

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1969 Nr. 79

A. TITEL

*Protocol tot verdere verlenging van bepaalde voorzieningen van
de Internationale Suikerovereenkomst van 1958;
Londen, 25 november 1968*

B. TEKST ¹⁾

**Protocol for further prolongation of certain provisions of the
International Sugar Agreement of 1958**

The Governments parties to this Protocol,

Considering that the International Sugar Agreement of 1958 (hereinafter referred to as "the Agreement") expired on 31 December 1963 and that certain provisions of it have been continued in effect by a series of Protocols, the last one of which (hereinafter referred to as "the 1966 Protocol") is due to expire on 31 December 1968;

Desiring to continue the said provisions of the Agreement in force for a further period pending the entry into force of the new International Sugar Agreement negotiated at the United Nations Sugar Conference, 1968;

Have agreed as follows:

Article 1

(1) The Agreement shall, subject to the provisions of Article 2 hereof, continue in force between the parties to this Protocol until the new International Sugar Agreement has entered into force whether provisionally or definitively or until 31 December 1969 whichever event first happens.

(2) Any Government which was not a party to the Agreement as continued in force by the 1966 Protocol but which becomes a party

¹⁾ De Chinese, de Franse, de Russische en de Spaanse tekst zijn niet afgedrukt.

to this Protocol shall be deemed to be a party to the Agreement as continued in force.

Article 2

(1) Paragraphs (2) and (3) of Article 3, Articles 7 to 25 inclusive, paragraph (5) of Article 27, paragraph (6) of Article 38, Articles 41 and 42 and paragraphs (4) and (7) of Article 44 of the Agreement shall be deemed to be inoperative.

(2) The Agreement as continued in force under this Protocol shall be read with such modifications and adaptations as may be required by this Protocol.

Article 3

The following shall be substituted for paragraph (5) of Article 27 and paragraph (6) of Article 38:

“(1) The Council shall have legal personality. It shall in particular have the capacity to contract, acquire and dispose of movable and immovable property and to institute legal proceedings.

(2) The Government of the country in which the headquarters of the Council is situated (hereinafter referred to as ‘the host Government’) shall as soon as possible after the entry into force of this Protocol, conclude with the Council an agreement relating to the status, privileges and immunities of the Council, of its Executive Director, its staff and experts and of representatives of its Members while in the territory of the host Government for the purpose of exercising their functions.

(3) The agreement envisaged in paragraph (2) of this Article shall be independent of the Agreement and shall prescribe the conditions for its own termination.

(4) Unless any other taxation arrangements are implemented under the agreement envisaged in paragraph (2) of this Article, the host Government:

- (a) shall grant exemption from taxation on the remuneration paid by the Council to its employees, except that such exemption need not apply to nationals of that country; and
- (b) shall grant exemption from taxation on the assets, income and other property of the Council.”

Article 4

(1) Any Government may become a party to this Protocol

(a) by signing it; or

(b) by ratifying, accepting or approving it after having signed it subject to ratification, acceptance or approval; or

(c) by acceding to it.

(2) When signing this Protocol, each signatory Government shall formally state whether, under its constitutional procedures, its signature is, or is not, subject to ratification, acceptance or approval.

Article 5

(1) This Protocol shall be open for signature at London from 25 November to 31 December 1968 inclusive, by any Government which is a party to the Agreement or to any of the Protocols; or which is a member of the United Nations, of any of the Specialized Agencies or of the International Atomic Energy Agency.

(2) Where ratification, approval or acceptance is required, the relevant instrument shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland.

(3) This Protocol shall, after 31 December 1968, be open for accession by any of the Governments referred to in paragraph (1) hereof by deposit of an instrument of accession with the Government of the United Kingdom of Great Britain and Northern Ireland.

(4) The number of votes to be exercised in the Council by any Government which becomes a party to this Protocol and which is not referred to in Article 33 or 34 of the Agreement shall first be agreed upon by the Council and such Government.

Article 6

(1) This Protocol shall enter into force on 1 January 1969 among those Governments which have by that date become parties to it, provided that such Governments hold together not less than 60 per cent of the votes of the importing countries and 70 per cent of the votes of the exporting countries under the Agreement as continued in force by this Protocol. Instruments of ratification, acceptance, approval or accession deposited thereafter shall take effect on the date of deposit of each such instrument.

(2) In calculating whether the percentage requirements referred to in paragraph (1) hereof have been met, a notification which contains an undertaking to seek ratification, acceptance, approval or accession in accordance with constitutional procedures as rapidly as possible, if possible before 1 July 1969, and is received by the Government of the United Kingdom of Great Britain and Northern Ireland before 1 January 1969, shall be taken into account.

(3) If this Protocol has not entered into force by 1 January 1969 then the Governments which have satisfied the requirements of Article 4 hereof may, notwithstanding the provisions of paragraph (1) hereof, agree to put it into force among themselves.

Article 7

Governments parties to this Protocol undertake to pay their contributions under Article 38 of the Agreement as continued in force by this Protocol according to their constitutional procedures. At its first session under this Protocol the Council shall approve its budget for that quota year and shall assess the contributions to be paid by each Participating Government.

Article 8

(1) The Government of the United Kingdom of Great Britain and Northern Ireland shall promptly inform all Governments represented at the United Nations Sugar Conference, 1968, of each signature, ratification, acceptance or approval of this Protocol, of each accession thereto, of each notification received under paragraph (2) of Article 6 and of the date of entry into force of this Protocol.

(2) This Protocol, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified copies thereof to each signatory or acceding Government.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective Governments, have signed this Protocol.

DONE at London, the twenty-fifth day of November, one thousand nine hundred and sixty-eight.

For Argentina

Esta firma está sujeta a ratificación.

(sd.) E. MCLOUGHLIN

For Australia

This signature is not subject to ratification, acceptance or approval.

(sd.) A. R. DOWNER

For Belgium

Au nom de la Belgique et du Grand-Duché de Luxembourg, sous réserve d'approbation ou de ratification.

(sd.) J. VAN DEN BOSCH

For Brazil

This signature is not subject to ratification, acceptance or approval.

(sd.) RONALDO COSTA

For Canada

This signature is not subject to ratification, acceptance or approval.

(sd.) C. S. A. RITCHIE

For China

The Government of the Republic of China is the only legitimate Government of China. In signing this Protocol, I declare, in the name of my Government, that any statements or reservations made thereto which are incompatible with or derogatory to the legitimate position of the Government of the Republic of China are illegal, and therefore null and void. *(vertaling)*

Not subject to ratification, acceptance or approval.

(sd.) CHENG PAONAN

For Costa Rica

Subject to ratification.

(sd.) M. J. ESCALANTE-DURAN

For Cuba

Sujeto a ratificación. La firma en nombre de la República de Cuba del presente Protocolo que prorroga ciertas disposiciones del Convenio Internacional del Azúcar de 1958, que en sus artículos 14 y 34 menciona a China (Taiwán) en ningún momento significa, por parte del Gobierno de Cuba, reconocimiento del Gobierno de Chiang Kai-Shek sobre el territorio de Taiwán ni reconocimiento del llamado „Gobierno Nacionalista de China” como legal o competente de China.

(sd.) ALBA GRIÑÁN

For Czechoslovakia

This signature is not subject to ratification, acceptance or approval. Subject to the reservations concerning Articles 10, 11, 12 and 14 made by the Czechoslovak Government at the time of signature of the International Sugar Agreement of 1958.

(sd.) Dr. MILOSLAV RUŽEK

For Denmark

This signature is not subject to ratification, acceptance or approval.

(sd.) E. KRISTIANSEN

For the Dominican Republic

Sujeto a ratificación.

(sd.) PORFIRIO HERRERA-BÁEZ

For El Salvador

This signature is not subject to ratification, acceptance or approval.

(sd.) MANUEL MONTERROSA

For France

Cette signature n'est pas soumise à ratification, acceptation ou approbation. Au moment de procéder à la signature du présent Protocole, le Gouvernement français déclare qu'il tient la signature des autorités de Taïpeh en tant que „République de Chine” pour dépourvue de toute validité. Il considère en effet la République Populaire de Chine comme seule qualifiée pour engager la Chine et pour la représenter dans les organismes internationaux.

(sd.) GÉRARD ANDRÉ

For the Federal Republic of Germany

Subject to acceptance.

(sd.) BLANKENHORN

For Ghana

This signature is not subject to ratification, acceptance or approval.

(sd.) S. K. ANTHONY

For Guatemala

Sujeto a ratificación. En el momento de firmar el presente Instrumento Internacional, el Gobierno de Guatemala formula las declaraciones formales ¹⁾ que figuran en la Nota Número 1494/68/350 que en este mismo acto se entrega al Gobierno Depositario.

(sd.) C. PAREDES

For Guyana

This signature is not subject to ratification, acceptance or approval.

(sd.) S. N. SELMAN

For Haiti

This signature is not subject to ratification, acceptance or approval.

(sd.) DELORME MÉHU

1) De tekst van die verklaringen luidt als volgt:

„La firma, aprobación, ratificación y aplicación der Protocolo, no implicará el reconocimiento de la República de Guatemala de ningún territorio como Estado soberano y de ningún régimen como Gobierno legal que a la fecha no se encuentren reconocidos por ella. Tampoco implicará el establecimiento ni la reanudación de relaciones diplomáticas con aquellos países con los que actualmente no se mantengan.”.

For Honduras

Signature subject to ratification.

(sd.) CARLOS LOPEZ C

For Hungary

Subject to ratification.

(sd.) LÁSZLÓ UJHÁZY

For India

This signature is not subject to ratification, acceptance or approval, and it is subject to the declaration and reservations made by the Government of India on their accession to the International Sugar Agreement of 1958.

(sd.) SHANTI S. DHAVAN

For Ireland

This signature is not subject to Ratification, Acceptance or Approval.

(sd.) J. MOLLOY

For Italy

Subject to ratification.

(sd.) RAIMONDO MANZINI

For Japan

This signature is not subject to ratification, acceptance or approval.

(sd.) M. YUKAWA

For Madagascar

This signature is not subject to ratification, acceptance or approval.

(sd.) C. RABENORO

For Mauritius

This signature is not subject to Ratification, Acceptance or Approval.

(sd.) L. TEELOCK

For Mexico

Subject to ratification.

(sd.) EDUARDO SUÁREZ

For Morocco

En application des lois constitutionnelles ma signature est sujette à ratification, acceptation ou approbation.

(sd.) LALLA AICHA

For the Netherlands

This signature is not subject to ratification, acceptance or approval.

(sd.) J. H. VAN ROIJEN

For New Zealand

This signature is not subject to ratification, acceptance or approval.

(sd.) DENIS BLUNDELL

For Nicaragua

Subject to ratification.

(sd.) MARCEL J. ULVERT

For Peru

Firma sujeta a aprobación.

(sd.) G. N. DE ARÁMBURU

For Poland

Subject to ratification.

(sd.) J. MORAWSKI

For Portugal

Subject to ratification.

(sd.) JOSÉ MANUEL DE VILLAS-BOAS

For South Africa

This signature is not subject to ratification, acceptance or approval.

(sd.) J. VAN DALSEN

For Swaziland

Subject to ratification.

(sd.) NKOMENI DOUGLAS NTIWANE

For Trinidad and Tobago

This signature is not subject to ratification, acceptance or approval.

(sd.) W. ANDREW ROSE

For the Union of Soviet Socialist Republics

The reservations made by the Soviet Union when ratifying the 1963 Protocol for the Prolongation of the International Sugar Agreement of 1958 remain in force. This Protocol is not subject to subsequent ratification, acceptance or approval by the U.S.S.R. (*vertaling*)

(sd.) B. GORDEEV

For the United Kingdom of Great Britain en Northern Ireland

This signature is not subject to ratification, acceptance or approval.

At the time of signing the present Protocol I declare that since the Government of the United Kingdom do not recognise the Nationalist Chinese authorities as the competent Government of China, they cannot regard signature of the Protocol by a Nationalist Chinese representative as a valid signature on behalf of China.

(sd.) FRED MULLEY

E. BEKRACHTIGING

Kennisgevingen als bedoeld in artikel 6, lid 2, van het Protocol, zijn vóór 1 januari 1969 door de Regering van het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland ontvangen van de volgende Staten:

Argentinië
België
Costa Rica
Cuba
de Dominicaanse Republiek
de Bondsrepubliek Duitsland
Guatemala
Honduras
Hongarije
Italië
Mexico
Nicaragua
Polen
Portugal
Swaziland

F. TOETREDING

In overeenstemming met artikel 4, lid 1 (c), heeft de volgende Staat een akte van toetreding nedergelegd bij de Regering van het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland:

Columbia 1 januari 1969

G. INWERKINGTREDING

De bepalingen van het Protocol zouden ingevolge artikel 6, eerste lid, op 1 januari 1969 mede voor het Koninkrijk der Nederlanden (gehele Koninkrijk) in werking zijn getreden wanneer niet op die datum de Internationale Suikerovereenkomst, 1968, voorlopig in werking getreden was (vergelijk artikel 1, eerste lid, van het Protocol).

J. GEGEVENS

Van de op 1 december 1958 te Londen voor ondertekening opengestelde Internationale Suikerovereenkomst, tot verdere verlenging van bepaalde voorzieningen waarvan het onderhavige Protocol strekt, zijn tekst en vertaling geplaatst in *Trb.* 1959, 21. Zie ook *Trb.* 1961, 37. Deze Overeenkomst was reeds eerder verlengd bij een daartoe strekkend, op 1 augustus 1963 te Londen voor ondertekening opengesteld Protocol (tekst en vertaling in *Trb.* 1963, 170; zie ook *Trb.* 1965, 149), bij een daartoe strekkend, op 1 november 1965 te Londen voor ondertekening opengesteld Protocol (tekst in *Trb.* 1966, 119) en bij een daartoe strekkend, op 14 november 1966 te Londen voor ondertekening opengesteld Protocol (tekst en vertaling in *Trb.* 1967, 55; zie ook *Trb.* 1967, 152).

De Internationale Suikerovereenkomst, 1968, naar welke Overeenkomst onder meer in de preambule tot het onderhavige Protocol wordt verwezen, is op 3 december 1968 te New York voor ondertekening opengesteld. Het Koninkrijk der Nederlanden is niet partij bij die Overeenkomst.

Van het op 26 juni 1945 te San Francisco tot stand gekomen Handvest der Verenigde Naties, welke Organisatie wordt genoemd in artikel 5, eerste lid, van het onderhavige Protocol, zijn tekst en vertaling geplaatst in *Stb.* F 321. Zie ook, laatstelijk, *Trb.* 1968, 107.

Van het op 26 oktober 1956 te New York tot stand gekomen Statuut van de Internationale Organisatie voor Atoomenergie, welke Organisatie wordt genoemd in artikel 5, eerste lid, van het onderhavige Protocol, zijn tekst en vertaling geplaatst in *Trb.* 1957, 50. Zie ook, laatstelijk, *Trb.* 1967, 133.

Uitgegeven de negenentwintigste mei 1969.

De Minister van Buitenlandse Zaken a.i.,
J. A. BAKKER.