

No. 7414

NETHERLANDS
and
THE HAGUE CONFERENCE ON PRIVATE
INTERNATIONAL LAW

**Exchange of letters constituting an agreement concerning
the privileges and immunities of the organs of the
Conference (with annex). The Hague, 1 December 1959**

Official text : French.

Registered by the Netherlands on 15 September 1964.

PAYS-BAS
et
CONFÉRENCE DE LA HAYE DE DROIT
INTERNATIONAL PRIVÉ

**Échange de lettres constituant un accord concernant les
privilèges et immunités des organes de la Conférence
(avec annexe). La Haye, 1^{er} décembre 1959**

Texte officiel français.

Enregistré par les Pays-Bas le 15 septembre 1964.

[TRANSLATION — TRADUCTION]

No. 7414. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE NETHERLANDS AND THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW CONCERNING THE PRIVILEGES AND IMMUNITIES OF THE ORGANS OF THE CONFERENCE. THE HAGUE, 1 DECEMBER 1959

I

THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

The Secretary General

No. 1087/59.vH/L.

The Hague, 1 December 1959

Sir,

As you are aware, the Statute of The Hague Conference on Private International Law of 31 October 1951² prescribes that this organization shall have its seat at The Hague, and article 4 of the Statute provides for the establishment of a Permanent Bureau.

In order to enable the organs of the Conference to carry on their activities in an independent and effective manner, it is desirable that the privileges and immunities enjoyed by those organs in the territory of the State in which the Conference has its seat should be defined by means of an agreement with the Government of that State, i.e., with the Government of your country, since a considerable part of the property and assets of the Conference will be situated in Netherlands territory and the sessions of the Conference will normally be held in the Netherlands.

It has been deemed appropriate to include in the agreement in question the rules governing the privileges and immunities to be granted to the Permanent Bureau of the Conference, and also a number of clauses concerning the property and assets of the Conference and the privileges and immunities to be enjoyed by delegates and observers to sessions of the Conference or of one of its committees.

These rules are set out in the annex to this note.

Having been authorized by the member Governments to approve the provisions contained in the annex to this letter, I have the honour to propose to you that this note and your reply shall be regarded as constituting an Agreement

¹ Came into force on 1 December 1959 by the exchange of the said letters.

² United Nations, *Treaty Series*, Vol. 220, p. 121; Vol. 226, p. 384, and p. 317 of this volume.

between the Conference and the Netherlands Government, and that the said Agreement shall enter into force immediately and remain in force until a date one month after receipt of a note in which one of the Parties notifies the other of its denunciation.

It is, however, understood that so far as the Netherlands is concerned the Agreement shall apply only to the Kingdom in Europe.

Accept, Sir, the assurances of my highest consideration.

(Signed) M. H. VAN HOOGSTRAATEN
Secretary General

His Excellency Mr. J. M. A. H. Luns
Minister for Foreign Affairs of the Netherlands
Ministry of Foreign Affairs
The Hague

A N N E X

A. 1. The juridical personality of the Hague Conference on Private International Law shall be recognized.

2. Delegates and observers to sessions of the Conference or of one of its committees appointed as such by their Governments and observers attending a session at the invitation of the Conference shall, while exercising their functions and during the journey to and from the place of meeting, enjoy :

- (a) Immunity from arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;
- (b) Inviolability for all papers and documents in their possession;
- (c) The same facilities in respect of their personal baggage as are accorded to representatives of foreign Governments on official missions.

B. 3. The property and assets of the Conference and the premises in which the offices of the Permanent Bureau are located shall be immune from search, requisition, confiscation or expropriation.

The funds of the Conference shall be inviolable and if expressed in guilders, may be freely converted into the currency of one of the members.

Documents and archives belonging to or held by the Permanent Bureau, or held by third parties on behalf of or for the use of the Permanent Bureau, shall be inviolable, wherever located in the Netherlands.

4. The Permanent Bureau shall have the right to dispatch and receive its official correspondence with members and with international organizations by couriers who shall enjoy the same privileges and immunities as diplomatic couriers. No censorship shall be applied to correspondence and other communications dispatched or received by the Permanent Bureau.

5. The Permanent Bureau and the assets, income and other property of the Conference shall be :

- (a) Exempt from all direct taxes; it is understood, however, that the Permanent Bureau will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) Exempt from customs duties and all other taxes on imports, and from all prohibitions and restrictions on imports in respect of articles intended for the official use of the Bureau.

The Permanent Bureau shall, however, be liable to pay duty whenever articles imported free of duty are, temporarily or otherwise, sold or transferred to third parties or placed at their disposal for their personal use.

C. 6. Officials of the Permanent Bureau shall enjoy exemption from Netherlands taxation, in respect of the salaries and emoluments paid by the Permanent Bureau, if such salaries and emoluments are subject to assessments payable to the Conference.

The Secretary General and the Secretaries of the Permanent Bureau shall :

- (a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) Enjoy inviolability for all documents in their possession.

7. Officials of the Permanent Bureau who do not possess Netherlands nationality shall, in addition, enjoy the following immunities :

- (a) They shall be immune, together with their spouses and persons dependent on them who live with their family, from immigration restrictions and alien registration, and shall be exempt from national service obligations in the Netherlands; their arrival and departure must, however, be reported to the Ministry of Foreign Affairs;
- (b) They shall be accorded the same privileges in respect of exchange facilities as are accorded to members of diplomatic missions of comparable rank accredited to The Hague;
- (c) They shall have the right to import free of duty their furniture and effects at the time of first taking up their post in the Netherlands, or at the time of the first arrival of their spouses and persons dependent on them who live with their family; it is understood that nationals of the Kingdom of Belgium and of the Grand Duchy of Luxembourg may not, by virtue of this provision, claim exemption from the duties, taxes and other charges which have been or may in the future be unified pursuant to the conventions for the establishment of the Economic Union of Belgium, Luxembourg, and the Netherlands;¹
- (d) They shall be given, together with their spouses and persons dependent on them who live with their families, the same repatriation facilities in time of international crisis as members of diplomatic missions of comparable rank.

8. The Ministry of Foreign Affairs shall provide the officials referred to in section 7 with an identity card, for the duration of their tour of duty in the Netherlands; the Ministry shall also issue registration certificates for the motor vehicles of such officials.

¹ United Nations, *Treaty Series*, Vol. 381, p. 165, and Vol. 480, p. 432.

D. 9. Privileges and immunities are granted to officials in the interests of the Permanent Bureau and not for the personal benefit of the individual officials.

The Secretary General, acting on behalf of the Permanent Bureau, shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Permanent Bureau.

The decision to waive the immunity of the Secretary General shall rest with the Conference.

The decision to waive the immunity of government representatives shall rest with their Governments.

In the case of observers attending a session at the invitation of the Conference, such decision shall rest with the Conference or the committee, as the case may be.

II

MINISTRY OF FOREIGN AFFAIRS

No. DAZ/VZ-164833

The Hague, 1 December 1959

Sir,

In your communication No. 1087/59.vH/L, dated 1 December 1959, you were good enough to propose rules concerning the privileges and immunities which the Netherlands Government might grant in Netherlands territory to the Hague Conference, its organs and its staff members.

I hereby have the honour to signify the Netherlands Government's approval of that text.

I also agree with your proposal that your aforementioned note and this reply shall be regarded as constituting an Agreement between the Netherlands Government and the Conference, and that the said Agreement shall enter into force immediately and remain in force until a date one month after receipt of a note in which one of the Parties notifies the other of its denunciation.

It is understood, however, that so far as the Kingdom of the Netherlands is concerned this Agreement shall apply only to the Kingdom in Europe.

Accept, Sir, the assurances of my highest consideration.

(Signed) J. DE QUAY
Acting Minister for Foreign Affairs

The Secretary General of the Hague Conference
on Private International Law
The Hague