



Treaty Series No. 48 (1989)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Republic of Vanuatu
concerning the use of British controlled Ships
registered in Vanuatu

Port Vila, 20 February 1989

[The Agreement entered into force on 20 February 1989]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 1989*

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**EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF THE REPUBLIC OF VANUATU
CONCERNING THE USE OF BRITISH CONTROLLED SHIPS
REGISTERED IN VANUATU**

No. 1

*The Minister of Foreign Affairs and Judicial Services of Vanuatu to the United Kingdom High
Commissioner at Port Vila*

*Port Vila
20 February 1989*

Your Excellency,

I have the honour to refer to recent discussions between our two Governments concerning the use of British controlled ships registered in Vanuatu and to make the following proposals.

The Minister responsible for merchant shipping in the Republic of Vanuatu shall, whenever requested by the Government of the United Kingdom of Great Britain and Northern Ireland, waive the exercise of the sovereign authority of Vanuatu over a Vanuatu vessel where the following circumstances exist:

- (a) the vessel is owned directly or indirectly by a person who is:
 - (i) a British citizen, British Dependent Territories citizen, a British National (Overseas), British Overseas citizen, British subject or British protected person; or
 - (ii) a body incorporated or constituted under the law of any part of the United Kingdom or of any Territory for the international relations of which the United Kingdom is responsible; or
- (b) the vessel property in which is divided into shares whereof the greater part are owned by persons falling within subparagraph (a) above; and
- (c) there exists a state of war or other hostilities involving the United Kingdom or the threat of such war or other hostilities; and
- (d) there is in force in respect of the vessel a Contract of Commitment between the owner of the vessel and the competent authorities of the United Kingdom which has been approved by the Government of Vanuatu in accordance with the applicable Vanuatu legislation.

The Government of the Republic of Vanuatu in waiving its sovereign authority shall allow the control of such a vessel to be committed to the Government of the United Kingdom in the circumstances mentioned aforesaid.

If the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to suggest that this Note, together with Your Excellency's reply in that sense, shall constitute an Agreement between our two Governments which shall enter into force on the date of Your Excellency's reply and continue in force until terminated by either Government giving six months' written notice to the other.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

DONALD KALPOKAS

No. 2

*The United Kingdom High Commissioner at Port Vila to the Minister of Foreign Affairs and
Judicial Services of Vanuatu*

*Port Vila
20 February 1989*

Your Excellency,

I have the honour to acknowledge receipt of your Note of 20 February which reads as follows:

[As in No. 1]

I have the honour to inform you that the foregoing proposals are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, who therefore agree that your Note, together with this reply, shall constitute an Agreement between our two Governments which shall enter into force on today's date and shall continue in force until terminated by either Government giving six months' written notice to the other.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

JOHN THOMPSON