

No. 15025

NETHERLANDS
and
TONGA

Exchange of notes constituting an agreement concerning the application of the Convention between Great Britain and Northern Ireland and the Netherlands regarding legal proceedings in civil and commercial matters, signed at London on 31 May 1932. Nuku'alofa, 6 June 1973, The Hague, 26 June 1975, and Nuku'alofa, 8 September 1975

Authentic text: English.

Registered by the Netherlands on 24 September 1976.

PAYS-BAS
et
TONGA

Échange de notes constituant un accord relatif à l'application de la Convention entre la Grande-Bretagne et l'Irlande du Nord et les Pays-Bas concernant les actes de procédure en matières civile et commerciale, signée à Londres le 31 mai 1932. Nukualofa, 6 juin 1973, La Haye, 26 juin 1975, et Nukualofa, 8 septembre 1975

Texte authentique : anglais.

Enregistré par les Pays-Bas le 24 septembre 1976.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE KINGDOM OF TONGA CONCERNING THE APPLICATION OF THE CONVENTION BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND THE NETHERLANDS REGARDING LEGAL PROCEEDINGS IN CIVIL AND COMMERCIAL MATTERS, SIGNED AT LONDON ON MAY 31, 1932²

I

PRIME MINISTER'S OFFICE
NUKU'ALOFA, TONGA

6 June 1973

Ref. F42/2/57

Your Excellency,

On the 18th June 1970 the Government of Tonga notified the Secretary-General of the United Nations that in principle it acknowledged that treaty rights and obligations of the Kingdom of Tonga, for which the United Kingdom was responsible as the Protecting Power, would be inherited upon withdrawal of that Power's protection, by virtue of customary international law; but that since it is likely that in virtue of customary international law certain treaties may have lapsed at the date of withdrawal of the aforesaid protection, it seemed essential that each treaty should be subjected to legal examination.

The Government of Tonga has examined:

- The Convention on Legal Proceedings in Civil and Commercial Matters, signed on the 31st May 1932.²

I have the honour to inform you that the Government of Tonga desires that the above Convention should continue to regulate the matters contained therein as between our respective countries to the extent to which they regulated them before (. . .) independence. If this is acceptable to your Government I have the honour to suggest that your Government's reply in that sense and this Note should be considered by our respective Governments as constituting an agreement to that effect.

Accept, Your Excellency, the assurance of my highest consideration.

[Signed]

H.R.H. Prince TU'IPELEHAKE
Prime Minister
and Minister of Foreign Affairs

The Minister for Foreign Affairs
The Government of the Netherlands
The Hague, Netherlands

¹ Came into force on 1 July 1976, the date on which the Government of the Kingdom of the Netherlands notified in writing the Government of the Kingdom of Tonga that the procedures constitutionally required in the Netherlands had been complied with, in accordance with the provisions of the said notes.

² League of Nations, *Treaty Series*, vol. CXL, p. 287.

II

MINISTERIE VAN BUITENLANDSE ZAKEN¹

Treaties Department

The Hague, June 26, 1975

DVE/VV-156890

Excellency,

I have the honour to acknowledge receipt of your Note of 6 June 1973, Ref. F42/2/57, which reads as follows:

[See note I]

I would like to inform you that the Government of the Kingdom of the Netherlands accepts the proposal of the Government of the Kingdom of Tonga that the Convention between the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland concerning the mutual assistance in the conduct of proceedings in civil and commercial matters, signed at London on 31 May 1932, shall be binding between their countries.

I would like further to inform you that the Government of the Kingdom of the Netherlands is prepared to conclude an agreement to that effect with the Government of the Kingdom of Tonga.

The Government of the Kingdom of the Netherlands, however, proposes that this agreement, which shall be constituted by your Note of 6 June 1973, Ref. 42/2/57, this Note and your Note in reply concurring therein, shall be applied in such a way that requests of the competent judicial authority in one country to the competent judicial authority in the other country for service of judicial and extra-judicial documents or for the taking of evidence may either be addressed and sent in accordance with the régime provided for in and under the Convention of 1932 or be communicated directly between these judicial authorities.

The Government of the Kingdom of the Netherlands further proposes that this agreement shall enter into force on the date on which the Government of the Kingdom of the Netherlands has notified the Government of the Kingdom of Tonga in writing that the procedures constitutionally required in the Kingdom of the Netherlands in respect of this agreement have been complied with and shall apply, as regards the Kingdom of the Netherlands, to the territory of the Kingdom in Europe and the Netherlands Antilles.

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

M. VAN DER STOEL

The Prime Minister and Minister of Foreign Affairs
of the Kingdom of Tonga

¹ Ministry of Foreign Affairs.

III

MINISTRY OF FOREIGN AFFAIRS
NUKU'ALOFA

F42/2/57

Your Excellency,

I have the honour to acknowledge receipt of your Note No. DVE/VV-156890 of 26th June 1975.

I would like to inform you that the Government of the Kingdom of Tonga agrees that the agreement between the Government of the Kingdom of the Netherlands and the Government of the Kingdom of Tonga, which is constituted by my note of 6th June 1973, Ref. F42/2/57, your Note No. DVE/VV-156890 of 26th June 1975 and this note and according to which the Convention between the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland concerning the mutual assistance in the conduct of proceedings in civil and commercial matters, signed at London on 31 May 1932, shall be binding between their countries, shall be applied in such a way that requests of the competent judicial authority in one country to the competent judicial authority in the other country for service of judicial and extra-judicial documents or for the taking of evidence may either be addressed and sent in accordance with the régime provided for in and under the Convention of 1932 or be communicated directly between those judicial authorities. The Government of the Kingdom of Tonga further agrees that this agreement shall enter into force on the date on which the Government of the Kingdom of the Netherlands has notified the Government of the Kingdom of Tonga in writing that the procedures constitutionally required in the Kingdom of the Netherlands in respect of this agreement have been complied with and shall apply, as regards the Kingdom of the Netherlands, to the territory of the Kingdom in Europe and to the Netherlands Antilles.

Accept, Your Excellency, the assurance of my highest consideration.

[Signed]

H.R.H. Prince TU'IPELEHAKE
Prime Minister
and Minister of Foreign Affairs

The Minister for Foreign Affairs
Government of the Netherlands
The Hague, Netherlands

8th September 1975.