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S/RES/8868



Security Council

Distr.: General

Insert Date

Resolution 8868 (YEAR)

Adopted by the Security Council at its 8568th meeting, on

Insert date

The Security Council,

Alarmed by the invasion of Belesia on [Date] by the military forces of North Torbia,

Determining that there exists a breach of international peace and security as regards the North Torbian invasion of Belesia,

Acting under Chapter VII of the United Nations Charter,

1. *Condemns* North Torbian invasion of Belesia,
2. *Demands* that the Government of North Torbia withdraw all elements of its armed forces from Belesian sovereign territory,
3. *Demands* that the North Torbian Government withdraw immediately and unconditionally all its forces to the position in which they were located on [Date],
4. *Calls upon* North Torbia and Belesia to begin immediately intensive negotiations for the resolution of their differences and supports all efforts in this regard, and especially those of the Association of Southeast Asian Nations (ASEAN),
5. *Decides* to meet again as necessary to consider further steps to ensure compliance with the present resolution, and
6. *Demands* that the North Torbian authorities comply with their obligations under international law, including international humanitarian law, human rights and refugee law for the maintenance of Regional peace, order and stability.

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S/RES/8869



Security Council

Distr.: General

Insert Date

Resolution 8869 (YEAR)

Adopted by the Security Council at its 8569th meeting, on

Insert date

The Security Council,

Reaffirming its resolution 8868 (Year) of [Date],

Deeply concerned that the resolution has not been implemented and that the invasion of Belesia by North Torbia continues with further loss of human life and material destruction,

Determined to bring the invasion and occupation of Belesia by North Torbia to an end and to restore the sovereignty, independence and territorial integrity of Belesia,

Noting that the Government of Belesia has expressed its readiness to comply with resolution 8868 (Year),

Mindful of its responsibilities under the Charter of the United Nations for the Maintenance of International Peace and Security,

Affirming the inherent right of individual or collective self-defence in response to the armed attack by North Torbia against Belesia, in accordance with Article 51 of the Charter,

Acting under Chapter VII of the United Nations Charter,

7. *Determines* that North Torbia has so far failed to comply with paragraph 2 of resolution 8868 (Year) and has usurped the authority of the legitimate Government of Belesia,

8. *Decides*, as a consequence, to take the following measures to secure compliance of North Torbia with paragraph 2 of resolution 8868 (Year) and to restore the authority of the Government of Belesia over occupied Belesian territories;

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9. *Decides* that all states shall prevent:
 - a. The import into their territories of all commodities and products originating in North Torbia or occupied Belesia exported therefrom after the date of the present resolution,
 - b. Any activities by their nationals or in their territories which would promote or are calculated to promote the export or transshipment of any commodities or products from North Torbia or occupied Belesia; and any dealings by their nationals or flag vessels or in their territories of any commodities or products originating in North Torbia or occupied Belesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to North Torbia or occupied Belesia for the purposes of such activities or dealings,
 - c. The sale or supply by their nationals or from their territories or using flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in North Torbia or occupied Belesia,
10. *Decides* that all states shall not make available to the Government of North Torbia, or to any commercial, industrial or public utility undertaking in North Torbia or occupied Belesia, any funds or any other financial or economic resources and shall prevent their nationals and any persons within their territories or otherwise making available to that Government or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within North Torbia or occupied Belesia, except payments exclusively for strictly medical or humanitarian purposes.
11. *Calls upon* all States, including States which are non-members of the United Nations, to act strictly in accordance with the provisions of the present resolution, notwithstanding any contract entered or licence granted before the date of the present resolution,
12. *Decides* that, notwithstanding paragraphs 3 to 4 above, nothing in the present resolution shall prohibit assistance to the Government of Belesia, and calls upon States:
 - a. To take appropriate measures to protect assets of the Government of Belesia and its agencies,
 - b. Not to accept any regime installed or established by the occupying power,
13. *Requests* the Secretary-General to report to the Security Council on the progress made in the implementation of the present resolution,
14. *Decides* to keep this item on its agenda and to continue its efforts to put an early end to the North Torbian invasion of Belesia.

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S/RES/8873



Security Council

Distr.: General

Insert Date

Resolution 8873 (YEAR)

Adopted by the Security Council at its 8573rd meeting, on

Insert date

The Security Council,

Recalling its previous debates and the statements of its President and member states concerning the security situation in Belesia and its **Resolutions 8868** and **8869** and in particular **paragraphs 2 and 3** of UNSCR 8868,

Condemning all acts of state-sponsored intimidation and threats of armed force affecting the legitimate sovereignty of other nations,

Deploring the continued and systematic increase in political and military intimidation and threats being directed towards Belesia by North Torbia,

Condemning in the strongest possible terms the recent armed invasion of Belesian territory by elements of the North Torbian armed forces and the commencement of offensive operations and hostilities in Belesia,

Deploring the loss of innocent lives and the destruction of property in Belesia by elements of the North Torbian armed forces,

Expressing its determination to support all efforts to promote lasting peace and stability in the Pacific Region, and to build a prosperous and united environment wherein human rights are respected and the protection of all citizens is assured,

Reaffirming the political will and determination of its members to take whatever measures necessary, up to and including the deployment of military forces, to restore peace and protect the sovereignty of nations faced with state-sponsored aggression and intimidation wherever and whenever such situations may arise in the world,

Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of Belesia, and *recalling* the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Condemning all acts of violence and violations of human rights and international humanitarian law by all parties, and *emphasizing* the need for perpetrators of all such crimes to be brought to justice without delay,

Expressing concern at the plight of refugees forced to flee instability and unrest in Belesia,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Belesia as a nation,

Recalling in this regard that all parties must respect human rights and international humanitarian law,

Taking note of its previous debates and the statements of its President and member states concerning the deteriorating security situation in the Pacific, with specific reference to North Torbian military aggression against Belesia,

Determining that the situation in the Pacific, specifically the actual commencement of offensive military operations by North Torbia against Belesia, constitutes a threat to international peace, security and stability in the region,

Acting under Chapter VII of the United Nations Charter,

15. *Demands* that the Government of North Torbia and any proxy and/or irregular forces subordinate to it immediately cease all provocative and hostile military and diplomatic actions, specifically those directed towards the sovereign nation of Belesia, and directly threatening the security and sovereignty of the Belesian people and the broader Pacific Region,

16. *Demands* that the Government of North Torbia withdraw all elements of its armed forces from Belesian sovereign territory,

17. *Demands* that the North Torbian authorities comply with their obligations under international law, including international humanitarian law, human rights and refugee law, for the maintenance of Regional peace, order and stability,

18. *Authorizes* its member states – with reference to Chapter VII, Articles 46 and 47 of the United Nations Charter, to establish and deploy a multinational military force in Belesia – International Belesian Security Assistance Force (IBSAF) – to enforce an end to state-initiated hostile action by North Torbia and other belligerents, with the following objectives:

- a. The expulsion of North Torbian forces from Belesian territory, the restoration and maintenance of Belesian sovereignty and the deterrence of any further external aggression against Belesian sovereign territory;

- b. The preservation of human life and the alleviation of suffering for affected populations within Belesia, including the facilitation of humanitarian aid programs;
- c. The re-establishment of a safe and secure environment in Belesia within which the national government can pursue its own programs for national development, peace and prosperity.

19. *Directs* that the multinational military coalition (IBSAF) will work within the following general parameters

- a. Overall command and control to be exercised by Australia;
- b. Initial troop contributing nations – Australia, New Zealand, **Fiji, and Indonesia** – to be augmented by resources (all types) of other member states;
- c. The primary focus of operations to be within the territorial boundaries of Belesia. Operations elsewhere in theatre may be conducted if required to support or achieve the objectives set out in paragraph 4 above;
- d. All coalition operations within Belesia to be undertaken in full coordination and cooperation with Belesian authorities and forces, cognizant of the sovereign authority of the Government of Belesia, its Departments, Agencies and officials;
- e. The coalition force to be established, deployed and conduct operations in Belesia for an initial period of twelve months post arrival in theatre with extensions and/or termination of activities to be determined by discussions within the Security Council;
- f. Coalition military operations to minimize any adverse environmental and economic impacts in Belesia and in the Pacific more broadly to facilitate a rapid return to peacetime conditions and the commencement of follow-on development activities after the cessation of hostilities.

20. *Strongly Recommends* that the Governments of North Torbia and Belesia immediately commence negotiations to resolve their bilateral issues in order to reach an agreement to end hostilities which will be fully and transparently implemented, with the appropriate international monitoring as necessary and as agreed by both nations,

Protection of Civilians

21. *Authorizes* Member States acting nationally or through international organizations or arrangements, and acting in cooperation with the Secretary General to take all necessary measures to protect civilians and civilian populated areas under threat of attack in Belesia and requests the Member States concerned to inform the Secretary General immediately of the measures they take pursuant to the authorization conferred in this paragraph which shall be immediately reported to the Security Council.

Other matters

22. *Requests* all United Nations organizations to coordinate their humanitarian efforts with the SRSG and the HRC and urges all other non-government agencies operating in, or planning to operate in, Belesia to coordinate their activities with the HRC,

23. *Declares* its commitment, upon the cessation of hostilities, to assist the people of Belesia in their efforts to establish a peaceful, united and prosperous nation,

24. *Urges* the various agencies of the United Nations, the World Bank and other parties, in association with other bilateral and multilateral donors, to continue their efforts to prepare for the rapid delivery of an assistance package for the reconstruction and economic development of Belesia, including official development assistance, possible debt relief and trade access, to be implemented upon cessation of hostilities,

25. *Welcomes* the initiative of the Government of Torrike to convene an international donors' conference for the reconstruction and economic development of Belesia upon the cessation of hostilities,

26. *Reiterates* its readiness, upon the cessation of hostilities, to consider establishing a subsequent United Nations peace support operation and reiterates its request to the Secretary-General to submit to the Council, as soon as possible post the cessation of hostilities, recommendations for the size, structure and mandate of such an operation, including a timetable for its deployment,

27. *Emphasizes* that an agreement to cease hostilities will contribute towards sustainable peace and stability throughout the Pacific Region and to the efforts to address the crisis in Belesia, and underlines the need for a national and inclusive approach, including the role of women, in line with SCR 1325, towards reconciliation and peace-building,

28. *Strongly urges* Member States to provide the equipment, logistical, financial, material, and other necessary resources to the multilateral military coalition established under paragraph 4 above,

29. *Reiterates* its call on Member States to provide urgent and generous contributions to the humanitarian efforts underway in Belesia,

30. *Requests* the Secretary-General to keep it regularly informed of developments in Belesia and the Pacific Region, and to make any recommendations for action to ensure implementation of this resolution and its previous resolutions.

31. *Commits* to remain seized of this matter until a satisfactory conclusion is reached as outlined in paragraph 4 above.

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S/RES/8882



Security Council

Distr.: General

Insert Date

Resolution 8882 (YEAR)

Adopted by the Security Council at its 8599th meeting, on

Insert date

The Security Council,

Recalling its previous debates and the statements of its President and member states concerning the security situation in Belesia and its **Resolutions 8868, 8869 and 8873,**

Reaffirming its strong commitment to the security, stability and territorial integrity of Belesia,

Reaffirming the basic principles of peacekeeping, including consent of the parties, impartiality, and non-use of force, except in self-defence and defence of the mandate, and *recognizing* that the mandate of each peacekeeping mission is specific to the need and situation of the country concerned, *understanding* multidimensional peacekeeping operations facilitate the diplomatic/political process, protect civilians, assist in the disarmament, demobilization and reintegration of combatants; and assist in restoring the rule of law, and that peacekeeping operations may use force to defend themselves, their mandate, and civilians,

Condemning strongly the offensive launched on **XXXXXX** by North Torbia and the continued criminal acts of extremist and armed groups operating in Belesia (Panay) and *stressing* that coordinated de-stabilizing actions can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States, and regional organizations to impede, impair, and isolate the threat, and *reaffirming* that extremism and criminal activities could not and should not be associated with any religion, nationality or civilization,

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Welcoming the swift action by the International Belesian Security Assistance Force (IBSAF), at the request of the United Nations and the authorities of Belesia (Panay), that stopped the offensive of North Torbia and the extremist acts of unrestrained insurgents, criminals and armed groups in Panay and *commending* the actions that restored the territorial integrity of Belesia by the Belesian Defence and Security Forces, with the support of the IBSAF,

Insisting that all parties respect and are in compliance with all aspects of the Cease Fire Agreement,

Stressing the need to work expeditiously toward the restoration of a secure and stable environment essential for democratic governance and constitutional order, and *emphasizing* the importance for the authorities of Belesia to move swiftly in a process of inclusive dialogue and active engagement with Panayan political groups, including those who have previously advocated independence, are prepared to cease hostilities, have cut off all ties with terrorist organizations and who recognize, without conditions, the unity and territorial integrity of the Belesian State,

Remaining seriously concerned over the significant ongoing food and humanitarian crisis in Panay and over the insecurity which hinders humanitarian access, exacerbated by the presence of armed groups, extremists and criminal networks, and their activities, the presence of landmines as well as the continued proliferation of weapons from within and outside the region that threatens the peace, security, and stability of States in this region,

Emphasizing the need for all parties to uphold and respect the humanitarian principles of humanity, neutrality, impartiality and independence in order to ensure the continued provision of humanitarian assistance, the safety of civilians receiving assistance and the security of humanitarian personnel operating in Belesia and *stressing* the importance of humanitarian assistance being delivered on the basis of need,

Condemning strongly the reports of retaliatory attacks and criminal acts perpetrated against civilians, and *calling upon* all parties to bring an end to such violations and abuses and to comply with their obligations under applicable international law,

Expressing its continued concern over the serious threats posed by transnational organized crime in the Panayan region, and its increasing links, in some cases, with extremism, and *strongly condemning* the criminal acts conducted with the aim of raising funds or gaining political concessions, *noting the* increase in such criminal acts in the Panayan region, and *underscoring* the urgent need to address these issues,

Commending the International Belesian Security Assistance Force, and the Association of Southeast Asian Nations (ASEAN), as well as the Secretary-

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General, for their intensive efforts to end hostilities in Belesia, *welcoming* the establishment by the United Nations of a Combined Joint Task Force for Belesia, *encouraging* them to maintain coordination in support of the stabilization of the situation in Belesia,

Commending the contributions pledged at the Donors conference organized by the UN in New York on **Date XXXX** in support of the IBSAF and the Belesian Defence and Security Forces, *welcoming* actual contributions already made, *urging* all donors to translate their pledges into actual contributions and *calling upon* other Member States and regional and international organizations to also contribute generously,

Taking note of the letter, dated **Date XXXX**, addressed to the Secretary-General by the authorities of Belesia, which requests the deployment of a United Nations operation to assist in the stabilization and restoration of a secure environment to support the authority and the sovereignty of the Belesian State in Panay,

Taking note of the letter, dated **Date XXXX**, addressed to the Secretary-General by the Chairman of the UNSC recommending the transformation of IBSAF into a United Nations stabilization mission and *taking note of* the communiqué, dated **Date XXXX**, of the ASEAN, expressing ASEAN support for the transformation of IBSAF into a United Nations stabilization operation in Belesia (Panay),

Taking note of the report of the Secretary-General. Dated **Date XXXX**, on the situation in Belesia (Panay), including recommendations and options for establishing a United Nations stabilization operation in Panay,

Emphasizing that the authorities of Belesia have primary responsibility for resolving the interlinked challenges facing their country and protecting all their citizens and that any sustainable solution to the crisis in Belesia should be Belesian-owned, *also emphasizing* that the cooperation among the countries of the region will be crucial for lasting peace and stability in Belesia,

Encouraging the international community to provide broad support to resolve the crisis in Belesia through coordinated actions for immediate and long-term needs, encompassing security, development and humanitarian issues, *looking forward* to the high-level international donors' conference in Brussels on **Date XXXX** to support the development of Belesia,

Acting under Chapter VII, Article 42 of the Charter of the United Nations ,

32. *Commends* the initial measures taken so far to restore order and national unity in Belesia, and calls on the authorities of Belesia to continue urgently to take discernible steps towards consolidating stability and facilitating inclusive political dialogue to bring about a process of national reconciliation and to foster social cohesion, which should lead to political progress in this regard as early as possible;

33. *Requests* the Secretary-General, in close coordination with ASEAN, to support all dimensions of any long-term stabilization plans to be developed, with a view to their swift implementation;
34. *Demands* that all rebel armed groups in Belesia (Panay) put aside their arms and cease hostilities immediately and urges all such parties in Belesia who have cut off all ties with extremist organizations and who recognize, without conditions, the unity and territorial integrity of the Belesian State, and the authorities of Belesia to engage expeditiously in an inclusive negotiation process, facilitated by the Secretary-General, in particular through his Special Representative for Belesia;
35. *Decides* to establish the United Nations Stabilization Mission in Belesia (UNSTAB), with UNSTAB assuming responsibility for the discharge of IBSAFs mandated tasks, as of the date of adoption of this resolution, further decides that the authority be transferred from IBSAF to UNSTAB on **Date XXXX** at which point UNSTAB shall commence the implementation of its mandate for an initial period of 12 months;
36. *Decides* that the date referred to in paragraph 4 above and UNSTAB's phased deployment shall be subject to a further review by the Council within 60 days of the adoption of this resolution of the security situation in UNSTAB's area of responsibility, specifically with respect to the cessation of major combat operations by international military forces in the immediate vicinity of and/or within UNSTAB's envisaged area of responsibility and a significant reduction in the capacity of extremist and criminal groups to pose a major threat to the civilian population and international personnel in the immediate vicinity of and/or within UNSTAB's envisaged area of responsibility, further decides, should the Council consider that these criteria are not met before **Date XXXX**, it shall concurrently adjust the timeline for UNSTAB's deployment against these criteria;
37. Reiterates that Member States and regional and international organizations are urged to continue to provide coordinated support to IBSAF pursuant to its resolution 8873, until the transfer of authority from IBSAF to UNSTAB, including military training, provision of equipment, intelligence and logistical support;
38. *Reaffirms* that the Special Representative for Belesia has overall authority on the ground for the coordination of all the activities of the United Nations, and assigns additional responsibilities as Head of Mission of UNSTAB, and who shall use good offices and coordinate efforts of the international community in order to support the priority elements of the mandate and who shall, from the transfer of authority from IBSAF to the mandate of UNSTAB coordinate the overall support of the international community in Belesia;
39. *Decides* that UNSTAB will comprise up to **XX,XXX** military personnel, including reserve battalions capable of deploying rapidly within the country as and when required, and **X,XXX** police personnel, calls upon Member States to provide troops and police with adequate capabilities and equipment in order to enhance the capacity of UNSTAB to operate, and discharge its responsibilities, effectively and requests the Secretary-General to recruit

qualified staff, who have the professional experience and skills appropriate to the tasks;

40. *Decides* that the mandate of UNSTAB shall be the following:

- a. *Monitor* and ensure compliance with the Cease Fire Agreement;
- b. *Stabilization* of its Area of Responsibility and support for the reestablishment of a safe and secure environment;
 - i. In support of the authorities of Belesia, to stabilize the key population centres, especially in Panay and, in this context, to deter threats and take active steps to prevent the return of armed elements to those areas;
 - ii. To support the authorities of Belesia as required extending and re-establishing State administration in Panay;
 - iii. To support national and international efforts towards repairing the damaged Belesian security sector, within its capacities and in close coordination with other bilateral partners, donors and international organizations engaged in these fields, including the ASEAN;
- c. *Protection* of civilians and United Nations personnel
 - i. To protect, without prejudice to the responsibility of the Belesian authorities, civilians under imminent threat of physical violence, within its capacities and areas of deployment;
 - ii. To provide specific protection for women and children affected by armed conflict, including through the deployment of Child Protection Advisors and Women Protection Advisors, and address the needs of victims of sexual and gender-based violence in armed conflict;
 - iii. To protect the United Nations personnel, installations and equipment and ensure the security and freedom of movement of United Nations and associated personnel;
- d. *Promotion* and protection of human rights
 - i. To monitor, help investigate and report to the Council on any abuses or violations of human rights or violations of international humanitarian law committed in Panay and to contribute to efforts to prevent such violations and abuses;
 - ii. To assist the authorities of Belesia in their efforts to promote and protect human rights;
- e. Support for humanitarian assistance
 - i. In support of the authorities of Belesia, to contribute to the creation of a secure environment for the safe, civilian-led delivery of humanitarian assistance, in accordance with humanitarian principles, and to assist in the voluntary return of internally displaced persons and refugees in close coordination with humanitarian actors;

41. *Authorizes* UNSTAB to use all necessary means, within the limits of its capacities and areas of deployment, to carry out its mandate as set out in the

paragraphs above and requests UNSTAB's civilian and military components to coordinate their work with the aim of supporting the tasks outlined in paragraphs above;

42. *Urges* all parties in Belesia to cooperate fully with the deployment and activities of UNSTAB, in particular by ensuring their safety, security and freedom of movement with unhindered and immediate access throughout its Area of Responsibility to enable UNSTAB to carry out fully its mandate;
43. Calls upon Member States, especially those in the region, to ensure the free, unhindered and expeditious movement to and from Belesia of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts, which are for the exclusive and official use of UNSTAB;
44. *Urges* the authorities of Belesia to ensure that all perpetrators of serious violations and abuses of human rights and serious violations of international humanitarian law are held accountable within its own national criminal jurisdiction and to cooperate with the International Criminal Court as necessary, in accordance with Belesia's obligations under the Rome Statute;
45. *Urges* Pacific Regional States to enhance interregional cooperation and coordination in order to develop inclusive and effective strategies to combat in a comprehensive and integrated manner the activities of extremist and criminal groups, and prevent the expansion of those groups as well as to limit the proliferation of all trans-national organized crime;
46. Requests the Secretary-General to ensure full compliance of UNSTAB with the United Nations zero-tolerance policy on sexual exploitation and abuses and to keep the Council fully informed if such cases of misconduct occur;
47. Requests the Secretary-General and the authorities of Belesia to conclude, within 30 days of the adoption this resolution, a status-of-forces agreement with regards to UNSTAB;
48. Requests the Secretary-General to keep the Council regularly informed of the situation in Belesia and the implementation of the mandate of UNSTAB, to report to the Council within 45 days of the adoption of this resolution, and then every three months and to include in his reports to the Council updates on the security situation, relevant information on the progress, promotion and protection of humanitarian assistance programmes as well as a review of the troop level, force generation and deployment of all UNSTAB's constituent elements;
49. *Decides* to remain actively seized of the matter.

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S/RES/8887



Security Council

Distr.: General

Inset Date

Resolution 8887 (YEAR)

Adopted by the Security Council at its 8611th meeting, on

Inset date

The Security Council,

Recalling its Resolutions 8868, 8869, 8873 and 8882, and all previous resolutions and statements of its President pertaining to the North Torbian - Belesian conflict,

Reaffirming the commitment of all Member States to the sovereignty, independence and territorial integrity of Atropia,

Further reaffirming the need for both parties to fulfil all their obligations under international humanitarian, human rights and refugee law,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted by the General Assembly in its resolution 49/59 of 9 December 1994,

Expressing its strong support for the Agreement on Cessation of Hostilities between the Government of Belesia and the Government of North Torbia, and the official communications by each Government requesting United Nations assistance in the implementation of this Agreement,

Welcoming the report of the Secretary-General of **XXXXXX (S/XXXX)**,

Recalling its resolution 8873, that established the International Belesian Security Assistance Force (IBSAF), and 8882 that called for the establishment of a Peacekeeping Force and the conduct of stabilization operations;

50. *Calls* on the parties to fulfil all their obligations under international law, including the Agreement on Cessation of Hostilities;

51. *Authorizes* the deployment of a UN Peacekeeping Force of up to XXXX troops, including up to 220 military observers, until XXXXX, with a mandate to:

- a. *Monitor* the cessation of hostilities;
- b. *Assist*, as appropriate, in ensuring the observance of the security commitments agreed by the parties;
- c. *Monitor and verify* the redeployment of North Torbian troops to positions in North Torbia;
- d. *Monitor* the cessation of hostilities between ethnic factions on Panay;
- e. *Coordinate* and provide technical assistance for humanitarian mine action activities in Panay;
- f. *Coordinate* the Mission's activities in Panay with humanitarian and human rights activities of the United Nations and other organizations in those areas;

52. *Welcomes* the intention of the Secretary-General to confirm the Special Representative of the Secretary General (SRSG) who will be responsible for all aspects of the United Nations work in fulfilment of the mandate of the Mission;

53. *Requests* the Secretary-General to coordinate with all parties in the continued implementation of the Agreement on the Cessation of Hostilities;

54. *Calls* on the parties to take whatever action may be necessary to ensure the Mission's access, safety and freedom of movement, and to provide the assistance, support and protection required for the performance of its mandate in all areas of its operation deemed necessary by the Secretary-General;

55. *Requests* the Government of Belesia to conclude, as necessary, status-of-forces agreements with the Secretary-General within 30 days of adoption of this resolution, and recalls that pending the conclusions of such agreements, the model status-of-forces agreement of 9 October 1990 (A/45/594) should apply provisionally;

56. *Calls* on all parties to assist the UN in de-mining activities by providing complete and accurate information on minefields and mines in the conflict area: and *Urges* the parties to proceed immediately with demining, in order to ensure safe access of United Nations and associated personnel to the areas being monitored, drawing on United Nations technical assistance as needed;

57. *Calls* on the parties to ensure the safe and unhindered access of humanitarian personnel to all those in need;

58. *Further* calls on all parties to cooperate with the International Committee of the Red Cross/Red Crescent;

59. *Acting* under Chapter VI of the Charter of the United Nations and further to the provisions of its resolution 8882 decides to authorize that the sale and supply of:

- a. Arms and related matériel for the sole use in Belesia and North Torbia of the United Nations, and

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b. Equipment and related matériel, including technical assistance and training, for use solely for demining within Belesia under the auspices of the United Nations Mine Action Service;

60. *Encourages* all States and international organizations to assist and participate in the longer-term tasks of reconstruction and development, as well as in the economic and social recovery of Belesia;

61. *Requests* the Secretary-General to keep the Council closely and regularly informed of progress towards the implementation of this resolution;

62. *Emphasizes* that the Agreement on Cessation of Hostilities links the termination of the United Nations peacekeeping mission with the completion of the process of redeployment of North Torbian forces from Belesia, and requests the Secretary-General to provide regular updates on the status of this issue;

63. *Calls* on the parties to continue negotiations and conclude without delay a comprehensive and final peace settlement;

64. *Decides* that the Council, in considering the renewal of the mandate of the Mission, will take into account whether the parties have made adequate progress as called for in paragraph 13 and 14 above;

65. *Decides* to remain actively seized of the matter.

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Australian Treaty Series 2006 No 7

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

CANBERRA

**Agreement between the Government of Australia and the Government of Belesia
concerning the Status of Forces**

(Davao, 11 April 2006)

Entry into force: 30 November 2006

AUSTRALIAN TREATY SERIES

2006 No. 19

(c) Commonwealth of Australia 2006

**AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE
GOVERNMENT OF BELESIA CONCERNING THE STATUS OF FORCES**

THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF BELESIA
(hereinafter referred to as "the Parties")

IN FURTHERANCE OF the Belesia - Australia Joint Defence Programme (BAJDP) which was established on 15 June 2001 to coordinate all bilateral defence cooperative activities between the Parties;

DESIRING to have in place provisions concerning the status of forces of each as Sending Party when in the country of the other as Receiving Party;

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

In this Agreement except where the contrary intention appears:

(a) "authorities of the Receiving State" means the authority or authorities from time to time authorised or designated under the law of the Receiving State or by the Government of the Receiving State for the purpose of exercising the powers or responsibilities in relation to which the expression is used;

(b) "civilian component" means the civilian personnel accompanying a Visiting Force who are employed in the service of a Visiting Force and who are not stateless persons, nor nationals of, nor ordinarily resident in, the Receiving State;

(c) "dependant" means a person who:

- (i) is neither a national of nor ordinarily resident in the Receiving State; and
- (ii) in relation to a member of a Visiting Force or civilian component is accompanying such member and is:
 - (A) a husband or wife of the member of a Belesian Visiting Force or civilian component or a spouse of the member of an Australian Visiting Force or civilian component; or
 - (B) otherwise in the custody, care or charge of the member; or
 - (C) wholly or mainly maintained by the member; or
 - (D) part of the family of the member and is residing with that member;
- (d) "motor vehicle" includes motor cycle;
- (e) "official motor vehicles" means motor vehicles, including hired motor vehicles, which are exclusively in the service of a Visiting Force;
- (f) "Receiving State" means the State of the Party in whose territory a Visiting Force is located, or as the context requires, the territory of that Party;
- (g) "Sending State" means the State of the Party to which the Visiting Force belongs;
- (h) "Service authorities" means the authorities empowered by the law of the Sending State to exercise command or jurisdiction over members of a Visiting Force or civilian component;
- (i) "Service Law" means any Act, Statute, Regulation, Order or Instruction of the Sending State governing all or any of the members of a Visiting Force. Where the laws of the Sending State so provide, Service Law shall apply to a civilian component or dependants;
- (j) "Visiting Force" means any body, contingent, or detachment of any naval, land or air forces of the Sending State when stationed or present in the Receiving State in connection with defence activities mutually arranged between the Parties; and
- (k) the expression "of a Visiting Force" used in relation to "vessels" or "aircraft" includes vessels and aircraft on charter for the exclusive service of a Visiting Force.

Article 2

Application of Annexes I and II

1. Subject to paragraph 2, the provisions concerning Rights and Facilities set out in Annex I and concerning Status of Forces set out in Annex II shall apply to members of any Visiting Force, members of its civilian component of such size as may be mutually determined between the Parties to be necessary, and dependants of members of such a Visiting Force or civilian component.

2. This Agreement shall not apply in relation to any activities which the Parties mutually determine in advance in writing. The Exchange of Notes done at Davao on 11 April 2006 constituting an Agreement between the Parties shall apply in relation to and only in relation to such activities.

Article 3

Annexes

Annexes I and II to this Agreement form an integral part of this Agreement.

Article 4

Resolution of disputes

1. Any disputes between the Parties on the interpretation or application of this Agreement shall be settled amicably by consultation and negotiation between the Parties and shall not be referred to any third party or tribunal.

2. In the event of any dispute between the Parties over whether the provisions of this Agreement or the provisions of the Exchange of Notes done at Davao on 11 April 2006 constituting an Agreement apply, the provisions of this Agreement shall apply.

Article 5

Amendment

This Agreement may be amended by mutual agreement of the Parties in writing.

Article 6

Savings of provisions conferring rights and obligations

Upon the termination or expiration of this Agreement, all provisions conferring rights or imposing obligations on the Parties concerning claims, indemnities or private rights shall remain in force as if this Agreement has not been terminated, provided always that such claims, indemnities or private rights arose out of rights or obligations relating to defence activities undertaken prior to the termination or expiration of this Agreement.

Article 7

Entry into force and duration

This Agreement shall enter into force on an exchange of notes confirming that each Party has completed its domestic requirements for the entry into force of this Agreement. It shall remain in force until 180 days after one Party gives the other notice in writing of its intention to terminate this Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE at Davao in duplicate this 11th day of April, two thousand and six, in English.

FOR THE GOVERNMENT OF FOR THE GOVERNMENT OF

AUSTRALIA: BELESIA:

[Signed:] [Signed:]

ROBERT PINKERTON MANDOM PAJE

ANNEX I

RIGHTS AND FACILITIES

Section 1 - Training

(1) A Visiting Force may use such defined land and sea areas, air space and facilities related thereto as may be mutually determined between the Parties, for the purpose of training or exercises as may be mutually determined between the Parties, and in accordance with the respective clearance procedures of the Parties.

(2) The Government of the Sending State shall give the Government of the Receiving State such prior notice of its intention to use any such areas or air space, or any related facilities, as may be mutually determined between the Parties; and the Government of the Receiving State shall take such measures as may be mutually determined between the Parties to restrict civilian movement and activity in the areas or air space concerned during their use by a Visiting Force, and generally to facilitate the carrying out of such training and exercises.

Section 2 - Movement of forces, vessels, aircraft and motor vehicles

(1) The Government of the Receiving State shall grant to a Visiting Force, and vessels, aircraft and official motor vehicles of a Visiting Force, freedom of entry to and egress from areas and facilities in the Receiving State where defence activities mutually arranged between the Parties are to be undertaken, and shall not upon request unreasonably deny freedom of other movements for the purpose of such activities provided that the Government of the Receiving State reserves the right to prescribe the routes to be used and from time to time impose restriction on movements within the Receiving State and to prohibit access to and passage through specified areas.

(2) Ships belonging to a Visiting Force may with the consent of the Government of the Receiving State visit ports of the Receiving State for the purpose of mutually arranged defence activities on reasonable notification and in accordance with port regulations and procedures of the Receiving State. The movement of ships shall be in accordance with normal international practice.

(3) The Government of the Receiving State shall, subject to Annex II Section 7, allow individual members of a Visiting Force, its civilian component and dependants freedom of movement in the territory of the Receiving State for the purpose of normal administrative duties and private activities.

(4) (a) The Government of the Sending State may in compliance with the port regulations or other applicable laws of the Receiving State pass explosives (including ammunition) through the ports of the Receiving State and transport them to any place and move them to any extent reasonably necessary within the Receiving State.

(b) Notwithstanding the mutual waiver provided for in paragraph 1 of Section 14 of this Annex, the Government of the Sending State shall indemnify the port authorities and the Government of the Receiving State against any legally enforceable claim arising out of the exercise of any of the rights aforesaid in respect of the transportation or storage of explosives which is undertaken by or for the Sending State. Where the responsibility for any legally enforceable claim rests partly or wholly with the port authorities or the Government of the Receiving State, and taking into account all the circumstances of the case, the indemnity to be borne by the Sending State shall be in such a sum as may be mutually determined between the Parties.

(c) The Government of the Sending State shall pay compensation to the port authorities and to the Government of the Receiving State for any damage to the property of those authorities or of the Government of the Receiving State, as the case may be, resulting from any explosion of such explosives. Such compensation shall be a sum as may be mutually determined between the Government of the Sending State and the port authorities or the Government of the Receiving State, as the case may be, after having taken into account all the circumstances of the case.

(d) In this paragraph the expression "Government of the Receiving State" includes any State Government or local authority or any statutory authority other than port authorities exercising powers vested in it by Federal or State law.

(5) The movement of a Visiting Force, and vessels, vehicles or aircraft of a Visiting Force, in and over the territory and territorial waters of the Receiving State shall be under conditions generally comparable with those applicable from time to time to the Defence Force of the Receiving State in respect of pilotage, harbour charges and all dues or tolls.

Section 3 - Telecommunications systems

(1) The Government of the Sending State may, in accordance with arrangements with the Government of the Receiving State, operate facilities for communication with and reporting to Government authorities of the Sending State. The operation of such communication facilities shall not be exercised in a manner prejudicial to the operation of public utilities and services in the Receiving State.

(2) Communication facilities operated pursuant to paragraph (1) shall not be used for the transmission of non-official communications. Non-official communications shall be transmitted by the public telecommunications services of the Receiving State at the charges applicable to the nationals of the Receiving State for equivalent transmissions.

(3) Communication facilities operated pursuant to paragraph (1) shall not be operated except in accordance with proposals approved by the Government authorities of the Receiving State. Where a facility operates otherwise than in accordance with approved proposals by reason of the malfunction of equipment, or for any other reason, the Service authorities of the Sending State shall, at the request of the Government authorities of the Receiving State, suspend the operation of the communications facility until the malfunction is corrected or for such period as is requested.

Section 4 - Postal services

(1) The Government of the Receiving State may permit the Government of the Sending State to operate, if necessary, Post Offices in and between areas in the Receiving State where defence activities mutually arranged between the Parties are undertaken. Postal services may also be permitted between such areas and other Post Offices within and outside the territory of the Government of the Receiving State. These are for the exclusive use of the Government of the Sending State and members of a Visiting Force, civilian component and dependants, under arrangements to be mutually determined with the Government of the Receiving State.

(2) The Service authorities of the Sending State shall prevent items from being posted through postal services operated pursuant to paragraph (1) in contravention of the regulations of the Receiving State including those concerning customs, health, dangerous goods, aviation security and quarantine.

Section 5 - Local purchases

Subject to any wishes expressed by the Government of the Receiving State, the Government of the Sending State and its contractors shall purchase locally goods and commodities which they require for the purposes of this Agreement if they are available at a suitable price and are of the standard required.

Section 6 - Employment of local civilians

Subject to any wishes expressed by the Government of the Receiving State, the Government of the Sending State and its contractors shall employ such local labour as they may require, provided the labour is available and qualified to do the work. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the law, including industrial awards and determinations, of the Receiving State. Local civilian workers employed by a Visiting Force or civilian component shall not be regarded for any purpose as being members of a Visiting Force or of its civilian component or dependants.

Section 7 - Use of public services and facilities

A Visiting Force and its civilian component may use, in the performance of their official duties, the public services and facilities owned, controlled or regulated by the Government of the Receiving State or its instrumentalities. The terms of use, including charges, shall be no less favourable than those available to other users in like circumstances, unless otherwise mutually determined.

Section 8 - Importation and exportation

(1) Except as expressly provided to the contrary in this Section, members of a Visiting Force or civilian component and dependants shall be subject to the laws and regulations administered by the customs, taxation and other authorities of the Receiving State.

(2) Official documents under official seal shall not be subject to customs inspection. The package shall be accompanied by a certificate which states that only official documents are enclosed. Samples of the official seals shall be lodged with the Customs authorities of the Receiving State.

(3) A Visiting Force may import free of duty equipment, material, motor vehicles, provisions, supplies and other goods for the exclusive official use of, but at the time of import not intended for sale by, a Visiting Force or civilian component.

(4) (a) A member of a Visiting Force or civilian component or a dependant may import free of duty personal effects, furniture and household goods (other than cigarettes, cigars, tobacco and spirituous liquors), provided:

(i) that they are imported at the time of first arrival of the member to take up service in the Receiving State or within six months thereafter or, in the case of a dependant, at the time of first arrival of the dependant to join the member or within six months thereafter; and

(ii) that such personal effects, furniture and household goods remain in the use, ownership and possession of that member or dependant.

(b) A member of a Visiting Force or civilian component may import into the Receiving State one motor vehicle free of duty provided that:

(i) where the motor vehicle was owned and used by the member during the period of six months immediately preceding his or her first departure for the Receiving State, the motor vehicle remains in the use, ownership and possession of:

A. that member; or

B. with the express approval of the appropriate Government authorities of the Receiving State, another member;

during the period of two years immediately after the date of its importation; or

(ii) where the motor vehicle is not imported into the Receiving State pursuant to subparagraph (i), the motor vehicle remains in the ownership and possession of that member and that the motor vehicle is exported by that member within three years from the date of importation or within such extended period as may be approved by the appropriate Government authorities of the Receiving State. With the express approval of the appropriate Government authorities of the Receiving State, a motor vehicle imported under this subparagraph may be transferred to another member provided that it is exported by the latter member within three years from the date of importation or within such extended period as may be approved by the appropriate Government authorities of the Receiving State.

(5) The appropriate Government authorities of the Receiving State may require security or undertakings for compliance with the provisions of paragraph (4).

(6) Items which have been imported free of duty under paragraphs (3) or (4) of this Section:

(a) may be exported free of duty or any restriction, provided that the appropriate Government authorities of the Receiving State may require verification that goods exported have been imported under the conditions of paragraph (3) or (4) as the case may be; and

(b) may not be transferred to another person, sold, traded, exchanged, hired out, donated or otherwise disposed of in the Receiving State without the express approval of the appropriate Government authorities of the Receiving State.

(7) If the express approval of the appropriate Government authorities of the Receiving State is obtained, items which have been imported free of duty under paragraph (3) of this Section may, if they are owned by a Visiting Force or civilian component, be disposed of in the Receiving State by public sale, auction, tender or private treaty, provided that:

(a) before doing so the Service authorities of the Sending State shall first offer them for sale at a reasonable price having regard to their condition and other relevant circumstances to the Government of the Receiving State unless the latter shall have indicated that it is not interested in their acquisition; and

(b) in so disposing of stores or goods the Service authorities of the Sending State shall be liable to pay any duties which would be payable on items so disposed of as if they were imported by a private individual into the Receiving State at the date of such disposal.

(8) The arrangements in paragraph (7) shall cover only the sale or disposal of unforeseen surpluses or damaged items of official stores and equipment. Any such sale or disposal shall not be made in a manner or with such frequency as seriously to compete with or adversely affect legitimate trade or industry in the territory of the Receiving State. The Government of the Receiving State and the Government of the Sending State shall at the request of the other Government be ready at any time to enter into discussions for this purpose should it appear necessary to that other Government.

(9) The Service authorities of the Sending State shall be permitted importation and exportation of all fuel, oil and lubricants exclusively for use in official motor vehicles, aircraft and vessels of a Visiting Force or civilian component, free of duty.

(10) In this Section:

(a) "duty" means customs and excise duties and all other duties, taxes, including sales tax, and ad valorem registration fees payable on importation and exportation as the case may be, except dues and taxes which are no more than charges for services rendered; and

(b) "importation" includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not been grown, produced or manufactured in the Receiving State.

Section 9 - Motor vehicles

(1) Official motor vehicles, excluding motor vehicles hired in the Receiving State, of a Visiting Force shall carry, in addition to their registration number issued by the Government of the Sending State, a distinctive nationality mark and if required shall be registered under, and subject to, the applicable laws of the Receiving State.

(2) Privately-owned motor vehicles of members of a Visiting Force or civilian component and of dependants shall be registered under, and subject to, the applicable laws of the Receiving State.

Section 10 - Driving licences and laws

(1) The Government of the Receiving State shall accept as valid, without a driving test or fee, the driving permit or licence issued by the Government of the Sending State to a member of a Visiting Force for the purpose of driving official motor vehicles in the course of his or her official duty.

(2) Subject to paragraph (1), members of a Visiting Force or civilian component and dependants shall be subject to applicable laws of the Receiving State in respect of the driving of motor vehicles.

Section 11 - Personal taxation

(1) Other than for taxes and duties for which provision is made under this Agreement, the liability for taxes or duties of members of a Visiting Force, the civilian component and dependants shall be governed by any agreement between the Parties in relation to such taxes or duties that has been implemented from time to time under the law of both countries.

(2) Without prejudice to paragraph (1), the Parties acknowledge the applicability of the Agreement between the Government of Australia and the Government of Belesia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, done at Canberra on 20 August 1980.

Section 12 - Abuse of privileges

The Service authorities of the Sending State shall cooperate with, and on request shall render all assistance within their power to, the Government of the Receiving State to prevent any abuse or misuse of the privileges granted in favour of, and to ensure proper discharge of the obligations imposed in this Agreement on, members of a Visiting Force and civilian component and dependants. In particular, the Service authorities of the Sending State shall ensure that the rights and obligations existing under this Agreement are brought to the notice of all members of a Visiting Force and civilian component and dependants.

Section 13 - Occupation of land or buildings

The Government of the Sending State shall make to the Government of the Receiving State a contribution in respect of land or buildings occupied by the Service authorities of the Sending

State in the Receiving State ascertained on a basis which is mutually determined between the Parties.

Section 14 - Claims

(1) Each Party shall waive all its claims against the other Party:

(a) for damage (including loss of use) to property in the Receiving State owned by one Party and used by its defence force whether or not being used in connection with mutual defence activities and to property outside of the Receiving State owned by one Party and being used by its defence force in connection with mutual defence activities, provided that such damage:

(i) was caused by an act or omission of a member of, or other person in the service of, the defence force of the other Party and arose out of or in the course of the performance of his or her official duty; or

(ii) arose from the use of any motor vehicle, vessel or aircraft owned by the other Party and being used by its defence force for the performance of official duties;

(b) for maritime salvage, provided that the vessel or cargo salvaged was owned by a Party and was being used by its defence force for official purposes; and

(c) for damages for injury or death suffered by a member of, or other person in the service of, its defence force, while engaged in the performance of his or her official duties.

(2) The Parties shall consult on the settlement of claims by one against the other arising from any other damage to property in the Receiving State owned by either Party or a political subdivision thereof arising out of the performance of official duties of a member of, or other person in the service of, the defence force of the other Party.

(3) For the purposes of paragraphs (1) and (2) of this Section, the expression "owned by a Party":

(a) in the case of a vessel includes a vessel on bare boat charter to that Party or requisitioned by it on bare boat terms, or

(b) in the case of motor vehicles or aircraft includes motor vehicles or aircraft on hire or charter to a Party,

except to the extent that the risk of loss or liability is borne by some person other than that Party.

(4) Claims arising out of acts or omissions of a member of a Visiting Force or civilian component done in the performance of official duty, or out of any other act, omission or occurrence for which the Sending State is legally responsible, and causing damage, injury or death in the Receiving State to third parties, shall be dealt with by the Government of the Receiving State in accordance with the following provisions:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws of the Receiving State with respect to claims arising from the activities of the defence force of the Receiving State.

(b) The Government of the Receiving State may settle any such claims without consultation with the Government of the Sending State if the amount to be agreed with the claimant is less than the amount periodically mutually determined in writing with the Government of the Sending State as not requiring prior consultation. The Government of the Receiving State shall consult with the Government of the Sending State prior to the settlement of any such claims if the amount to be agreed with the claimant is more than the amount so mutually determined.

(c) Payment of the amount agreed upon by the Government of the Receiving State with the claimant or determined by adjudication shall be made by the Government of the Receiving State in its currency.

(d) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the Receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive discharge of the claim.

(e) Every claim paid by the Government of the Receiving State shall be communicated to the Government of the Sending State, together with full particulars and a proposed distribution in conformity with sub-paragraph (f) below. In default of a reply within four months from the date of the said communication the proposed distribution shall be regarded as having been accepted by the Government of the Sending State.

(f) The cost incurred in satisfying claims pursuant to the preceding subparagraphs shall be distributed between the Parties, as follows:

(i) Where the Government of the Sending State alone is responsible for the damage, injury or death, the amount agreed upon in settlement or determined by adjudication shall be distributed in the proportion of 25 per cent chargeable to the Government of the Receiving State and 75 per cent chargeable to the Government of the Sending State.

(ii) Where both Parties are responsible for the damage, injury or death or it is not possible to attribute responsibility for the damage, injury or death specifically to either Party, the amount agreed upon in settlement or determined by adjudication shall be distributed equally between them.

(5) Paragraph (4) shall not apply to:

(a) claims arising out of the use of official motor vehicles of the Sending State which are covered by insurance policies taken out in accordance with the law of the Receiving State; and

(b) contractual claims.

(6) At the end of every three months, a statement of the sums paid by the Government of the Receiving State in the course of the quarterly period in respect of every claim dealt with

under paragraph (4) regarding which the proposed distribution on a percentage basis has been accepted by the Government of the Sending State, shall be sent to the Government of the Sending State together with a request for reimbursement and payment details. Such reimbursement shall be made within the shortest possible time, and at least within four months from the date that the statement has been sent to the Government of the Sending State, in the currency of the Receiving State.

(7) In the case of any private moveable property which is subject to compulsory execution under the law of the Receiving State and which is within an area in use by the Visiting Force or civilian component, the authorities of the Sending State shall, upon request, assist the appropriate authorities of the Receiving State to take possession of such property.

(8) The authorities of the Sending State and the Receiving State shall co-operate in the procurement of evidence for a fair hearing and disposal of claims under this Section.

(9) The Government of the Sending State shall not claim immunity from the jurisdiction of the courts of the Receiving State for members of the Visiting Force or of the civilian component or dependants in respect of the civil jurisdiction of the courts of the Receiving State.

ANNEX II

STATUS OF FORCES

Section 1 - Criminal jurisdiction

(1) Subject to the provisions of this Section:

(a) the Service authorities of the Sending State shall have the right to exercise within the Receiving State all jurisdiction conferred on them by the law of the Sending State over members of a Visiting Force or a civilian component and their dependants, who are subject to the Service law of the Sending State; and

(b) the authorities of the Receiving State shall have jurisdiction over members of a Visiting Force or a civilian component and their dependants with respect to offences committed within the Receiving State and punishable by the law of the Receiving State.

(2) (a) The Service authorities of the Sending State shall have the right to exercise exclusive jurisdiction over members of a Visiting Force or of a civilian component and dependants, who are subject to the Service law of the Sending State, with respect to offences, including offences relating to the security of the Sending State, punishable by the law of the Sending State but not punishable under the law of the Receiving State.

(b) The authorities of the Receiving State shall have the right to exercise exclusive jurisdiction over members of a Visiting Force or of a civilian component and dependants with respect to offences punishable by the law of the Receiving State but not by the law of the Sending State.

(3) In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The Service authorities of the Sending State shall have the primary right to exercise jurisdiction over a member of a Visiting Force or of a civilian component, who is subject to the Service law of the Sending State, in relation to:

(i) offences arising out of and in the course of official duty as a member of that Visiting Force or civilian component;

(ii) offences solely against the security of the Sending State;

(iii) offences solely against the person of another member of a Visiting Force or of a civilian component or of a dependant; and

(iv) offences solely against the property of the Sending State, or of another member of a Visiting Force or of a civilian component or of a dependant.

(b) In the case of any other offence, the authorities of the Receiving State shall have the primary right to exercise jurisdiction.

(c) If the authorities having the primary right decide not to exercise jurisdiction, the State of the authorities deciding not to exercise jurisdiction shall notify the other State as soon as is practicable. The authorities having the primary right shall give sympathetic consideration to a request from the other State for a waiver of their right in cases where that other State considers such waiver to be of particular importance. Such waiver may be given on conditions, which may include that proceedings be taken by the authorities in whose favour the waiver is given.

(d) For the purposes of this Section, an "offence solely against the security of the Sending State" shall include:

(i) offences which are solely treason against the Sending State; and

(ii) offences which are solely sabotage, espionage or violation of any law relating to official secrets of the Sending State or secrets relating to the national defence of the Sending State.

(4) The foregoing provisions of this Section shall not confer any right on the Service authorities of the Sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the Receiving State unless they are members of the Visiting Force of the Sending State.

(5) (a) Within the scope of their legal competence, the Parties shall assist each other in the arrest of members of a Visiting Force or of a civilian component or of dependants in the territory of the Receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The Receiving State shall promptly notify the Sending State of the arrest of any members of a Visiting Force or of a civilian component or of a dependant.

(c) Within the scope of their legal competence, the Parties shall assist each other in the carrying out of all necessary investigations into offences and in the collection and production of evidence, including the seizure and, where necessary, the handing over of objects connected with an offence. The handing over of such objects may be made subject to their return within any reasonable time specified by the authority delivering them.

(d) Where the authorities of the Receiving State are to exercise jurisdiction over a person subject to the Service law of the Sending State, the authorities of the Receiving State may, or, where the laws of the Receiving State so require, shall deliver the person into the custody of the Service authorities of the Sending State pending trial. Upon request, the Government of the Sending State shall make available, for purposes of investigation and trial, any person who is in the custody of the Sending State over whom the Receiving State is to exercise jurisdiction.

(e) The Parties shall notify each other of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

(f) When an accused has been tried in accordance with the provisions of this Section by the Service authorities of the Sending State or the authorities of the Receiving State and has been acquitted, or has been convicted and is serving, or has served, his or her sentence, or when his or her sentence has been remitted or suspended, or he or she has been pardoned, he or she may not be tried again for an offence which is substantially the same offence by the authorities of the other State. However, nothing in this paragraph shall prevent the Service authorities of the Sending State from trying a person for any violation of rules of discipline arising from an act or omission when the person was a member of a Visiting Force, or a member of a civilian component or dependant subject to the Service law of the Sending State, which constituted an offence for which he or she was tried by the authorities of the Receiving State.

(6) A sentence of death shall not be carried out in the Receiving State by the Sending State.

(7) Whenever a member of a Visiting Force or a civilian component or a dependant is prosecuted by the authorities of the Receiving State, he or she shall be entitled to the procedural safeguards common to the legal systems of the Parties, including the right:

(a) to have a prompt and speedy trial;

(b) to be informed, in advance of trial, of the specific charge or charges made against him or her;

(c) to be confronted with the witnesses against him or her and to have the right to cross examine such witnesses;

(d) to have compulsory process for obtaining favourable witnesses, if they are within the jurisdiction of the court;

(e) to have legal representation of his or her own choice for the defence or to have free or assisted legal representation under the conditions prevailing for the time being in the part of the Receiving State in which he or she is being prosecuted;

(f) to communicate in person with a representative of the Sending State and, when the rules of the court permit, to have such a representative present at the trial;

(g) not to be held guilty of a criminal offence on account of any act or omission which did not constitute a criminal offence under either the law of the Receiving State or international law at the time it was committed;

(h) to be present at his or her trial, which shall be public. However, without prejudice to the trial safeguards listed in this Section, persons whose presence is not necessary may be excluded, if the court so decides for reasons of public order, security or morality;

(i) not to be compelled to testify against or otherwise incriminate himself or herself; and

(j) if required, to have the service of a competent interpreter.

(8) Unless otherwise mutually determined by the Parties, members of a Visiting Force shall not be subject to the Service law of the Receiving State.

Section 2 - Security

A Visiting Force shall have the right to maintain Service police for the maintenance of discipline within the force and may take reasonable measures in accordance with the laws of the Receiving State to protect the security of a Visiting Force.

Section 3 - Compulsory service

Members of a Visiting Force or civilian component or dependants shall not be subject to any law enacted in the Receiving State relating to liability for compulsory service of any kind.

Section 4 - Carriage of arms

Members of a Visiting Force may possess and carry arms when authorised to do so by their orders, provided that arrangements regarding the carrying of arms outside areas and facilities in use by a Visiting Force are to be made between the appropriate authorities of the Parties.

Section 5 - Exchange control

(1) Members of a Visiting Force or civilian component and dependants shall remain subject to the foreign exchange regulations of the Sending State but as regards acts done in the territory of the Receiving State shall also be subject to the exchange control regulations of the Receiving State which are in force from time to time.

(2) Remittances between the Receiving State and the Sending State shall be freely permitted in respect of:

(a) funds derived by members of a Visiting Force or civilian component from services or employment in connection with official duties; and

(b) funds derived by members of a Visiting Force or civilian component or dependants from sources outside the Receiving State, subject to the regulations of the Sending State.

(3) The preceding paragraphs shall not preclude the transmission into or outside of the Receiving State of foreign exchange instruments representing the official funds of a Visiting Force.

Section 6 - Entry and exit

(1) The Government of the Receiving State shall facilitate the admission of members of a Visiting Force, the civilian component and dependants into, and their departure from, the Receiving State in connection with activities arranged between the Parties.

(2) Subject to compliance with the formalities established by the Receiving State relating to entry and departure, members of a Visiting Force, the civilian component and dependants shall be exempt from any requirement to apply for a visa or entry permit on entering and leaving the Receiving State.

(3) The Government of the Receiving State shall permit members of a Visiting Force to enter into or depart from the Receiving State on official duty, on the basis of:

(a) a personal identity card showing full name, date of birth, rank and service number, service and photograph;

(b) an individual or collective travel document identifying the individual or group as a member or members of a Visiting Force, and authorising the travel; and

(c) where so applicable, such documents as may be issued by the appropriate authorities of the Sending State in satisfaction of national health and quarantine requirements of the Receiving State.

(4) Members of a civilian component and dependants shall be in possession of a valid national passport and a certificate issued by the appropriate Government authority of the Sending State certifying that the holder is a member of the civilian component or a dependant.

(5) Members of a Visiting Force, civilian component and dependants shall be exempt from laws of the Receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the Receiving State.

(6) If any person, other than a national of, or a person otherwise entitled to remain in, the Receiving State ceases to be a member of a Visiting Force or a civilian component or a dependant, the Government of the Sending State shall inform the Government of the Receiving State, giving such particulars as may be required and shall, subject to the laws of the Receiving State, take steps to effect the departure from the Receiving State of that person as soon as possible after his or her so ceasing to be such a member or dependant, unless with the approval of the Government of the Receiving State other arrangements are made. The Government of the Sending State also shall inform the Government of the Receiving State, giving such particulars as may be required, of any members of a Visiting Force who, after

having been admitted to the Receiving State, absent themselves otherwise than on approved leave.

(7) If the Government of the Receiving State has requested the removal from its territory of a member or ex-member of a Visiting Force or civilian component or a dependant of a member or ex-member, or if, under the laws of the Receiving State, the removal is required of a member or ex-member of a Visiting Force or civilian component or a dependant of a member or ex-member, the Government of the Sending State shall be responsible for transportation of the person concerned at its own expense from the territory of the Receiving State. The Government of the Sending State shall be responsible for all reasonable costs (including administrative costs, legal fees and costs, costs in respect of detention and, where the Government of the Receiving State arranges transportation, transport costs) incurred by the Government of the Receiving State in removing the person concerned from the territory of the Receiving State.

Section 7 - Respect for local laws

It is the duty of a Visiting Force, its civilian component and dependants to respect the laws of the Receiving State, including quarantine laws and industrial awards and determinations, and to abstain from any activity inconsistent with the spirit of this Agreement.