

No. 41068. Netherlands and Permanent Court of Arbitration

AGREEMENT CONCERNING THE HEAD-
QUARTERS OF THE PERMANENT
COURT OF ARBITRATION. THE HAGUE,
30 MARCH 1999 [*United Nations, Treaty Se-
ries*, vol. 2304, I-41068.]

EXCHANGE OF NOTES CONSTITUTING AN
AGREEMENT SUPPLEMENTING THE AGREE-
MENT BETWEEN THE KINGDOM OF THE
NETHERLANDS AND THE PERMANENT
COURT OF ARBITRATION CONCERNING THE
HEADQUARTERS OF THE PERMANENT
COURT OF ARBITRATION. THE HAGUE,
6 JUNE 2012

Entry into force: 6 June 2012 by the exchange
of the said notes

Authentic text: English

**Registration with the Secretariat of the
United Nations:** Netherlands, 21 August
2012

**N° 41068. Pays-Bas et Cour perma-
nente d'arbitrage**

ACCORD RELATIF AU SIÈGE DE LA COUR
PERMANENTE D'ARBITRAGE. LA
HAYE, 30 MARS 1999 [*Nations Unies, Re-
cueil des Traités*, vol. 2304, I-41068.]

ÉCHANGE DE NOTES CONSTITUANT UN AC-
CORD COMPLÉMENTAIRE À L'ACCORD
ENTRE LE ROYAUME DES PAYS-BAS ET LA
COUR PERMANENTE D'ARBITRAGE RELATIF
AU SIÈGE DE LA COUR PERMANENTE D'ARBI-
TRAGE. LA HAYE, 6 JUIN 2012

Entrée en vigueur : 6 juin 2012 par l'échange
desdites notes

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**Enregistrement auprès du Secrétariat de
l'Organisation des Nations Unies :** Pays-
Bas, 21 août 2012

[ENGLISH TEXT – TEXTE ANGLAIS]

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MINISTRY OF FOREIGN AFFAIRS

The Hague, 6 June 2012

Treaties Division

MINBUZA-2012.12246

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the Permanent Court of Arbitration and, with reference to the Agreement concerning the Headquarters of the Permanent Court of Arbitration of 30 March 1999, has the honour to propose that the following provisions shall apply with regard to witnesses in PCA Proceedings, in addition to Article 9, paragraph 2 of the Agreement concerning the Headquarters of the Permanent Court of Arbitration.

1. Witnesses shall enjoy the following privileges, immunities and facilities to the extent necessary for their appearance in PCA Proceed-

ings for purposes of giving evidence, subject to the production of the document referred to in paragraph 2:

a) immunity from personal arrest or detention or any other restriction of their liberty in respect of acts or convictions prior to their entry into the territory of the Kingdom of the Netherlands;

b) immunity from seizure of their personal baggage unless there are serious grounds for believing that the baggage contains articles the import or export of which is prohibited by law or controlled by the quarantine regulations of the Kingdom of the Netherlands;

c) immunity from legal process of every kind in respect of words spoken or written and all acts performed by them in the course of their testimony, which immunity shall continue to be accorded even after their appearance and testimony in PCA Proceedings;

d) inviolability of all papers, documents in whatever form and materials relating to their testimony;

e) for purposes of their communications in relation to PCA Proceedings and with their counsel in connection with their testimony, the right to receive and send papers and documents in whatever form;

f) exemption from immigration restrictions or alien registration when they travel for purposes of their testimony;

g) the same repatriation facilities in time of international crisis as are accorded to diplomatic agents under the Vienna Convention.

2. Witnesses shall be provided by the PCA with a document certifying that their appearance is required by the PCA and specifying a time period during which such appearance is necessary. This document shall be withdrawn prior to its expiry if the witness's appearance in PCA Proceedings, or his or her presence at the seat of the PCA is no longer required.

3. The privileges, immunities and facilities referred to in paragraph 1 shall cease to apply after fifteen consecutive days following the date on which the presence of the witness concerned is no longer required by the PCA, provided such witness had an opportunity to leave the Kingdom of the Netherlands during that period.

4. Witnesses who are nationals or permanent residents of the Kingdom of the Netherlands shall enjoy only the following privileges, immunities and facilities to the extent necessary for their appearance or testimony in PCA Proceedings:

a) immunity from personal arrest or detention or any other restriction of their liberty;

b) immunity from legal process of every kind in respect of words spoken or written and all acts performed by them in the course of their appearance or testimony, which immunity shall continue to be accorded even after their appearance or testimony;

c) inviolability of all papers, documents in whatever form and materials relating to their appearance or testimony;

d) for the purpose of their communications in relation to PCA Proceedings and with their counsel in connection with their appearance or testimony, the right to receive and send papers in whatever form.

5. Witnesses shall not be subjected by the Kingdom of the Netherlands to any measure which may affect their appearance or testimony in PCA Proceedings.

If this proposal is acceptable to the Permanent Court of Arbitration, the Ministry proposes that this Note and the Permanent Court of Arbitration's affirmative reply to it shall together constitute an Agreement between the Kingdom of the Netherlands and the Permanent Court of Arbitration. This Agreement shall enter into force on the date of receipt of the Permanent Court of Arbitration's reply by the Ministry.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the Permanent Court of Arbitration the assurances of its highest consideration.

*To the Permanent Court of Arbitration
at The Hague*