

SWITZERLAND



Treaty Series No. 56 (1972)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Swiss Confederation

regarding the Status, Privileges and
Immunities in Switzerland of the Court of
Arbitration in the Beagle Channel Case
and Persons connected therewith

London, 23 March 1972

[The Agreement entered into force on 23 March 1972]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
June 1972*

LONDON

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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 SWISS CONFEDERATION REGARDING
THE STATUS, PRIVILEGES AND IMMUNITIES IN SWITZERLAND
OF THE COURT OF ARBITRATION IN THE BEAGLE CHANNEL
CASE AND PERSONS CONNECTED THEREWITH**

No. 1

*The Swiss Ambassador in London to the Minister of State for
Foreign and Commonwealth Affairs*

*Embassy of Switzerland,
16-18, Montagu Place,
London.*

Sir,

23rd March, 1972.

I have the honour to refer to the discussions which have taken place between representatives of the Government of the Swiss Confederation and representatives of the Government of the United Kingdom of Great Britain and Northern Ireland in connection with the establishment at Geneva of the seat of the Court of Arbitration appointed by Her Britannic Majesty's Government for the purpose of fulfilling their duties as Arbitrator in the controversy between the Argentine Republic and the Republic of Chile concerning the region of the Beagle Channel.

As a result of these discussions I have the honour to inform you that the Government of the Swiss Confederation are prepared to accord to the Court of Arbitration and to persons participating in the proceedings before it the status, privileges and immunities set out in the Annex to this Note.

If this is acceptable to the Government of the United Kingdom, I have the honour to propose that this Note, together with your reply to that effect, shall constitute an Agreement between our two Governments which shall enter into force on the date of your reply.

I have the honour to be,
with the highest consideration,
Your Excellency's obedient Servant,
A. WEITNAUER

ANNEX

1. (a) The Court of Arbitration, the members of the Court, the Registrar of the Court and experts appointed by the Court shall be accorded the status, privileges and immunities which are accorded to a special mission and to representatives of the sending State in a special mission and members of its diplomatic staff by Articles 22 to 41 and 43 to 48 of the Convention on Special Missions adopted by the General Assembly of the United Nations on 8 December, 1969. Members of the administrative and technical staff of the Court shall be accorded the status, privileges and immunities which are accorded to members of the administrative and technical staff of a special mission by those Articles.

(b) In the case of any person referred to in this paragraph of this Annex the authority responsible for waiving immunity from jurisdiction shall be the Court of Arbitration. Immunity shall be waived in any case where such immunity would impede the course of justice and waiver would not prejudice the purpose for which immunity is accorded.

2. The missions appointed by the Argentine Republic and the Republic of Chile for the purposes of the arbitration, including the Agents, counsel and advisers, shall be accorded the status, privileges and immunities which are accorded to a special mission and to representatives of the sending State in a special mission and members of its diplomatic staff by Articles 22 to 41 and 43 to 48 of the Convention on Special Missions. Members of the administrative and technical staff of each mission shall be accorded the status, privileges and immunities which are accorded to members of the administrative and technical staff of a special mission by those Articles.

3. Witnesses called upon by the Court of Arbitration or by the Argentine Republic or the Republic of Chile to take part in the proceedings of the Court shall enjoy immunity from legal process in respect of oral or written statements made, or documents or other evidence submitted, by them before or to the Court.

4. (a) In accordance with the laws in force in Switzerland, interest on deposits made by the Governments of the Argentine Republic and of the Republic of Chile with a bank in Switzerland shall be exempt from Swiss tax if those deposits are held jointly in the names of the diplomatic missions or of the consular posts of both States and if both States would grant reciprocal treatment in respect of interest on deposits held by the Swiss Government in the Argentine Republic and the Republic of Chile in similar circumstances.

(b) No restrictions of any kind shall be imposed with regard to holdings of such funds in Switzerland.

5. Nothing in this Annex shall prejudice the status, privileges and immunities to which any person may be entitled apart from this Agreement.

No. 2

*The Minister of State for Foreign and Commonwealth Affairs to the
Swiss Ambassador in London*

*Foreign and Commonwealth Office,
London.*

Your Excellency,

23 March, 1972.

I have the honour to refer to Your Excellency's Note of today's date proposing an Agreement concerning the status, privileges and immunities in Switzerland of the Court of Arbitration in the Beagle Channel case and persons connected therewith, which reads as follows:

[As in No. 1]

I have the honour to inform you that the Government of the United Kingdom of Great Britain and Northern Ireland, having consulted the Court of Arbitration and the Governments of the Argentine Republic and the Republic of Chile, accept the foregoing proposal and agree that your Note and the present reply shall constitute an Agreement between our two Governments which shall enter into force on today's date.

I have the honour to be
with the highest consideration
Your Excellency's obedient Servant

J. GODBER

[Annex as in No. 1]