

REPUBLIC OF VANUATU

THE VISITING FORCES  
(AGREEMENTS) ACT NO.1 OF 1980

Arrangement of Sections

1. Visiting Forces Agreements to have force of law.
2. When Agreements cease to have force of law.
3. Extensions of Agreements.
4. Additions of agreements to Schedule.
5. Commencement.

REPUBLIC OF VANUATU

THE VISITING FORCES  
(AGREEMENTS) ACT NO.1 OF 1980

Be it enacted by the President and Parliament as follows :-

Assent 14.8.80

Commencement 14.8.80

- Visiting Forces Agreements to have force of law. 1. The agreements contained in the Schedule are hereby ratified and shall have the force of law in Vanuatu from the dates specified therein.
- When Agreements cease to have force of law. 2. The agreements in the Schedule shall cease to have the force of law when they cease to have effect in accordance with their provisions.
- Extensions of Agreements. 3. (1) Notwithstanding the provisions of Section 2 the Government may by agreement with the other High Contracting Party extend an agreement contained in the Schedule for such period as may be agreed and Section 1 shall apply thereto.
- (2) If an agreement is extended in accordance with subsection (1) it shall cease to have effect unless a report of the extension is laid before Parliament within 15 days.
- (3) If a report is laid before Parliament in accordance with subsection (2) the extension shall be deemed approved unless Parliament signifies disapproval within 15 days of the report being laid before it.
- (4) If Parliament signifies its disapproval of an extension of an agreement in accordance with subsection (3) the extension shall cease to have effect on the day after such refusal.
- Additions of agreements to Schedule. 4. (1) The President may by order add more Parts to the Schedule and the agreements with other Governments contained in those Parts shall have the force of law from the dates stated in such orders.
- (2) Orders made in accordance with subsection (1) shall cease to have effect unless laid before Parliament within 15 days.

- (3) Parliament may revoke an order laid before it in accordance with subsection (2) within 15 days of the order being laid before it. Such revocation shall be effective from the day after it is made by Parliament.

Commencement. 5. This Act shall come into operation on the day of assent by the President.

SCHEDULE

PART 1

INTERIM AGREEMENT BETWEEN THE GOVERNMENT OF PAPUA NEW GUINEA AND THE GOVERNMENT OF THE REPUBLIC OF VANUATU CONCERNING THE STATUS OF ELEMENTS OF THE PAPUA NEW GUINEA DEFENCE FORCE DEPLOYED IN VANUATU

PAPUA NEW GUINEA AND VANUATU:

RECOGNISING THE NEED FOR CO-OPERATION BETWEEN COUNTRIES IN THE SOUTH PACIFIC;

ACKNOWLEDGING THE INDEPENDENCE OF VANUATU ON 30 JULY 1980 AND THE IMPORTANCE OF PRESERVING THE SOVEREIGN STATUS OF VANUATU;

ACCEPTING THE REQUEST OF THE GOVERNMENT OF VANUATU TO PAPUA NEW GUINEA FOR PAPUA NEW GUINEA TO ASSIST WITH THE MAINTENANCE OF LAW AND ORDER IN VANUATU BY THE PROVISION OF MILITARY PERSONNEL

AND DESIRING TO MAKE ARRANGEMENTS FOR THE STATUS OF SUCH PERSONNEL WHILE IN VANUATU

HAVE AGREED AS FOLLOWS :

ARTICLE 1

DEFINITIONS

- (A) "ELEMENTS OF THE PAPUA NEW GUINEA DEFENCE FORCE" (HEREINAFTER REFERRED TO AS "THE FORCE") MEANS MEMBERS OR UNITS OF THE PAPUA NEW GUINEA DEFENCE FORCE INCLUDING CIVILIAN PERSONNEL ATTACHED TO THAT FORCE, IN THE TERRITORY OF VANUATU IN CONNECTION WITH ACTIVITIES AGREED BETWEEN THE PARTIES HERETO.
- (B) "THE COMMANDER" MEANS THE FIELD COMMANDER OF THE FORCE AND OTHER AUTHORITIES OF THE FORCE DESIGNATED BY HIM.
- (C) "VANUATU AUTHORITIES" INCLUDES ALL NATIONAL AND LOCAL, CIVIL AND MILITARY AUTHORITIES CALLED UPON TO PERFORM FUNCTIONS UNDER THE PROVISIONS OF THE AGREEMENT.
- (D) "VANUATU CITIZEN" INCLUDES A PERSON OF VANUATU CITIZENSHIP AND A PERSON RESIDENT OR PRESENT IN THE TERRITORY OF VANUATU OTHER THAN ONE ASSOCIATED WITH THE FORCE.
- (E) "AREA OF OPERATIONS" INCLUDES ALL AREAS THROUGHOUT THE TERRITORY OF THE REPUBLIC OF VANUATU (HEREINAFTER REFERRED TO AS "VANUATU") WHERE THE FORCE IS DEPLOYED IN THE PERFORMANCE OF ITS FUNCTIONS, MILITARY INSTALLATIONS OR OTHER PREMISES AND LINES OF COMMUNICATION AND SUPPLY UTILISED BY THE FORCE.

ARTICLE 2

AUTHORITY AND COMMAND OF THE FORCE

THE COMMANDER OF THE FORCE SHALL EXERCISE FULL COMMAND AUTHORITY IN THE FIELD. HE SHALL CONSULT WITH AND BE SUBJECT TO THE GENERAL DIRECTION OF THE VANUATU SECURITY COMMITTEE. HE MAY DELEGATE HIS AUTHORITY THROUGH THE CHAIN OF COMMAND. HE IS OPERATIONALLY RESPONSIBLE FOR THE PERFORMANCE OF ALL FUNCTIONS ASSIGNED TO THE FORCE AND FOR THE DEPLOYMENT AND ASSIGNMENT OF MEMBERS OF THE FORCE. THE COMMANDER SHALL HAVE GENERAL RESPONSIBILITY FOR THE GOOD ORDER AND DISCIPLINE OF THE FORCE.

ARTICLE 3

RESPECT FOR LOCAL LAW

MEMBERS OF THE FORCE SHALL RESPECT THE LAWS AND ORDERS OF VANUATU AND SHALL REFRAIN FROM ANY ACTIVITY OF A POLITICAL CHARACTER IN VANUATU AND FROM ANY ACTION INCOMPATIBLE WITH THE NATURE OF THEIR DUTIES OR INCONSISTENT WITH THE SPIRIT OF THE PRESENT AGREEMENT. THE COMMANDER SHALL TAKE ALL APPROPRIATE MEASURES TO ENSURE THE OBSERVANCE OF THESE OBLIGATIONS.

ARTICLE 4

ENTRY AND EXIT: IDENTIFICATION

1. MEMBERS OF THE FORCE SHALL BE EXEMPT FROM PASSPORT AND VISA LAWS AND ORDERS AND IMMIGRATION INSPECTION AND RESTRICTIONS ON ENTERING OR DEPARTING FROM VANUATU TERRITORY. THEY SHALL ALSO BE EXEMPT FROM ANY LAWS AND ORDERS GOVERNING THE RESIDENCE OF ALIENS IN VANUATU, INCLUDING REGISTRATION, BUT SHALL NOT BE CONSIDERED AS ACQUIRING ANY RIGHT TO PERMANENT RESIDENCE OR DOMICILE IN THE TERRITORY OF VANUATU. FOR THE PURPOSE OF SUCH ENTRY OR DEPARTURE MEMBERS OF THE FORCE WILL BE REQUIRED TO HAVE ONLY (A) AN INDIVIDUAL OR COLLECTIVE MOVEMENT ORDER ISSUED BY THE COMMANDER OF THE PAPUA NEW GUINEA DEFENCE FORCE OR COMMANDER AND (B) A PERSONAL IDENTITY CARD ISSUED BY THE PAPUA NEW GUINEA DEFENCE FORCE.
2. MEMBERS OF THE FORCE MAY BE REQUIRED TO PRESENT BUT NOT TO SURRENDER THEIR PERSONAL IDENTITY CARDS UPON DEMAND OF AN APPROPRIATE VANUATU AUTHORITY. EXCEPT AS PROVIDED IN PARAGRAPH 1 OF THIS ARTICLE THE IDENTITY CARD WILL BE THE ONLY DOCUMENT REQUIRED FOR A MEMBER OF THE FORCE.
3. IF A MEMBER OF THE FORCE LEAVES THE SERVICE OF PAPUA NEW GUINEA AND IS NOT REPATRIATED, THE COMMANDER SHALL IMMEDIATELY INFORM THE VANUATU AUTHORITIES, GIVING SUCH PARTICULARS AS MAY BE REQUIRED. THE COMMANDER SHALL SIMILARLY INFORM THE VANUATU AUTHORITIES OF ANY MEMBER OF THE FORCE WHO HAS ABSENTED HIMSELF FOR MORE THAN TWENTY-ONE DAYS. IF AN EXPULSION ORDER AGAINST AN EX-MEMBER OF THE FORCE HAS BEEN MADE, THE COMMANDER SHALL BE RESPONSIBLE FOR ENSURING THAT THE PERSON CONCERNED SHALL BE RECEIVED INTO PAPUA NEW GUINEA.

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2. MEMBERS OF THE FORCE MAY BE REQUIRED TO PRESENT BUT NOT TO SURRENDER THEIR PERSONAL IDENTITY CARDS UPON DEMAND OF AN APPROPRIATE VANUATU AUTHORITY. EXCEPT AS PROVIDED IN PARAGRAPH 1 OF THIS ARTICLE THE IDENTITY CARD WILL BE THE ONLY DOCUMENT REQUIRED FOR A MEMBER OF THE FORCE.
3. IF A MEMBER OF THE FORCE LEAVES THE SERVICE OF PAPUA NEW GUINEA AND IS NOT REPATRIATED, THE COMMANDER SHALL IMMEDIATELY INFORM THE VANUATU AUTHORITIES, GIVING SUCH PARTICULARS AS MAY BE REQUIRED. THE COMMANDER SHALL SIMILARLY INFORM THE VANUATU AUTHORITIES OF ANY MEMBER OF THE FORCE WHO HAS ABSENTED HIMSELF FOR MORE THAN TWENTY-ONE DAYS. IF AN EXPULSION ORDER AGAINST AN EX-MEMBER OF THE FORCE HAS BEEN MADE, THE COMMANDER SHALL BE RESPONSIBLE FOR ENSURING THAT THE PERSON CONCERNED SHALL BE RECEIVED INTO PAPUA NEW GUINEA.

ARTICLE 5

JURISDICTION

THE FOLLOWING ARRANGEMENTS RESPECTING CRIMINAL AND CIVIL JURISDICTION ARE MADE HAVING REGARD TO THE SPECIAL FUNCTIONS OF THE FORCE AND NOT FOR THE PERSONAL BENEFIT OF THE MEMBERS OF THE FORCE.

ARTICLE 6

CRIMINAL JURISDICTION

MEMBERS OF THE FORCE SHALL BE SUBJECT TO THE EXCLUSIVE JURISDICTION OF PAPUA NEW GUINEA IN RESPECT OF ANY CRIMINAL OFFENCES WHICH MAY BE COMMITTED BY THEM IN VANUATU.

ARTICLE 7

CIVIL JURISDICTION

1. MEMBERS OF THE FORCE SHALL NOT BE SUBJECT TO THE CIVIL JURISDICTION OF VANUATU COURTS OR TO OTHER LEGAL PROCESS IN ANY MATTER RELATING TO THEIR OFFICIAL DUTIES.
2. IN THOSE CASES WHERE CIVIL JURISDICTION IS EXERCISED BY VANUATU COURTS WITH RESPECT TO MEMBERS OF THE FORCE, THE VANUATU COURTS AND AUTHORITIES SHALL GRANT MEMBERS OF THE FORCE SUFFICIENT OPPORTUNITY TO SAFEGUARD THEIR RIGHTS. IF THE COMMANDER CERTIFIES THAT A MEMBER OF THE FORCE IS UNABLE BECAUSE OF OFFICIAL DUTIES OR AUTHORIZED ABSENCE TO PROTECT HIS INTERESTS IN A CIVIL PROCEEDING IN WHICH HE IS A PARTICIPANT, THE VANUATU COURT OR AUTHORITY SHALL AT HIS REQUEST SUSPEND THE PROCEEDING UNTIL THE ELIMINATION OF THE DISABILITY, BUT FOR NOT MORE THAN NINETY DAYS. PROPERTY OF A MEMBER OF THE FORCE WHICH IS CERTIFIED BY THE COMMANDER TO BE NEEDED BY HIM FOR THE FULFILMENT OF HIS OFFICIAL DUTIES SHALL BE FREE FROM SEIZURE FOR THE SATISFACTION OF A JUDGEMENT, DECISION OR ORDER TOGETHER WITH OTHER PROPERTY NOT SUBJECT THERETO UNDER VANUATU LAW. THE PERSONAL LIBERTY OF A MEMBER OF THE FORCE SHALL NOT BE RESTRICTED BY A VANUATU COURT OR AUTHORITY IN A CIVIL PROCEEDING, WHETHER TO ENFORCE A JUDGEMENT, DECISION OR ORDER, TO COMPEL AN OATH OF DISCLOSURE, OR FOR ANY OTHER REASON.

ARTICLE 8

NOTIFICATION: CERTIFICATION

IF ANY CIVIL PROCEEDING IS INSTITUTED AGAINST A MEMBER OF THE FORCE BEFORE ANY VANUATU COURT HAVING JURISDICTION, NOTIFICATION SHALL BE GIVEN TO THE COMMANDER. THE COMMANDER SHALL CERTIFY TO THE COURT WHETHER OR NOT THE PROCEEDING IS RELATED TO THE OFFICIAL DUTIES OF SUCH MEMBER.

ARTICLE 9

MILITARY POLICE: ARREST: TRANSFER OF CUSTODY AND  
MUTUAL ASSISTANCE

1. THE COMMANDER SHALL TAKE ALL APPROPRIATE MEASURES TO ENSURE MAINTENANCE OF DISCIPLINE AND GOOD ORDER AMONG MEMBERS OF THE FORCE. TO THIS END MILITARY POLICE DESIGNATED BY THE COMMANDER SHALL POLICE THE PREMISES REFERRED TO IN ARTICLE 10 OF THIS AGREEMENT AND SUCH AREAS WHERE THE FORCE IS DEPLOYED IN THE PERFORMANCE OF ITS FUNCTIONS. ELSEWHERE SUCH MILITARY POLICE SHALL BE EMPLOYED ONLY SUBJECT TO ARRANGEMENTS WITH THE VANUATU AUTHORITIES AND IN LIAISON WITH THEM AND IN SO FAR AS SUCH EMPLOYMENT IS NECESSARY TO MAINTAIN DISCIPLINE AND ORDER AMONG MEMBERS OF THE FORCE. FOR THE PURPOSE OF THIS PARAGRAPH THE MILITARY POLICE OF THE FORCE SHALL HAVE THE POWER OF ARREST OVER MEMBERS OF THE FORCE.
2. MILITARY POLICE OF THE FORCE MAY TAKE INTO CUSTODY ANY PERSON ON THE PREMISES REFERRED TO IN ARTICLE 10 WHO IS SUBJECT TO VANUATU CRIMINAL JURISDICTION, WITHOUT SUBJECTING HIM TO THE ORDINARY ROUTINE OF ARREST, IN ORDER IMMEDIATELY TO DELIVER HIM TO THE NEAREST APPROPRIATE VANUATU AUTHORITIES: (A) WHEN SO REQUESTED BY THE VANUATU AUTHORITIES; OR (D) FOR THE PURPOSE OF DEALING WITH ANY OFFENCE OR DISTURBANCE ON THE PREMISES.
3. THE VANUATU AUTHORITIES MAY TAKE INTO CUSTODY A MEMBER OF THE FORCE, WITHOUT SUBJECTING HIM TO THE ORDINARY ROUTINE OF ARREST IN ORDER IMMEDIATELY TO DELIVER HIM, TOGETHER WITH ANY WEAPONS OR ITEMS SEIZED, TO THE NEAREST APPROPRIATE AUTHORITIES OF THE FORCE: (A) WHEN SO REQUESTED BY THE COMMANDER; OR (D) IN CASES IN WHICH THE MILITARY POLICE OF THE FORCE ARE UNABLE TO ACT WITH THE NECESSARY PROMPTNESS WHEN A MEMBER OF THE FORCE IS APPREHENDED IN THE COMMISSION OR ATTEMPTED COMMISSION OF A CRIMINAL OFFENCE THAT RESULTS OR MIGHT RESULT IN SERIOUS INJURY TO PERSONS OR PROPERTY, OR SERIOUS IMPAIRMENT OF OTHER LEGALLY PROTECTED RIGHTS.
4. WHEN A PERSON IS TAKEN INTO CUSTODY UNDER (D) OF PARAGRAPHS 2 AND 3, THE COMMANDER OR VANUATU AUTHORITIES, AS THE CASE MAY BE, MAY MAKE A PRELIMINARY INTERROGATION BUT MAY NOT DELAY THE TRANSFER OF CUSTODY. FOLLOWING THE TRANSFER OF CUSTODY THE PERSONS CONCERNED SHALL BE MADE AVAILABLE UPON REQUEST FOR FURTHER INTERROGATION.



5. THE COMMANDER AND THE VANUATU AUTHORITIES SHALL ASSIST EACH OTHER IN THE CARRYING OUT OF ALL NECESSARY INVESTIGATIONS INTO OFFENCES IN RESPECT OF WHICH EITHER OR BOTH HAVE AN INTEREST, IN THE PRODUCTION OF WITNESSES, AND IN THE COLLECTION AND PRODUCTION OF EVIDENCE, INCLUDING THE SEIZURE OF AND, IN PROPER CASES, THE HANDING OVER OF THINGS CONNECTED WITH AN OFFENCE. THE HANDING OVER OF ANY SUCH THINGS MAY BE MADE SUBJECT TO THEIR RETURN WITHIN THE TIME SPECIFIED BY THE AUTHORITY DELIVERING THEM. EACH SHALL NOTIFY THE OTHER OF THE DISPOSITION OF ANY CASE IN THE OUTCOME OF WHICH THE OTHER MAY HAVE AN INTEREST OR IN WHICH THERE HAS BEEN A TRANSFER OF CUSTODY UNDER THE PROVISIONS OF PARAGRAPHS 2 AND 3 OF THESE ARRANGEMENTS. THE GOVERNMENT OF VANUATU WILL ENSURE THE PROSECUTION OF PERSONS SUBJECT TO ITS CRIMINAL JURISDICTION WHO ARE ACCUSED OF ACTS IN RELATION TO THE FORCE OR ITS MEMBERS WHICH, IF COMMITTED IN RELATION TO THE VANUATU FORCES OR THEIR MEMBERS, WOULD HAVE RENDERED THEM LIABLE TO PROSECUTION. THE AUTHORITIES OF THE FORCE WILL TAKE THE MEASURES WITHIN THEIR POWER WITH RESPECT TO CRIMES OR OFFENCES COMMITTED AGAINST VANUATU CITIZENS BY MEMBERS OF THE FORCE.

ARTICLE 10

PREMISES OF THE FORCE

THE VANUATU GOVERNMENT SHALL PROVIDE, IN AGREEMENT WITH THE COMMANDER, SUCH AREAS FOR HEADQUARTERS, CAMPS, TRAINING AREAS, OR OTHER PREMISES AS MAY BE NECESSARY FOR THE ACCOMMODATION AND THE FULFILMENT OF FUNCTIONS OF THE FORCE. WITHOUT PREJUDICE TO THE FACT THAT ALL SUCH PREMISES REMAIN VANUATU TERRITORY, THEY SHALL BE INVIOABLE AND SUBJECT TO THE EXCLUSIVE CONTROL AND AUTHORITY OF THE COMMANDER, WHO ALONE MAY CONSENT TO THE ENTRY OF OFFICIALS TO PERFORM DUTIES ON SUCH PREMISES.

ARTICLE 11

PAPUA NEW GUINEA FLAG

THE VANUATU GOVERNMENT RECOGNIZES THE RIGHT OF THE FORCE TO DISPLAY WITHIN VANUATU TERRITORY THE PAPUA NEW GUINEA FLAG ON ITS HEADQUARTERS, CAMPS, TRAINING AREAS, POSTS OR OTHER PREMISES, VEHICLES, VESSELS AND OTHERWISE AS DECIDED BY THE COMMANDER. OTHER FLAGS OR PENNANTS MAY BE DISPLAYED ONLY IN EXCEPTIONAL CASES AND IN ACCORDANCE WITH CONDITIONS PRESCRIBED BY THE COMMANDER. SYMPATHETIC CONSIDERATION WILL BE GIVEN TO OBSERVATIONS OR REQUESTS OF THE VANUATU AUTHORITIES CONCERNING THIS LAST-MENTIONED MATTER.

ARTICLE 15

MEMBERS OF THE FORCE: TAXATION CUSTOMS  
AND FISCAL LAWS AND ORDERS

1. MEMBERS OF THE FORCE SHALL BE EXEMPT FROM TAXATION ON THE PAY AND EMOLUMENTS RECEIVED FROM THE PAPUA NEW GUINEA GOVERNMENT. THEY SHALL ALSO BE EXEMPT FROM ALL OTHER DIRECT TAXES, FEES AND CHARGES.
2. MEMBERS OF THE FORCE SHALL HAVE THE RIGHT TO IMPORT FREE OF DUTY THEIR PERSONAL EFFECTS IN CONNEXION WITH THEIR FIRST ARRIVAL IN VANUATU. THEY SHALL BE SUBJECT TO THE VANUATU LAWS AND ORDERS GOVERNING CUSTOMS AND FOREIGN EXCHANGE WITH RESPECT TO PERSONAL PROPERTY NOT REQUIRED BY THEM BY REASON OF THEIR PRESENCE IN VANUATU WITH THE FORCE. SPECIAL FACILITIES FOR ENTRY OR EXIST SHALL BE GRANTED BY THE VANUATU IMMIGRATION, CUSTOMS AND FISCAL AUTHORITIES TO REGULARLY CONSTITUTED UNITS OF THE FORCE PROVIDED THAT THE AUTHORITIES CONCERNED HAVE BEEN DULY NOTIFIED SUFFICIENTLY IN ADVANCE. MEMBERS OF THE FORCE ON DEPARTURE FROM VANUATU MAY, NOTWITHSTANDING ANY FOREIGN EXCHANGE REGULATIONS, TAKE WITH THEM SUCH FUNDS AS THE APPROPRIATE PAY OFFICER OF THE FORCE CERTIFIES WERE RECEIVED IN PAY AND EMOLUMENTS FROM PAPUA NEW GUINEA AND ARE A REASONABLE RESIDUE THEREOF.
3. THE COMMANDER WILL CO-OPERATE WITH CUSTOMS AND FISCAL AUTHORITIES OF VANUATU AND WILL RENDER ALL ASSISTANCE WITHIN HIS POWER IN ENSURING THE OBSERVANCE OF THE CUSTOMS AND FISCAL LAWS AND ORDERS OF VANUATU BY THE MEMBERS OF THE FORCE IN ACCORDANCE WITH THESE OR ANY RELEVANT SUPPLEMENTAL ARRANGEMENTS.

ARTICLE 16

COMMUNICATIONS AND POSTAL SERVICES

1. THE COMMANDER SHALL HAVE AUTHORITY TO INSTALL AND OPERATE A RADIO SENDING AND RECEIVING STATION OR STATIONS TO CONNECT WITH PAPUA NEW GUINEA. THE RIGHT OF THE COMMANDER IS LIKEWISE RECOGNIZED TO ENJOY THE PRIORITIES OF GOVERNMENT TELEGRAMS AND TELEPHONE CALLS.
2. THE FORCE SHALL ENJOY, WITHIN ITS AREA OF OPERATIONS, THE RIGHT OF UNRESTRICTED COMMUNICATION BY RADIO, TELEPHONE, TELEGRAM OR ANY OTHER MEANS, AND OF ESTABLISHING THE NECESSARY FACILITIES FOR MAINTAINING SUCH COMMUNICATIONS WITHIN AND BETWEEN PREMISES OF THE FORCE, INCLUDING THE LAYING OF CABLES AND LAND LINES AND THE ESTABLISHMENT OF FIXED AND

MOBILE RADIO SENDING AND RECEIVING STATIONS. IT IS UNDERSTOOD THAT THE TELEGRAPH AND TELEPHONE CABLES AND LINES HEREIN REFERRED TO WILL BE SITUATED WITHIN OR DIRECTLY BETWEEN THE PREMISES OF THE FORCE AND THE AREA OF OPERATIONS, AND THAT CONNEXION WITH THE VANUATU SYSTEM OF TELEGRAPHS AND TELEPHONES WILL BE MADE IN ACCORDANCE WITH ARRANGEMENTS WITH THE APPROPRIATE VANUATU AUTHORITIES.

3. THE GOVERNMENT OF VANUATU RECOGNIZES THE RIGHT OF THE FORCE TO MAKE ARRANGEMENTS THROUGH ITS OWN FACILITIES FOR THE PROCESSING AND TRANSPORT OF PRIVATE MAIL ADDRESSED TO OR EMANATING FROM MEMBERS OF THE FORCE. THE GOVERNMENT OF VANUATU WILL BE INFORMED OF THE NATURE OF SUCH ARRANGEMENTS. NO INTERFERENCE SHALL TAKE PLACE WITH, AND NO CENSORSHIP SHALL BE APPLIED TO, THE MAIL OF THE FORCE BY THE GOVERNMENT OF VANUATU. IN THE EVENT POSTAL ARRANGEMENTS APPLYING TO PRIVATE MAIL OF MEMBERS OF THE FORCE ARE EXTENDED TO OPERATIONS INVOLVING TRANSFER OF CURRENCY, OR TRANSPORT OF PACKAGES OR PARCELS FROM VANUATU, THE CONDITIONS UNDER WHICH SUCH OPERATIONS SHALL BE CONDUCTED IN VANUATU WILL BE AGREED UPON BETWEEN THE GOVERNMENT OF VANUATU AND THE COMMANDER.

#### ARTICLE 17

##### FREEDOM OF MOVEMENT

THE FORCE AND ITS MEMBERS TOGETHER WITH ITS SERVICE VEHICLES, VESSELS, AIRCRAFT AND EQUIPMENT SHALL ENJOY FREEDOM OF MOVEMENT THROUGHOUT VANUATU. WHEREVER POSSIBLE THE COMMANDER WILL CONSULT WITH THE GOVERNMENT OF VANUATU WITH RESPECT TO LARGE MOVEMENTS OF PERSONNEL, STORES OR VEHICLES ON ROADS USED FOR GENERAL TRAFFIC. THE GOVERNMENT OF VANUATU WILL SUPPLY THE FORCE WITH MAPS AND OTHER INFORMATION, INCLUDING LOCATIONS OF DANGERS AND IMPEDIMENTS, WHICH MAY BE USEFUL IN FACILITATING ITS MOVEMENTS.

#### ARTICLE 18

##### USE OF ROADS, WATERWAYS, PORT FACILITIES AND AIRFIELDS

THE FORCE SHALL HAVE THE RIGHT TO THE USE OF ROADS, BRIDGES, CANALS AND OTHER WATERS, PORT FACILITIES AND AIRFIELDS WITHOUT THE PAYMENT OF DUES, TOLLS OR CHARGES EITHER BY WAY OF REGISTRATION OR OTHERWISE, THROUGHOUT VANUATU.

ARTICLE 19

WATER, ELECTRICITY AND OTHER PUBLIC UTILITIES

THE FORCE SHALL HAVE THE RIGHT TO THE USE OF WATER, ELECTRICITY AND OTHER PUBLIC UTILITIES FREE OF CHARGE. THE VANUATU AUTHORITIES WILL, UPON THE REQUEST OF THE COMMANDER, ASSIST THE FORCE IN OBTAINING WATER, ELECTRICITY AND OTHER UTILITIES REQUIRED, AND IN THE CASE OF INTERRUPTION OR THREATENED INTERRUPTION OF SERVICE, WILL GIVE THE SAME PRIORITY TO THE NEEDS OF THE FORCE AS TO ESSENTIAL GOVERNMENT SERVICES. THE FORCE SHALL HAVE THE RIGHT WHERE NECESSARY TO GENERATE, WITHIN THE PREMISES OF THE FORCE EITHER ON LAND OR WATER, ELECTRICITY FOR THE USE OF THE FORCE, AND TO TRANSMIT AND DISTRIBUTE SUCH ELECTRICITY AS REQUIRED BY THE FORCE.

ARTICLE 20

VANUATU CURRENCY

THE GOVERNMENT OF VANUATU WILL, IF REQUESTED BY THE COMMANDER, MAKE AVAILABLE TO THE FORCE, AGAINST REIMBURSEMENT IN A MUTUALLY ACCEPTABLE CURRENCY, VANUATU CURRENCY REQUIRED FOR THE USE OF THE FORCE, AT THE RATE OF EXCHANGE MOST FAVOURABLE TO THE FORCE THAT IS OFFICIALLY RECOGNIZED BY THE GOVERNMENT OF VANUATU.

ARTICLE 21

PROVISIONS, SUPPLIES AND SERVICES

THE VANUATU AUTHORITIES WILL, UPON THE REQUEST OF THE COMMANDER, ASSIST THE FORCE IN OBTAINING EQUIPMENT, PROVISIONS, SUPPLIES AND OTHER GOODS AND SERVICES REQUIRED FROM LOCAL SOURCES FOR ITS SUBSISTENCE AND OPERATION. SYMPATHETIC CONSIDERATION WILL BE GIVEN BY THE COMMANDER IN PURCHASES ON THE LOCAL MARKET TO REQUESTS OR OBSERVATIONS OF VANUATU AUTHORITIES IN ORDER TO AVOID ANY ADVERSE EFFECT ON THE LOCAL ECONOMY. MEMBERS OF THE FORCE MAY PURCHASE LOCALLY GOODS NECESSARY FOR THEIR OWN CONSUMPTION, AND SUCH SERVICES AS THEY NEED, UNDER CONDITIONS NOT LESS FAVOURABLE THAN FOR VANUATU CITIZENS. IF MEMBERS OF THE FORCE SHOULD REQUIRE MEDICAL OR DENTAL FACILITIES BEYOND THOSE AVAILABLE WITHIN THE FORCE, THE APPROPRIATE AUTHORITIES WILL PROVIDE SUCH FACILITIES. THE COMMANDER AND THE APPROPRIATE LOCAL AUTHORITIES WILL CO-OPERATE WITH RESPECT TO SANITARY SERVICES. THE COMMANDER AND THE VANUATU AUTHORITIES SHALL EXTEND TO EACH OTHER THE FULLEST CO-OPERATION IN MATTERS CONCERNING HEALTH, PARTICULARLY WITH RESPECT TO THE CONTROL OF COMMUNICABLE DISEASES IN ACCORDANCE WITH INTERNATIONAL CONVENTIONS; SUCH CO-OPERATION SHALL EXTEND TO THE EXCHANGE OF RELEVANT INFORMATION AND STATISTICS.

ARTICLE 22

LOCALLY EMPLOYED PERSONNEL

THE FORCE MAY EMPLOY LOCALLY SUCH PERSONNEL AS REQUIRED. THE TERMS AND CONDITIONS OF EMPLOYMENT FOR LOCALLY EMPLOYED PERSONNEL SHALL BE PRESCRIBED BY THE COMMANDER AND SHALL GENERALLY, TO THE EXTENT PRACTICABLE, FOLLOW THE PRACTICE PREVAILING IN THE LOCALITY.

ARTICLE 23

LIAISON

THE COMMANDER AND THE VANUATU AUTHORITIES SHALL TAKE APPROPRIATE MEASURES TO ENSURE CLOSE AND RECIPROCAL LIAISON.

ARTICLE 24

DECEASED MEMBERS: DISPOSITION OF PERSONAL PROPERTY

THE COMMANDER SHALL HAVE THE RIGHT TO TAKE AND RETAIN IMMEDIATE CHARGE OF AND DISPOSE OF THE BODY OF A MEMBER OF THE FORCE WHO DIES IN VANUATU TERRITORY, AND MAY DISPOSE OF HIS PERSONAL PROPERTY AFTER THE DEBTS OF THE DECEASED PERSON INCURRED IN VANUATU TERRITORY AND OWING TO VANUATU CITIZENS HAVE BEEN SETTLED.

ARTICLE 25

CLAIMS

MEMBERS OF THE FORCE AND THE PAPUA NEW GUINEA GOVERNMENT WILL BE INDEMNIFIED BY THE GOVERNMENT OF VANUATU IN RESPECT OF ALL SUMS PAYABLE BY THE GOVERNMENT OF PAPUA NEW GUINEA OR MEMBERS OF THE FORCE RESULTING FROM THE IMPOSITION OR AWARD OF FINES COSTS OR DAMAGES IN CIVIL PROCEEDINGS ARISING OUT OF ACTS OR OMISSIONS OCCURRING DURING THE PERFORMANCE OF OFFICIAL DUTY.

ARTICLE 26

SUPPLEMENTAL ARRANGEMENTS

SUPPLEMENTAL DETAILS FOR THE CARRYING OUT OF THIS AGREEMENT SHALL BE MADE AS REQUIRED BETWEEN THE GOVERNMENT OF PAPUA NEW GUINEA AND THE GOVERNMENT OF VANUATU.

ARTICLE 27

CONSULTATIONS

ANY MATTER ARISING UNDER THIS AGREEMENT WITH RESPECT TO ITS INTERPRETATION, APPLICATION OR IMPLEMENTATION SHALL BE SETTLED BY CONSULTATION OR NEGOTIATION BETWEEN THE TWO GOVERNMENTS.

ARTICLE 28

VARIATION AND SUSPENSION

THE GOVERNMENTS MAY AGREE AT THE INSTANCE OF EITHER GOVERNMENT TO A VARIATION OR SUSPENSION, ON REASONABLE NOTICE, OF THIS AGREEMENT OR A PART OR PARTS THEREOF.

ARTICLE 29

ENTRY INTO FORCE AND DURATION

THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF EXCHANGE OF INSTRUMENTS OF RATIFICATION AND SHALL REMAIN IN FORCE FOR A PERIOD OF 180 DAYS FROM THAT DATE UNLESS EXTENDED BY PRIOR AGREEMENT.

IN WITNESS WHEREOF THE UNDERSIGNED ACTING WITH DUE AUTHORITY HAVE SIGNED THIS AGREEMENT.

DONE AT PORT MORESBY IN TWO ORIGINALS, IN THE ENGLISH LANGUAGE THIS 9TH DAY OF AUGUST, ONE THOUSAND NINE HUNDRED AND EIGHTY.

FOR PAPUA NEW GUINEA:

J. CHAN

FOR THE REPUBLIC OF VANUATU

W.H. LINI

PART 2

PORT VILA  
5TH AUGUST, 1980.

FROM: VANUATU PRIME MINISTER  
TO : THE BRITISH HIGH COMMISSIONER

YOUR EXCELLENCY,

ON THE 4TH AUGUST 1980 YOU WERE GOOD ENOUGH TO ADDRESS ME AS FOLLOWS:--

I HAVE THE HONOUR TO REFER TO THE RECENT DISCUSSIONS BETWEEN REPRESENTATIVES OF THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF VANUATU, AND TO RECORD THE UNDERSTANDING OF THE GOVERNMENT OF THE UNITED KINGDOM AS TO THE ARRANGEMENTS TO BE OBSERVED IN REGARD TO MEMBERS OF THE BRITISH ARMED FORCES SERVING IN VANUATU (HEREINAFTER REFERRED TO AS THE BRITISH ARMED FORCES):

- (1) THE MEMBERS OF THE BRITISH ARMED FORCES WILL REMAIN UNDER UNITED KINGDOM COMMAND AND SUBJECT TO UNITED KINGDOM SERVICE LAW AND TO THE REGULATIONS OF THE UNITED KINGDOM ARMED FORCES. THE MEMBERS OF THE BRITISH ARMED FORCES WILL REMAIN RESPONSIBLE TO SENIOR OFFICERS OF THE UNITED KINGDOM ARMED FORCES IN ALL MATTERS. THEY WILL WEAR BRITISH UNIFORM AND THEY MAY POSSESS AND CARRY ARMS WHEN AUTHORISED TO DO SO BY THE UNITED KINGDOM SERVICE AUTHORITIES.
- (2) SUBJECT TO THE AGREEMENT OF THE BRITISH HIGH COMMISSIONER THE MEMBERS OF THE BRITISH ARMED FORCES WILL BE AVAILABLE TO ACT IF NECESSAR ON THE REQUEST OF THE GOVERNMENT OF VANUATU TO ASSIST IN THE MAINTENANCE OF LAW AND ORDER AND THE AUTHORITY OF THE GOVERNMENT OF VANUATU.
- (3) NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW IN FORCE IN VANUATU THE UNITED KINGDOM SERVICE AUTHORITIES WILL HAVE AND MAY EXERCISE JURISDICTION IN VANUATU IN RESPECT OF THE MEMBERS OF THE BRITISH ARMED FORCES IN ACCORDANCE WITH THE UNITED KINGDOM SERVICE DISCIPLINE ACTS.
- (4) (A) NO CRIMINAL PROCEEDINGS WILL BE PROSECUTED BEFORE ANY COURT OF VANUATU AGAINST A MEMBER OF THE BRITISH ARMED FORCES;  
(B) NO CIVIL PROCEEDINGS WILL BE ENTERTAINED BY ANY COURT OF VANUATU WITH RESPECT TO ANY ACT OR OMISSION OF A MEMBER OF THE BRITISH ARMED FORCES.
- (5) THE PROVISIONS AT PARAGRAPHS (3) AND (4) ABOVE WILL NOT AFFECT ANY POWER OF ARREST, SEARCH, SEIZURE OR CUSTODY EXERCISABLE UNDER THE LAW OF VANUATU WITH RESPECT TO OFFENCES COMMITTED OR BELIEVED TO HAVE BEEN COMMITTED AGAINST THAT LAW, OR WITH RESPECT TO THE ARREST OF A PERSON UNDER ANY OF THE PROVISIONS OF THE UNITED KINGDOM SERVICE DISCIPLINE ACTS AS A PERSON SUSPECTED OF BEING A DESERTER OR ABSENT WITHOUT LEAVE, BUT ANY PERSON SO ARRESTED OR HELD WILL BE HANDED OVER TO THE UNITED KINGDOM SERVICE AUTHCRITIES WITHOUT DELAY.

(7) NO DUTY (WITHIN THE MEANING ASCRIBED TO THAT EXPRESSION IN THE RELEVANT CUSTOMS AND EXCISE ACT OF VANUATU) WILL BE PAYABLE ON GOODS IMPORTED INTO VANUATU, OR ACQUIRED FROM STOCKS IN BOND, FOR THE USE OF THE BRITISH ARMED FORCES AND WHERE ANY GOODS ARE ACQUIRED FROM DUTY-PAID STOCKS IN VANUATU FOR THE USE OF THE BRITISH ARMED FORCES ANY SUCH DUTY WILL BE REFUNDED TO THE UNITED KINGDOM SERVICE AUTHORITIES.

(8) THE GOVERNMENT OF VANUATU WILL WAIVE ANY CLAIM IT MAY HAVE AGAINST THE GOVERNMENT OF THE UNITED KINGDOM OR MEMBERS OF THE BRITISH ARMED FORCES FOR DAMAGE OR INJURY (INCLUDING INJURY RESULTING IN DEATH) CAUSED BY ACTS OR OMISSIONS OF MEMBERS OF THE BRITISH ARMED FORCES IN THE COURSE OF THEIR DUTIES. SUBJECT TO THE PROVISIONS OF PARAGRAPH 4 (B) ABOVE, THE GOVERNMENT OF VANUATU WILL DEAL WITH AND, IF NECESSARY, SETTLE AT ITS OWN COST ANY CLAIM WHICH MAY BE BROUGHT BY ANY PERSON IN RESPECT OF DAMAGE OR INJURY SO CAUSED.

(9) THE GOVERNMENT OF VANUATU WILL MAKE GOOD OR PAY COMPENSATION FOR LOSS OR DAMAGE TO PERSONAL EFFECTS OF MEMBERS OF THE BRITISH ARMED FORCES ARISING OUT OF CIVIL DISTURBANCES OR RIOTS.

(10) THE GOVERNMENT OF VANUATU UNDERTAKE TO PROVIDE WHERE POSSIBLE ANY MATERIAL ASSISTANCE (E.G. ACCOMMODATION, TRANSPORT) REQUIRED BY THE BRITISH TROOPS IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

IF THE ARRANGEMENTS SET OUT ABOVE ARE ACCEPTABLE TO THE GOVERNMENT OF VANUATU, I HAVE THE HONOUR TO SUGGEST THAT THIS NOTE AND YOUR REPLY TO THAT EFFECT WILL CONSTITUTE A RECORD OF THE UNDERSTANDING OF OUR TWO GOVERNMENTS IN THIS MATTER HAVING EFFECT FROM 30 JULY 1980. THESE ARRANGEMENTS WILL CONTINUE TO APPLY UNTIL THE DEPARTURE OF ALL MEMBERS OF THE BRITISH ARMED FORCES FROM VANUATU. THE PROVISIONS RELATING TO JURISDICTION, PRIVILEGES AND IMMUNITIES AND THE TREATMENT OF CLAIMS WILL HOWEVER REMAIN IN OPERATION UNTIL SUCH TIME AS ALL MATTERS TO WHICH THEY APPLY HAVE BEEN DISPOSED OF.

I HAVE THE HONOUR TO INFORM YOUR EXCELLENCY THAT THE FOREGOING PROPOSAL IS ACCEPTABLE TO THE GOVERNMENT OF VANUATU WHO THEREFORE AGREE WITH YOUR SUGGESTION THAT YOUR NOTE AND THIS REPLY SHOULD CONSTITUTE A RECORD OF THE UNDERSTANDING OF OUR TWO GOVERNMENTS IN THIS MATTER HAVING EFFECT FROM THE 30TH JULY 1980 AND CONTINUING TO APPLY AS STATED IN YOUR NOTE.

I TAKE THIS OPPORTUNITY TO REVIEW TO YOUR EXCELLENCY THE ASSURANCES OF MY HIGHEST CONSIDERATION.

W.H. LINI  
PRIME MINISTER