

Framework Treaty guiding relations between the Independent State of Papua New Guinea and Solomon Islands [2004] PITSE 11 (27 July 2004)

**FRAMEWORK TREATY GUIDING RELATIONS BETWEEN THE INDEPENDENT
STATE OF PAPUA NEW GUINEA AND SOLOMON ISLANDS**

(Port Moresby, 27 July 2004)

ENTRY INTO FORCE : 27 JULY 2004

STATUS REPORT

PREAMBLE

THE GOVERNMENT OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA AND
THE GOVERNMENT OF SOLOMON ISLANDS;

OBSERVING AND SHARING the common traditions, close relations and customary links
between their peoples;

NOTING their common desires to consolidate, development, diversify and strengthen good
neighbourly relations;

EMPHATICALLY restating their continuing commitment to cooperate through the
Melanesian Spearhead Group, the Pacific Islands Forum and other regional and international
organisations;

TRUE to the obligation to respect the independence, national unity, sovereign equality and
territorial integrity of other states;

OPTING and committed to solving any differences by peaceful by peaceful means in
accordance with international law as expressed in the Charter of the United Nations and the
Melanesian Traditional way;

KEENLY aware of the positive contribution that increased that increased co-operation can
make to meeting the needs, improving the living standards and realising the aspirations of
their peoples;

SOLEMNLY agree to enter into a Framework Treaty Guiding Relations,

WHICH PROVIDES AS FOLLOWS:

GUIDING PRINCIPLES

Article 1

The Governments of Solomon Islands and the Independent State of Papua New Guinea (referred to hereinafter as the “Contracting Parties”) shall endeavour to maintain, consolidate, develop, diversify and generally strengthen good neighbourly relations and co-operation between them.

Article 2

The Contracting Parties shall –

(a) endeavour to promote harmonious relations between the Governments and peoples of Solomon Islands and Papua New Guinea.

(b) endeavour to conduct their relations taking into account all the issues that affect them and shall not allow any particular matter to disrupt their harmonious relationship.

Article 3

The Contracting Parties shall respect each others –

(a) system of government including the National Constitution and other laws;

(b) government policies, priorities and plans;

(c) national identity, cultures, history, traditions and values; and

(d) international Commitments.

GENERAL COOPERATION

Article 4

Traditional Ties

The Contracting Parties shall -

- (a) recognize the traditional, historical and cultural ties between their peoples.
- (b) encourage and endeavour to facilitate the maintenance and development of such traditional, historical and cultural ties.
- (c) encourage and endeavour to facilitate contacts and exchanges including traditional trade and exchanges between their peoples in accordance with their respective national laws and resources.

Article 5

Diplomatic and Bilateral Co-operation

- (a) The Contracting Parties shall engage in diplomatic and consular cooperation.
- (b) Bilateral co-operation shall be conducted with full regard for:
 - (i) other regional and international arrangements, including the Pacific Islands Forum and the Melanesian Spearhead Group; and
 - (ii) both Contracting Parties' other international commitments

Article 6

Conduct of Border Relations

The Contracting Parties shall -

- (a) co-operate in the development and administration of the common border in accordance with their respective laws, government policies, priorities, plans and resources.
- (b) endeavour to facilitate entry movement and return by their citizens who wish to cross the common border for traditional or other lawful purposes, including transit to other countries.
- (c) endeavour to co-operate in maintaining public health, conserving natural environment, enforcing quarantine requirements and administering customs and immigration laws and procedures along the common border.
- (d) conduct themselves with full regard for the right of the other Party to be free from coercion, external interference in internal affairs and subversion.

Article 7

Human Resources Development

The Contracting Parties shall -

- (a) endeavour to maintain, consolidate, develop and diversify preferential arrangements for their citizens to attend educational and training institutions.
- (b) encourage exchanges of personnel, ideas, information, services and goods for purposes of strengthening cultural, artistic, professional, business, sporting and other social links between their citizens.
- (c) endeavour to assist each other by exchanging experiences, expertise, information and equipment relevant to science, technology, research and/or other forms of development and such other areas as they may agree.

Article 8

Regional and International Cooperation

The Contracting Parties shall -

- (a) endeavour to maintain and develop co-operation, including exchanges, for mutual benefit in accordance with existing bilateral, regional and other arrangements, including the Agreed Principles of Co-operation Among Independent States in Melanesia and agreements reached by the Pacific Islands Forum.
- (b) endeavour to diversify areas, forms and programmes of bilateral co-operation.

Article 9

Trade and Investment

The Contracting Parties shall -

- (a) endeavour to maintain, consolidate, develop and diversify economic development and technical cooperation.
- (b) encourage and endeavour to facilitate:-
 - (i) bilateral trade;

(ii) reciprocal investment; and

(iii) other forms of complementary economic development and cooperation.

(c) endeavour to cooperate in:

(i) promoting exports, securing access to markets and establishing international trade;

(ii) encouraging tourism which respects national policies, priorities and plans;

(iii) fostering contacts, cooperation and other mutually beneficial activities between their respective private sectors; and

(iv) such other forms of economic and related activity, including participation in joint enterprises.

(d) cooperate in relation to international and regional negotiations concerning trade, including commodities, development and other economic issues.

(e) consult with a view to improving communications, including shipping and aviation between the two countries.

Article 10

Development and Natural Resources

The Parties shall consult and co-operate with each other and with any other relevant party in recognising, maintaining and promoting :

(a) conservation of the natural environment;

(b) sustainable development including sustainable fisheries;

(c) environment conscious development and exploitation of natural resources;

(d) such other shared interests and forms of bilateral, regional and global co-operation, particularly the special needs and aspirations of South Pacific Islands and other countries;

particularly where development and exploitation activities take place within the vicinity of proximity of the Parties common border.

Article 11

Mutual Assistance in Criminal Matters

The Contracting Parties shall cooperate in accordance with their respective laws and international commitments in:

- (a) maintaining law and order on, and close to, the common border.
- (b) Preventing, detecting, and ensuring the lawful arrest, detention and transfer for prosecution of persons reasonably suspected to have been involved in, alleged breaches of the other country's laws; and
- (c) such other aspects of law enforcement, including the administration of penalties and corrections, as the Contracting Parties shall agree.
- (d) outlawing, preventing, detecting, prosecuting and punishing -
 - (i) unlawful movement of persons and goods, including illegal trafficking in arms and drugs, across the common border;
 - (ii) organized criminal activity affecting more than one country;
 - (iii) unauthorised interference with the lawful movement of persons and goods across the common border; and
 - (iv) such other threats to security, order and law within and between states as the Contracting Parties shall agree.

Article 12

States Responsibility

Each Contracting Party shall -

- (a) endeavour to ensure that nationals of one Party who are within the territory of the other Party are treated fairly, with full respect for fundamental human rights, and in accordance with law.
- (b) Recognize and endeavour to meet its lawful and/or humanitarian obligations in respect of those of its nationals who have entered or are within the territory of the other Party.

GENERAL PROVISIONS

Article 13

Sovereignty

Each Contracting Party shall display and promote respect for the independence, national unity, sovereignty and territorial integrity of the other Party, by way of co-operation in areas specified under this Treaty

Article 14

Cooperation and Support

The Contracting Parties shall-

(a) allow exchanges and other forms of cooperation to be conducted with full regard for the human, financial and other resources of both Contracting Parties; and

(b) consult with a view to obtaining such external support for exchanges and other forms of cooperation as they shall agree.

Article 15

Consultation

The Contracting Parties shall -

(a) have regular consultations at such agreed levels of representation on matters of common interest and concern; and

(b) as far as possible have consultative meetings alternatively in either country.

Article 16

Implementation Arrangements

The Contracting Parties shall-

- (a) implement this Treaty by entering into such arrangements as shall be agreed between them in accordance with their respective laws and other requirements; and
- (b) interpret and implement such arrangements in accordance with this Agreement.

Article 17

Dispute Settlement

- (a) If either of the Contracting Parties believes that a dispute between them has arisen or is likely to arise, it shall promptly inform and consult with the other, with a view to agreeing on the most appropriate and mutually acceptable means of settling the dispute.
- (b) Nothing in this Treaty shall prevent either Contracting party from seeking to settle any dispute in accordance with the provisions of the Charter of the United Nations or by such other peaceful means as may be provided under international law.
- (c) Any dispute that may arise in respect of the implementation or interpretation of this Treaty shall be settled by consultations and negotiations or by other peaceful means.

Article 18

Review and Termination

- (a) The Contracting Parties shall review the operation of this Treaty at intervals of not more than five years.
- (b) Amendments to this Treaty shall be subject to the expressed consent of both Contracting Parties and shall enter into force in accordance with article 22.
- (c) This Treaty may be terminated by the mutual, expressed consent of both Contracting Parties or at the expiration of six months written notice by either Party.

Article 19

Entry into Force

- (a) This Treaty is subject to ratification in accordance with the constitutional and other legal requirements of each Contracting Party, and shall enter into force on the day on which the instruments of ratification are exchanged.
- (b) This Treaty shall be registered with the Secretary-General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

CONCLUSION AND SIGNATURE

IN WITNESS WHEREOF, the Prime Minister of the Independent State of Papua New Guinea and the Prime Minister of Solomon Islands have signed this Treaty.

DONE in duplicate at Port Moresby this 27th day of July 2004, in English.

FOR THE GOVERNMENT OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Signed]

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The Rt. Hon Sir Michael T. Somare, GCMG CH

Prime Minister FOR THE GOVERNMENT OF SOLOMON ISLANDS

[Signed]

.....

Hon. Allan Kemakeza KBE MP

Prime Minister