

**DEFENSE**

**Status of Forces**

**Agreement Between the  
UNITED STATES OF AMERICA  
and SOLOMON ISLANDS**

Signed at Honiara July 3, 1991



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966  
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

**SOLOMON ISLANDS**

**Defense: Status of Forces**

*Agreement signed at Honiara July 3, 1991;  
Entered into force July 3, 1991.*

AGREEMENT BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF SOLOMON ISLANDS  
CONCERNING THE STATUS OF  
MEMBERS OF THE UNITED STATES FORCES IN SOLOMON ISLANDS

The Government of the United States of America and the Government of Solomon Islands have agreed as follows concerning the status of personnel belonging to the armed forces of the United States temporarily present in Solomon Islands in connection with their official duties from time to time as authorized by the Government of Solomon Islands.

ARTICLE I

RESPECT FOR LAW

It is the duty of members of the United States Forces to respect the laws of Solomon Islands. The United States authorities will take the necessary measures to that end.

ARTICLE II

CLAIMS

Claims shall be referred to the United States Government. In accordance with United States law regarding foreign claims, the United States will pay just and reasonable compensation in settlement of meritorious claims for damage, loss, personal injury or death, caused by acts or omissions of members of the United States Forces or otherwise incident to non-combat activities of the United States Forces.

ARTICLE III

ENTRY AND EXIT

Members of the United States Forces shall be exempt from passport and visa regulations upon entering and leaving Solomon Islands. They shall possess a valid United States Armed Forces Personnel Identification Card and individual or collective travel or movement orders.

## ARTICLE IV

### IMPORTATION AND EXPORTATION

1. United States Government Property. Equipment, materials, supplies and other property imported into or acquired in Solomon Islands by or on behalf of the United States for use of United States Forces in connection with activities to which this agreement applies, shall be free of all Solomon Islands duties, taxes and other charges. Title to such property shall remain with the United States, which may remove such property from Solomon Islands at any time, free from export duties, taxes and other charges. The exemptions provided in this paragraph shall also extend to any duty, tax or other charges which would otherwise be assessed upon such property after importation into, or acquisition within, Solomon Islands.

2. Personal Property. Baggage, personal effects and other property for the personal use of United States personnel may be imported into Solomon Islands at the time of arrival of such personnel or within six months thereafter, and used in Solomon Islands free of all duties, taxes and other charges during the period of their service in Solomon Islands. The transfer of such property to persons or entities in Solomon Islands other than United States personnel shall be subject to the payment of applicable duties or taxes unless otherwise agreed by Solomon Islands authorities. The exportation of such property and of property acquired in Solomon Islands by United States personnel for their personal use shall be free of all Solomon Islands duties, taxes and other charges.

## ARTICLE V

### CRIMINAL JURISDICTION

1. Subject to the provisions of this article:

A. United States authorities shall have the right to exercise within Solomon Islands all criminal and disciplinary jurisdiction conferred on them by the military law of the United States over members of the United States Forces.

B. Solomon Islands authorities shall have jurisdiction over members of the United States Forces with respect to offenses committed within Solomon Islands and punishable under the law of Solomon Islands.

2. In cases where the right to exercise jurisdiction is concurrent, the following rules shall apply:

A. United States military authorities shall have the primary right to exercise jurisdiction over members of the United States Forces subject to the military law of the United States in relation to:

(1) Offenses solely against the property or security of the United States or offenses solely against the property or person of members of the United States Forces; and

(2) Offenses arising out of any act or omission done in the performance of official duty.

B. In the case of any other offense, Solomon Islands authorities shall have the primary right to exercise jurisdiction.

C. Recognizing the responsibility of the United States military authorities to maintain good order and discipline among their forces, Solomon Islands authorities will waive primary jurisdiction except in cases of particular importance to Solomon Islands. If the Government of Solomon Islands determines that the case is of particular importance, it shall communicate such determination to the United States authorities within 15 days of the discovery of the alleged offense giving rise to such case.

D. When the United States military commander determines that an offense charged by the authorities of Solomon Islands against a member of the United States Forces arose out of an act or omission done in the performance of official duty, the commander will issue a certificate setting forth such determination. This certificate will be transmitted to the appropriate authorities of Solomon Islands and will constitute sufficient proof of performance of official duty for the purposes of paragraph 2.A.(2) of this article. However, Solomon Islands authorities may request review of the determination by the next higher United States military echelon.

3. Within the scope of their legal competence, the authorities of Solomon Islands and the United States shall each assist each other in the arrest of members of the United States Forces in Solomon Islands and in handing them over to the authorities who are to exercise jurisdiction in accordance with the provisions of this Article.

4. Solomon Islands authorities shall promptly notify United States authorities of the arrest or detention of any member of the United States Forces.

5. The custody of any member of the United States Forces over whom Solomon Islands authorities are to exercise jurisdiction shall reside with United States authorities, if they so request, from the commission of the offense until completion of all judicial proceedings. United States authorities shall, upon the request of Solomon Islands authorities and without delay, make such persons available to those authorities for the purpose of any investigative or judicial proceedings related to the offense with which the person has been charged. In the event Solomon Islands judicial proceedings are not completed within one year, the United States shall be relieved of any obligations under this paragraph. This one year period will not include the time necessary for appeal.

6. Within the scope of their legal authority, United States and Solomon Islands authorities shall assist each other in carrying out all necessary investigations into offenses and shall cooperate in providing for the attendance of witnesses and in the collection and production of evidence, including seizure and in proper cases, the delivery of objects connected with an offense.

7. The authorities of the United States and Solomon Islands shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

8. When members of the United States Forces have been tried in accordance with the provisions of this article and have been acquitted or have been convicted and are serving, or have served their sentence, or have had their sentence remitted or suspended, or have been pardoned, they may not be tried again for the same offense within Solomon Islands. Nothing in this paragraph, however, shall prevent United States military authorities from trying members of the United States Forces for any violation of rules of discipline arising from the act or omission which constituted an offense for which they were tried by Solomon Islands authorities.

9. When members of the United States Forces are detained, are in custody, or are prosecuted by Solomon Islands authorities, they shall be accorded all procedural safeguards established by the law of Solomon Islands. In addition, procedural safeguards shall include, at the minimum, 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 them and to have reasonable time to prepare a defense;

C. To be confronted with witnesses against them;

D. To present evidence in their defense, including legal process to compel witnesses to appear if such witnesses are within the jurisdiction of Solomon Islands;

E. To have legal representation of their own choice for their defense, and, to the same extent as provided for any other person under Solomon Islands law, to have free and assisted legal representation;

F. To have the services of an official interpreter of their own choice, if proceedings are conducted in a language not understood by the accused;

G. To communicate with a representative of the United States and to have a representative of the United States present at all judicial proceedings. These proceedings shall be public, unless the court, in accordance with Solomon Islands law, excludes persons who have no role in the proceedings.

10. Members of the United States Forces serving sentences in Solomon Islands shall be treated no less favorably than citizens of Solomon Islands, but at a minimum shall have the right to visits and material assistance.

11. Members of the United States Forces shall be subject to trial only by courts of ordinary jurisdiction, and shall not be subject to the jurisdiction of Solomon Islands military or religious courts.

## ARTICLE VI

### TAXES

The United States Forces and the members thereof shall be exempt from all taxes and similar fees and charges of Solomon Islands and its political subdivisions on income received from the United States Government or from sources outside of Solomon Islands.



## ARTICLE VII

### DRIVING LICENSES AND VEHICLE REGISTRATION

Solomon Islands authorities shall accept as valid, without a driving test or fee, a driving permit or license issued by the appropriate United States authority to members of the United States Forces for the operation of military or official vehicles. Vehicles owned by the United States need not be registered, but shall have appropriate identification markings.

## ARTICLE VIII

### PUBLIC UTILITIES

The United States and members of the United States Forces may use water, electricity, and other public utilities and facilities on terms and conditions, including rates or charges, no less favorable than those available to the Solomon Islands armed forces, in like circumstances, unless otherwise agreed. Solomon Islands will, upon request, assist United States authorities in obtaining water, electricity, and other public utilities and facilities.

## ARTICLE IX

### USE OF TRANSPORTATION FACILITIES

Vehicles, vessels, and aircraft operated by or for the United States Forces shall not be subject to the payment of landing or port fees, navigation or overflight charges, or tolls or other use charges, including light and harbor dues while in Solomon Islands. Aircraft operated by or for the United States Forces shall observe local air traffic control regulations while in Solomon Islands. Vessels owned or operated by the United States solely on United States Government non-commercial service shall not be subject to compulsory pilotage at Solomon Islands ports.

## ARTICLE X

### SECURITY

United States and Solomon Islands authorities will cooperate in taking such steps as may be necessary to insure the security of United States Forces personnel and property present in Solomon Islands pursuant to this agreement.

## ARTICLE XI

### BEARING OF ARMS

Members of the United States Forces may possess and carry arms while on duty on condition that they are authorized to do so by their orders, provided that arrangements regarding the carrying of arms outside areas and facilities in use by United States Forces are to be agreed between the appropriate United States and Solomon Islands authorities.

## ARTICLE XII

### IMPLEMENTATION AND DURATION

1. Arrangements to implement this understanding shall be entered into by appropriate authorities of the two Governments as required.
2. Any disagreement regarding the interpretation or application of this agreement shall be resolved by consultation between authorities of the United States and Solomon Islands. Either authorities may at any time request a review of its provisions.
3. This agreement shall enter into force upon signature by the parties and shall remain in force until the expiration of 180 days from the date on which one party gives the other party notice in writing that it desires to terminate the agreement.

In witness whereof, the undersigned being duly authorized by their respective governments, have signed this agreement.

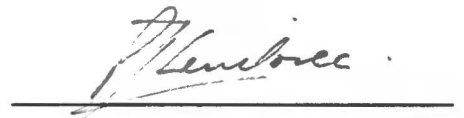
Done at Honiara, Solomon Islands in two originals,  
this *3rd* day of *July*, 1991



DANIEL A. VERNON

Charge d'Affaires of the  
American Embassy, Honiara

For the United States  
of America



SIR PETER KENILOREA

Minister of Foreign  
Affairs and Trade  
Relations

For Solomon Islands