and pyrotechnics shall be used during training.

29 The Government of Solomon Islands shall grant New Zealand servicemen exemption from departure tax.

30 The rights of the two Governments with respect to criminal and disciplinary jurisdiction over the New Zealand contingents participating in Exercises TROPIC DUSK 91 and TROPIC TWILIGHT 91, including the Civic Aid Team, shall be as follows:

a The New Zealand Service authorities shall have the right to exercise within Solomon Islands all criminal



- and disciplinary jurisdiction conferred on them by the law of New Zealand over New Zealand servicemen, and exclusive jurisdiction over the New Zealand servicemen with respect to offences punishable by the law of New Zealand but not by the law of Solomon Islands.
- b The Solomon Islands authorities shall have the right to exercise jurisdiction over New Zealand servicemen with respect to offences committed in Solomon Islands and punishable by the law of Solomon Islands and the right to exercise exclusive jurisdiction with respect to offences punishable by the law of Solomon Islands but not by the law of New Zealand.
- c In cases where the right to exercise jurisdiction is concurrent, the following rules shall apply:
- (1) The New Zealand Service authorities shall have the primary right to exercise jurisdiction over New Zealand servicemen in relation to:
    - i) offences solely against the property and security of New Zealand;
    - ii) offences solely against the person or property of another New Zealand serviceman;
    - iii) offences arising out of any act or omission done in the performance of an official duty as a New Zealand serviceman.
  - (2) In the case of any other offences the Solomon Islands authorities shall have the primary right to exercise jurisdiction.
  - (3) If the authorities having the primary right to exercise jurisdiction under these rules decide not to exercise jurisdiction they shall notify the other authorities as soon as practicable. The authorities having primary right to exercise jurisdiction shall give sympathetic consideration to a request from the other authorities for a waiver of jurisdiction.
  - (4) The foregoing paragraphs shall not confer any right on New Zealand Service authorities to exercise jurisdiction over persons who are nationals of or ordinarily resident in Solomon Islands unless they are New Zealand servicemen.
- d The New Zealand Service authorities and the Government of Solomon Islands shall assist each other in the

- arrest of New Zealand servicemen where such arrest is necessary to allow the exercise of jurisdiction provided for in the above subparagraphs and, subject to sub paragraphs h and i of this clause, in handing them over to the authorities which are to exercise jurisdiction in accordance with the above paragraphs.
- e The government of Solomon Islands shall notify promptly the New Zealand Service authorities of the arrest of any New Zealand serviceman.
- f Where the Solomon Islands authorities have arrested a New Zealand serviceman taking part in Exercises TROPIC DUSK 91 and TROPIC TWILIGHT 91, or the civic aid tasks, the Government of Solomon Islands shall if so requested release him to the custody of the New Zealand Service authorities in Solomon Islands pending completion of trial proceedings provided that he shall, on request, be made available to the Solomon Islands authorities.
- g The New Zealand Service authorities and Solomon Islands authorities shall in all cases, including those giving rise to concurrent jurisdiction, assist each other in the carrying out of all necessary investigations into offences and in the collection and production of evidence, including the seizure of and, in appropriate cases, the handing over of objects in connection with an offence. The handing over of such objects, however, may be made subject to their return within any reasonable time specified by the authorities authorising their delivery.
- h The New Zealand Service authorities and Solomon Islands authorities shall notify each other of the disposal of all cases in which there are concurrent rights to exercise criminal jurisdiction.
- i Where an accused serviceman has been tried or summarily dealt with in accordance with the preceding paragraphs by the New Zealand Service authorities or in a Solomon Islands Court and has been convicted or acquitted (which expressions shall include any other final disposal of a charge) he may not be tried or summarily dealt with again for the same or substantially the same offence under New Zealand or Solomon Islands law. This paragraph shall not prevent the New Zealand Service authorities from trying or dealing with a New Zealand serviceman for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried under Solomon Islands law.

- j In addition to the provision of any agreement entered into between New Zealand and Solomon Islands concerning the return of prisoners from one country to the other, where a New Zealand serviceman has been sentenced under the law of Solomon Islands to a term of imprisonment and he makes a request, which is supported by the Government of New Zealand, that his term of imprisonment be served in New Zealand, his request shall be given sympathetic consideration by the Government of Solomon Islands.

31

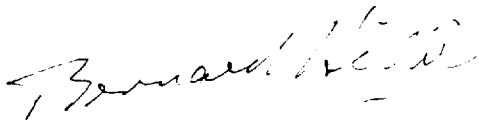
- a The two Governments shall consult on the settlement of claims by one against the other arising from the loss of or damage to property owned or being used by one of them and caused by an act or omission of a member of the armed forces or an employee of the other in the performance of official duty where such damage or loss has occurred in the course of Exercises TROPIC DUSK 91 and TROPIC TWILIGHT 91 or the civic aid tasks, due regard being had in the settlement of such claims and in the determination of appropriate compensation payable to the criteria set out in subparagraph b of this clause for the settlement of claims against the Government of New Zealand by third parties.
- b The Government of New Zealand shall pay just and reasonable compensation in accordance with the law of Solomon Islands for meritorious claims by third parties in respect of loss of life or injury to such third parties or loss of property or damage to property belonging to such third parties where such damage or loss is caused by the act or omission (done in the performance of official duty) of a New Zealand serviceman or servicemen and where the Government of Solomon Islands, after investigation, certify the claims:
- (1) as having been submitted in good faith, within three months of the act or omission,
  - (2) as being reasonable in nature, and
  - (3) where they relate to property damage, as seeking sums which reflect accurately the current market prices for returning the damaged property to the condition it was in before such damage, and
  - (4) where they relate to loss of property, as seeking sums which reflect accurately the value of such property immediately prior to such loss.

32 The Government of New Zealand shall take measures to ensure that members of the visiting contingents are aware of their duty to observe the law of Solomon Islands.

33 All references to "serviceman" or "servicemen" in this agreement shall imply personnel of both male and female gender.

If the foregoing is acceptable to the Government of Solomon Islands, I have the honour to propose that this Note, together with your reply to that effect, shall constitute an agreement between our two Governments which shall enter into effect on the date of your reply.

Accept, Sir, the renewed assurances of my highest consideration.



B R Hillier  
High Commissioner

31 July 1991

## II

MINISTRY OF FOREIGN AFFAIRS  
AND TRADE RELATIONS  
HONIARA SOLOMON ISLANDS

OUR REF: FA.12/3/17  
YOUR REF:  
DATE: 5th August 1991

The High Commissioner  
New Zealand High Commission  
P O Box 679  
Honiara

Dear Your Excellency,

Your letter of 30 July 1991 refers.

This serves to confirm that the Solomon Islands Government accepts the arrangements contained in the text of the Exchange of Notes constituting an agreement between the Governments of New Zealand and the Government of Solomon Islands on arrangements for visits by contingents of the New Zealand Defence Force to Solomon Islands for Exercise Tropic Dusk 1991 and Exercise Tropic Twilight 91, and this reply constitutes that understanding.

Sincerely,



**Rt. Hon. Sir Peter Kenilorea, KBE, PC, MP**  
Minister for Foreign Affairs and Trade Relations