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**NEW ZEALAND
and
COOK ISLANDS**

Exchange of letters constituting an agreement on arrangements for visits by elements of the New Zealand Armed Forces. Rarotonga, 3 August 1993

Authentic text: English.

Registered by New Zealand on 1 June 1995.

**NOUVELLE-ZÉLANDE
et
ÎLES COOK**

Échange de lettres constituant un accord relatif aux arrangements en vue de visites d'unités des Forces armées néo-zélandaises. Rarotonga, 3 août 1993

Texte authentique : anglais.

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

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹
BETWEEN NEW ZEALAND AND THE COOK ISLANDS ON
ARRANGEMENTS FOR VISITS BY ELEMENTS OF THE NEW
ZEALAND ARMED FORCES

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RAROTONGA

3 August 1993

Hon Sir Geoffrey Henry, KBE
Prime Minister of the Cook Islands

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN
THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE
COOK ISLANDS ON ARRANGEMENTS FOR VISITS BY
ELEMENTS OF THE NEW ZEALAND ARMED FORCES

Dear Sir Geoffrey

I have the honour to refer to discussions between our two Governments concerning the conclusion of arrangements in respect of visits by elements of the New Zealand Armed Forces to the Cook Islands. I now have the honour to propose on behalf of the Government of New Zealand that an agreement be reached between our two Governments, on the terms set out below, regarding the status of New Zealand Service personnel, and their civilian component, temporarily present in the Cook Islands in connection with their official duties.

DEFINITIONS

1. For the purpose of this Agreement the terms set out below shall, unless the context otherwise requires, have the following meanings:

'New Zealand Armed Forces' means the New Zealand Naval Forces (which includes the Royal New Zealand Navy) the New Zealand Army and Royal New Zealand Air Force. The

¹ Came into force on 3 August 1993, the date of the letter in reply, in accordance with the provisions of the said letters.

abbreviations 'RNZN' and 'RNZAF' will be used for the Royal New Zealand Navy and Royal New Zealand Air Force respectively.

'Members of the New Zealand Armed Forces' means individual members of the New Zealand Armed Forces present in the Cook Islands from time to time in connection with their official duties; and includes members of armed forces in other countries who as individuals are exercising with, or attached to, one of the Services of the New Zealand Armed Forces.

'Service', when used in relation to the New Zealand Armed Forces, means the New Zealand Naval Forces, Army or Air Force.

'New Zealand Service element' means any group of New Zealand Service personnel present in the Cook Islands from time to time in connection with their official duties.

'New Zealand Service authorities' means the authorities empowered by the law of New Zealand to exercise command or jurisdiction over members of New Zealand Service elements and, as the case may be, members of their civilian component.

'Civilian component' means civilian personnel in the Cook Islands who, not being nationals of, nor persons ordinarily resident, in the Cook Islands:

- a. are employed by or in the service of a New Zealand Service element; or
- b. are serving with an organisation that with the consent of the Cook Islands Government is accompanying a New Zealand Service element; or
- c. are assigned for employment with or are accompanying members of the New Zealand Armed Forces and in accordance with the law of New Zealand are subject to the Service law of New Zealand.

RESPECT FOR LAW

2. It is the duty of members of the New Zealand Armed Forces and their civilian component to respect the law of the Cook Islands. New Zealand Service authorities shall take necessary measures to ensure that members of the New Zealand Armed Forces and their civilian component are aware of that duty.

REGARD FOR CUSTOMS

3. The Cook Islands Government shall inform the New Zealand Service authorities of Cook Islands customs to which the members of the New Zealand Armed Forces and their civilian component should have regard. The New Zealand Service authorities shall ensure that the latter are informed accordingly.

PRESENCE IN THE COOK ISLANDS

4. The New Zealand Government shall seek written permission in advance through the diplomatic channel from the Cook Islands Government for the presence in the Cook Islands of any New Zealand Service elements and civilian components. The nature, purpose, size and intended duration of any such presence shall be as agreed upon from time to time. In reaching agreement on any civilian component to be present in the Cook Islands, the New Zealand Government shall indicate to the Cook Islands Government which members of the civilian component would not be subject to the Service law of New Zealand.

EXERCISE AREAS

5. Subject to agreement in advance from time to time between the Governments of New Zealand and the Cook Islands, members of the New Zealand Armed Forces and their civilian component may use for training defined land and sea areas, air space and facilities relating to them. Such agreement may include measures to be taken to restrict civilian movement and activity in the areas or airspace concerned.

FLAGS

6. Wherever the flag of New Zealand is flown at premises occupied by a New Zealand Service element, the flag of the Cook Islands shall be flown on a separate and adjacent flagstaff.

ENTRY AND EXIT

7. The Government of the Cook Islands shall facilitate the admission to, and exit from, the Cook Islands of members of the New Zealand Armed Forces and their civilian component.

8. Members of the New Zealand Armed Forces shall be exempt from passport and visa requirements upon entering and leaving the Cook Islands. They shall, however, require the following documents for entry and exit:
 - a. A personal identity card issued by the appropriate authority of the Government of New Zealand showing the full name, date of birth, rank and number, Service and photograph of the holder;
 - b. an individual or collective movement order issued by an appropriate authority and certifying to the status of the person or persons covered by it; and
 - c. such documents conforming to standards approved by the World Health Organisation as may be issued by the appropriate authorities of New Zealand in satisfaction of national health and quarantine regulations of the Cook Islands.
9. Members of the civilian component shall be required to be in possession of a valid passport and either a visa issued by Cook Islands authorities or a certificate issued by the appropriate New Zealand authority that the holder is a member of the civilian component. Such a certificate shall serve in lieu of a visa when travel is undertaken under the authority of a movement order.
10. Passports and visas shall be required by members of the New Zealand Armed Forces and the civilian component for exit and entry purposes when travelling out of or into the Cook Islands other than on official duty under the authority of a movement order.

SERVICE PROPERTY

11. All freight and exercise stores and equipment required by a New Zealand Service element in connection with its presence in the Cook Islands shall be given entry to the Cook Islands free of all duties and taxes by the Government of the Cook Islands, provided that a detailed list of New Zealand stores and equipment is forwarded to the Government of the Cook Islands in advance of the visit or deployment of New Zealand Service element. The New Zealand Service authorities shall also provide to the Government of the Cook Islands a list of weapons, by type and serial number, landed in the Cook Islands in connection with the presence of the New Zealand Service element.