

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2012 Nr. 102**

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A. TITEL

*Verdrag inzake de zetel van het Permanente Hof van Arbitrage;  
's-Gravenhage, 30 maart 1999*

B. TEKST

De Engelse tekst van het Verdrag is geplaatst in *Trb.* 1999, 68.

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Op 6 juni 2012 is te 's-Gravenhage een notawisseling tot stand gekomen houdende een verdrag tot aanvulling van het Verdrag. De Engelse tekst van deze notawisseling luidt als volgt:

**Nr. I**

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*

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## Nr. II

### PERMANENT COURT OF ARBITRATION

Supplementary agreement to the Agreement concerning the Headquarters of the Permanent Court of Arbitration

#### NOTE IN REPLY

The Hague, 6 June 2012

The Permanent Court of Arbitration presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honour to acknowledge the receipt of the latter's Note No. MINBUZA-2012.12246 of 6 June 2012, which reads as follows:

(Zoals in Nr. I)

The Permanent Court of Arbitration has the honour to inform the Ministry that the proposals set out in the Ministry's Note are acceptable to the Permanent Court of Arbitration and to confirm that the Ministry's

Note and this Note, shall 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 this affirmative Note in reply by the Ministry.

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

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D. PARLEMENT

Zie *Trb.* 1999, 68.

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Het in de nota's vervatte verdrag van 6 juni 2012 behoeft niet de goedkeuring van de Staten-Generaal ingevolge artikel 7, onderdeel a, van de Rijkswet goedkeuring en bekendmaking verdragen en artikel 3 van de Wet van 24 december 1947 (*Stb.* H 452), houdende goedkeuring van de toetreding tot het voor de Algemene Vergadering van de Verenigde Naties op 13 februari 1946 aangenomen Verdrag nopens de voorrechten en immuniteiten van de Verenigde Naties (*Stb.* I 224). Dit artikel luidt:

„Artikel 3

Wij behouden Ons voor verdragen te bekrachtigen en andere maatregelen te nemen teneinde aan andere internationale organisaties overeenkomstige voorrechten en immuniteiten toe te kennen als in het in artikel 1 bedoelde Verdrag worden toegekend aan de Verenigde Naties.”.

Deze Wet is gecontrasigneerd door de Minister van Buitenlandse Zaken W. F. VAN BOETZELAER, de Minister van Justitie J. H. VAN MAARSEVEEN, de Minister van Financiën P. LIEFTINCK en de Minister van Overzeese Gebiedsdelen a.i. GÖTZEN.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 1947/1948, 629; Hand. II 1947/1948, blz. 636; Hand. I 1947/1948, 629.

G. INWERKINGTREDING

Zie *Trb.* 2000, 90.

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De bepalingen van het in de nota's vervatte verdrag van 6 juni 2012 zijn ingevolge het gestelde in de op één na laatste alinea van nota Nr. I en nota nr. II op 6 juni 2012 in werking getreden.

Wat betreft het Koninkrijk der Nederlanden, geldt het verdrag alleen voor Nederland (het Europese deel).

#### J. VERWIJZINGEN

Zie *Trb.* 1999, 68.

Titel : Verdrag voor de vreedzame beslechting van internationale geschillen;  
's-Gravenhage, 29 juli 1899

Laatste *Trb.* : *Trb.* 2011, 191

Titel : Verdrag voor de vreedzame beslechting van internationale geschillen;  
's-Gravenhage, 18 oktober 1907

Laatste *Trb.* : *Trb.* 2011, 192

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het in de nota's vervatte verdrag van 6 juni 2012 zal zijn bekendgemaakt in Nederland (het Europese deel) op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *eenentwintigste* juni 2012.

*De Minister van Buitenlandse Zaken,*

U. ROSENTHAL