



Treaty Series No. 49 (1983)

## Exchanges of Notes

between the Governments of the  
United Kingdom of Great Britain and Northern Ireland,  
the French Republic and the Swiss Confederation  
concerning the deposit with the Competent Authority  
of the Republic and Canton of Geneva of the  
Archives of the Court of Arbitration on the  
Delimitation of the Continental Shelf between the  
United Kingdom and France

Berne, 17 May 1983

[The Agreement entered into force on 17 May 1983]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
September 1983*

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**EXCHANGES OF NOTES  
BETWEEN THE GOVERNMENTS OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND, THE FRENCH  
REPUBLIC AND THE SWISS CONFEDERATION CONCERNING  
THE DEPOSIT WITH THE COMPETENT AUTHORITY OF THE  
REPUBLIC AND CANTON OF GENEVA OF THE ARCHIVES OF  
THE COURT OF ARBITRATION ON DELIMITATION OF THE  
CONTINENTAL SHELF BETWEEN THE UNITED KINGDOM  
AND FRANCE**

No. 1

*Her Majesty's Ambassador at Berne to the Legal Adviser to the Directorate  
of Public International Law of the Swiss Federal Department of  
Foreign Affairs*

*British Embassy  
Berne*

*17 May 1983*

Your Excellency,

I have the honour to refer to discussions that have taken place between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic (hereinafter referred to as "the two Governments") and the Government of the Swiss Confederation on the subject of Article 24 of the Agreement of 14 January 1977<sup>(1)</sup> between the two Governments, of the one part, and the Government of the Swiss Confederation, of the other part, regarding the Status, Privileges and Immunities of the Court of Arbitration on Delimitation of the Continental Shelf between the United Kingdom and France and Persons participating in the work of the Court.

It appeared in the course of those discussions that, the functions of the Court of Arbitration having come to an end, and the Authorities of the Republic and Canton of Geneva having indicated their willingness to house the archives of the Court of Arbitration (hereinafter referred to as "the archives") on such terms and conditions as to access as may be approved by the two Governments, the Government of the Swiss Confederation is willing to release the two Governments from the obligation under the said Article 24 that the archives should be withdrawn, and agrees that the archives should remain indefinitely in Switzerland, but without prejudice to the right of the two Governments jointly to decide at any time upon the removal of the archives from Swiss territory or to the right of the Government of the Swiss Confederation (either on its own behalf or at the request of the Republic and Canton of Geneva) to make a corresponding request to the two Governments at any time. It further appeared that the Government of the Swiss Confederation is willing to agree that, for so long as the archives remain on Swiss territory, they shall not be subject to search

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(1) Treaty Series No. 86 (1977), Cmnd. 6956.

or seizure of any kind or to any other form of legal process, and that access to them shall be subject to the conditions set out in sub-paragraphs (a) to (c) below :

- (a) those persons having access to the archives are the duly authorised representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and of the Government of the French Republic, the President and the other members of the Court of Arbitration, the Registrar of the Court and, when authorised by the President or the Registrar, the Deputy Registrar of the Court of Arbitration and Mme René Lachenal, Secretary to the Registrar;
- (b) in order to have access to the archives persons other than those mentioned in sub-paragraph (a) must obtain a double authority in writing from the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland and from the Ministry of External Relations of the French Republic;
- (c) the archives are secret and cannot be published or divulged unless a decision to the contrary has been taken jointly by the Governments of the United Kingdom of Great Britain and Northern Ireland and of the French Republic.

I have the honour to confirm that the above-mentioned arrangements are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland and to propose that, if they are equally acceptable to the Government of the Swiss Confederation, the deposit of the Archives of the Court of Arbitration with the competent authority of the Republic and Canton of Geneva, on the terms and conditions set out above, shall take place as soon as I, and His Excellency the Ambassador of the French Republic, who is addressing a letter to you in identical terms<sup>(2)</sup>, have received your reply to that effect.

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

J. E. POWELL-JONES

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<sup>(2)</sup> See Note No. 2.

*The Ambassador of the French Republic at Berne to the Legal Adviser to the Directorate of Public International Law of the Swiss Federal Department of Foreign Affairs*

Berne

17 May 1983

Monsieur l'Ambassadeur,

J'ai l'honneur de me référer aux discussions qui ont eu lieu entre le gouvernement de la République française, le gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord (ci-après dénommés "les deux gouvernements") et le gouvernement de la Confédération Suisse, au sujet de l'article 24 de l'Accord du 14 janvier 1977 entre les deux gouvernements, d'une part, et le gouvernement de la Confédération Suisse, d'autre part, en ce qui concerne le statut, les privilèges et les immunités du Tribunal arbitral chargé de la délimitation du plateau continental entre la France et le Royaume-Uni et des personnes participant aux travaux du Tribunal.

Les fonctions du Tribunal arbitral ayant pris fin et les autorités de la République et Canton de Genève s'étant montrées prêtes à abriter les archives du Tribunal (ci-après dénommées "les archives") selon les modalités d'accès soumises à l'approbation des deux gouvernements, il est apparu au cours des discussions que le gouvernement de la Confédération Suisse était prêt à libérer les deux gouvernements de l'obligation prévue au dit article 24 concernant le retrait des archives du Tribunal arbitral et à consentir à ce que les archives restent indéfiniment en Suisse, sans préjudice du droit des deux gouvernements de décider conjointement et à tout moment de retirer du territoire suisse les archives dont il s'agit, ni du droit du gouvernement de la Confédération Suisse de faire, à tout moment, une demande analogue aux deux gouvernements (soit en son nom, soit au nom de la République et Canton de Genève). Il est apparu en outre que le gouvernement de la Confédération Suisse était d'accord pour que les archives en question, tant qu'elles resteront en territoire suisse, ne puissent faire l'objet d'aucune perquisition ni saisie, ni de toute autre forme de procédure judiciaire et que leur accès sera soumis aux conditions exposées ci-après dans les sous-paragraphes a) à c):

- a) — Les personnes ayant accès aux archives sont les représentants dûment autorisés du gouvernement de la République française et du gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, le Président et les autres membres du Tribunal arbitral, le greffier et, avec l'autorisation du Président ou du greffier, le greffier-adjoint du Tribunal arbitral et Mme Renée LACHENAL, secrétaire du greffier;
- b) — Pour pouvoir accéder aux archives, les personnes autres que celles mentionnées au sous-paragraph a) doivent être munies d'une double autorisation écrite du Ministère des Relations Extérieures de la République française et du Ministère des Affaires Etrangères (Foreign Office) du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord;

- c) —Les archives sont secrètes et ne pourront faire l'objet d'aucune publication ni divulgation, sauf si une décision contraire a été prise en commun par les gouvernements de la République française et du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.

J'ai l'honneur de confirmer que les dispositions précitées recueillent l'approbation du gouvernement de la République française, et de proposer, si elles recueillent également l'approbation du gouvernement de la Confédération Suisse, que le dépôt des archives du Tribunal arbitral auprès des autorités compétentes de la République et Canton de Genève, selon les modalités mentionnées ci-dessus, s'effectue dès que moi-même et Son Excellence l'Ambassadeur de Grande-Bretagne, qui vous adresse une lettre formulée dans les mêmes termes que la présente, aurons reçu de Votre Excellence une réponse dans ce sens.

Je saisis cette occasion pour renouveler à Votre Excellence les assurances de ma très haute considération.

GEORGES EGAL

No. 3

*The Legal Adviser to the Directorate of Public International Law of the  
Swiss Federal Department of Foreign Affairs to Her Majesty's Ambassador  
at Berne*

*Federal Department of Foreign Affairs  
Berne*

*17 May 1983*

Your Excellency,

I have the honour to acknowledge the receipt of Your Excellency's letter of 17 May 1983 which reads as follows :

[As in No. 1]

In reply I have the honour to inform Your Excellency that the arrangements set out in your letter are acceptable to the Government of the Swiss Confederation which therefore agree that, on the receipt of this letter and of a similar letter addressed to His Excellency the Ambassador of the French Republic, the archives of the Court of Arbitration shall be deposited with the competent authority of the Republic and Canton of Geneva on the terms and conditions set out in your Excellency's letter.

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

J. MONNIER

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