

No. 31861

**NEW ZEALAND
and
SOLOMON ISLANDS**

Exchange of letters constituting an agreement on arrangements for the visit by a New Zealand Defence Force contingent to Solomon Islands for Exercise TROPIC DAWN 94. Honiara, Solomon Islands, 6 and 11 July 1994

Authentic text: English.

Registered by New Zealand on 1 June 1995.

**NOUVELLE-ZÉLANDE
et
ÎLES SALOMON**

Échange de lettres constituant un accord relatif aux arrangements en vue de la visite aux Îles Salomon d'un contingent des forces armées néo-zélandaises pour l'Opération TROPIC DAWN 94. Honiara (Îles Salomon), 6 et 11 juillet 1994

Texte authentique : anglais.

Enregistré par la Nouvelle-Zélande le 1^{er} juin 1995.

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹
BETWEEN NEW ZEALAND AND SOLOMON ISLANDS ON
ARRANGEMENTS FOR THE VISIT BY A NEW ZEALAND
DEFENCE FORCE CONTINGENT TO SOLOMON ISLANDS
FOR EXERCISE TROPIC DAWN 94

I

26/7/4

6 July 1994

The Honourable Francis Saemala
Minister of Foreign Affairs
HONIARA

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE
GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF SOLOMON ISLANDS
ON ARRANGEMENTS FOR THE VISIT BY A NEW ZEALAND DEFENCE FORCE
CONTINGENT TO SOLOMON ISLANDS FOR EXERCISE TROPIC DAWN 94.

I have the honour to refer to the talks held between officials from New Zealand and Solomon Islands in May 1994 concerning the visit of a New Zealand Defence Force contingent to Solomon Islands for Exercise TROPIC DAWN 94, to be held between 21 July - 10 August 1994.

I now propose on behalf of the Government of New Zealand that agreement be reached between our two Governments relating to this exercise, on the following terms:

1. The Government of New Zealand shall send a contingent of 139 Army personnel to Solomon Islands during the period 21 July - 10 August 1994, to take part in Exercise TROPIC DAWN 94. An advance group of six New Zealand servicemen will deploy by civilian airline to arrive in Solomon Islands no later than 14 July 1994. The mainbody of the New Zealand contingent, predominantly combat service support personnel, will deploy to and from Solomon Islands by RNZAF Boeing 727 and Hercules C-130 aircraft, arriving no later than 21 July 1994. The contingent will also include servicemen for mutual assistance training and the provision of civic aid. The purpose of these groups is to:

- a. Exercise Group. Comprising of up to 120 Combat Service Support personnel, to be based on the Island of Nendo. This group will conduct in theatre

¹ Came into force on 11 July 1994, the date of the letter in reply, in accordance with the provisions of the said letters.

indoctrination in the vicinity of Bottom Bay, an exercise in the vicinity of the Forestry Camp and post exercise administration and civic assistance in the vicinity of Lata.

- b. Civic Aid Group. Comprising of up to 10 engineers to be based on the Island of Nendo. This group will complete work on the Lata Hospital and maintenance on the Lata water supply facilities.
- c. Mutual Assistance Training Group. Comprising of up to nine personnel to be based in Honiara to conduct three courses for RSIPFF students.

2. 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 Exercise TROPIC DAWN 94.

"New Zealand Serviceman" means an individual member of the New Zealand contingent.

"New Zealand Service authorities" means the authorities empowered by the law of New Zealand to exercise command and jurisdiction over members of the New Zealand contingent while they are participating in Exercise TROPIC DAWN 94.

"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.

"Port of Entry" means the Port, International Airport or National Airforce Base at which the contingent disembarks.

"Training" includes the conduct of combined training in either country.

3. The Solomon Islands Government shall make available the following support to the Exercise Group:

- a. twenty RSIPFF personnel to be attached to the Exercise Group;
- b. the communication facilities belonging to The Royal Solomon Island Police (RSIP) in Honiara and Lata in the event of an emergency;
- c. accommodation in Honiara being RSIP facilities (if required);
- d. transport in Honiara being a 35 seater bus and a three ton Bedford truck (if required);

- e. accommodation in Nendo being the Government Fisheries Store for the storage of rations and exercise equipment;
 - f. transport on Nendo being one three ton Government Forestry truck, for three days;
 - g. land clearance for the use of the Bottom Bay area and the Forestry Camp area and the track linking these two areas;
 - h. the use of the HF communications and hospital facilities on Nendo in the event of an emergency; and
 - i. a Liaison Office (LO) from the RSIPFF to be attached to the Exercise Group, for the duration of the exercise.
4. The Government of Solomon Islands shall make available the following support to the Civic Aid Group:
- a. the communication facilities belonging to the RSIP in Honiara and Lata in the event of an emergency;
 - b. accommodation in Honiara at RSIP facilities, (if required);
 - c. accommodation on Nendo at the Police Shelter;
 - d. transport on Nendo being one vehicle from the RSIP to be available at Lata;
 - e. all materials required for the completion of the accepted CAT tasks; and
 - f. a LO from the RSIPFF to be attached to the CAT for the duration of the tasks.
5. The Solomon Islands Government shall make available the following support to the Mutual Assistance Training Group:
- a. accommodation at Rove Barracks, Honiara, for the duration of the deployment;
 - b. fresh rations at Rove Barracks for the duration of the deployment;
 - c. a LO from the RSIPFF for the duration of the courses, (request Sgt E. Sikua, Training Sgt Ops, RSIPFF);
 - d. training areas including facilities in and around Rove Barracks;
 - e. the required equipment, to complete improvements to the Tenaru Range before the 14 July 1994;

- f. the use of the RSIPFF small arms weapons, magazines and cleaning kits, for a small arms shooting coaches course;
 - g. resources support for the small arms shooting coaches course;
 - h. resources support for a patrol first aid course;
 - i. resources support for a patrol commanders course;
 - j. six RSIPFF personnel to assist with the patrol commanders course;
 - k. transport, for the duration of the courses;
6. The Government of Solomon Islands shall make available the following support to the advance party and VIP party:
- a. one vehicle for transport in Honiara and on Nendo Island, and;
 - b. accommodation for the advance party in RSIP Barracks in Honiara, and the LATA Guest House on Nendo.
 - c. accommodation for the VIP party.
7. The Government of New Zealand shall supply rations and ammunition for RSIPFF personnel taking part in the field exercise and Mutual Assistance Training courses.
- The Government of Solomon Islands shall not levy any charges against the Government of New Zealand for the use of RSIP transport and accommodation facilities.
8. The Government of Solomon Islands shall not levy landing charges against the Government of New Zealand for the use of airport facilities in Solomon Islands in connection with Exercise TROPIC DAWN 94.
9. Solomon Islands authorities shall facilitate the entry of the New Zealand contingent in 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.

10. Solomon Islands authorities shall accept the documentation as set out in Clause 9 of this agreement for the evacuation of a member, or members of the contingent from the exercise area to New Zealand in the event of an emergency.

11. All freight and exercise stores and equipment required by the New Zealand contingent for the exercise 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 Solomon Islands authorities. The New Zealand contingent shall provide to Solomon Islands authorities, a list of weapons by type and serial number prior to the commence of Exercise TROPIC DAWN 94.

12. The New Zealand contingent shall be permitted to take with it upon departure, all equipment brought by it into Solomon Islands for the purpose of Exercise TROPIC DAWN 94 free from export duties and related charges and restrictions.

13. New Zealand servicemen shall be entitled to use valid New Zealand drivers licences and New Zealand Army drivers licences whilst driving in Solomon Islands during Exercise TROPIC DAWN 94.

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

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

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

17. 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 contingent, have been made between the appropriate authorities of the two Governments. Live ammunition shall only be used by the mutual Assistance Training Group. The Exercise Group will be using blank ammunition and pyrotechnics during the exercise.

18. Solomon Islands authorities shall grant New Zealand servicemen participating in Exercise TROPIC DAWN 94 exemption from departure tax.

19. The rights of the two governments with respect to criminal and disciplinary jurisdiction over the New Zealand contingent participating in Exercise TROPIC DAWN 94, 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 the right to exercise 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 authorities of Solomon Islands shall have the right to exercise jurisdiction over New Zealand servicemen with respect to offences committed in the Solomon Islands and punishable by the law of the Solomon Islands and the right to exercise exclusive jurisdiction with respect to offences punishable by the law of the 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 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 servicemen taking part in Exercise TROPIC DAWN 94;
 - (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, 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 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 taking part in Exercise TROPIC DAWN 94, where such arrest is necessary to allow the exercise of jurisdiction

- provided for in the above paragraphs and, subject to paragraphs h and i of this clause, in handing them over to the Government which is 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 taking part in Exercise TROPIC DAWN.
 - f. Where the Government of the Solomon Islands has arrested a New Zealand serviceman taking part in the exercise, the Government of Solomon Islands shall, if so requested, release the serviceman to the custody of the New Zealand Service authorities in Solomon Islands pending completion of trial proceedings, provided that the serviceman shall, on request, be made available to the Government of Solomon Islands.
 - g. The New Zealand Service authorities and the Government of Solomon Islands 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 Government delivering them.
 - h. The New Zealand Service authorities and the Government of Solomon Islands, shall notify each other of the disposal of all cases in which there are concurrent rights to exercise criminal jurisdiction.
 - i. Where an accused has been tried in accordance with the preceding paragraphs by the New Zealand authorities or by the Government of Solomon Islands, and has been convicted or acquitted (which expressions shall include any other final disposal of a charge) the serviceman shall not be tried again for the same or substantially the same offence by either Government. This paragraph shall not prevent the New Zealand Service authorities from trying or dealing with a New Zealand serviceman to the extent allowed by New Zealand law for any violation of rules of discipline arising from an act or omission which constituted an offence for which the serviceman was tried by the Government of Solomon Islands.
 - 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 taking part in Exercise TROPIC DAWN 94 has been sentenced under the law of Solomon Islands to a term of imprisonment and the serviceman makes a request, which is supported by the Government of New Zealand, that the serviceman's term of imprisonment be served in New Zealand, the serviceman's request shall be given sympathetic consideration by the Government of Solomon Islands.

20. 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 of the other, in the performance of official duty, where such damage or loss has occurred in the course of Exercise TROPIC DAWN 94. Due regard will be had in the settlement of such claims and in the determination of appropriate compensation payable to the criteria set out in Clause 21 of this agreement for the settlement of claims against the Government of New Zealand by third parties.

21. 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, while in the Solomon Islands for purposes of Exercise TROPIC DAWN 94 and where the Government of Solomon Islands, after investigation, certify the claims:

- a. as having been submitted in good faith, within three months of the act of omission;
- b. as being reasonable in nature; and
- c. 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;
- d. where they relate to loss of property, as seeking sums which reflect accurately the value of such property immediately prior to such loss.

22. The Government of New Zealand shall take measures to ensure that members of the New Zealand contingent are aware of their duty to observe the laws and regulations of Solomon Islands.

23. 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.

We should be most grateful if you would advise us of your agreement to the above by 13 July 1994.

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

Tia Barrett
High Commissioner

II

11 July 1994

His Excellency Tia Barrett
High Commissioner
New Zealand High Commission
HONIARA

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF SOLOMON ISLANDS ON ARRANGEMENTS FOR THE VISIT BY A NEW ZEALAND DEFENCE FORCE CONTINGENT TO SOLOMON ISLANDS FOR EXERCISE TROPIC DAWN 94.

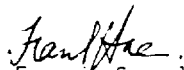
I have the honour to refer to your Letter of July 6, 1994 in which you referred to talks held between officials from New Zealand and Solomon Islands in May 1994 concerning the visit of a New Zealand Defence Force contingent to Solomon Islands for Exercise TROPIC DAWN 94, to be held between 21 July - 10 August 1994.

I have the further honour to refer to your proposal on behalf of the Government of New Zealand that agreement be reached between our two Governments relating to this exercise, on the following terms:

[See letter I]

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

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



Francis Saemala
Deputy Prime Minister and Minister for Foreign Affairs