

No. 25382

**FRANCE
and
SWITZERLAND**

Exchange of notes constituting an agreement concerning the status, privileges and immunities of the Arbitration Tribunal, its members and individuals participating in its work in the Franco-Canadian case of the trawler *La Bretagne*. Berne, 2 June 1986

Authentic text: French.

Registered by France on 6 October 1987.

**FRANCE
et
SUISSE**

Échange de notes constituant un accord relatif au statut, aux privilèges et immunités du Tribunal d'arbitrage, de ses membres et des personnes participant à ses travaux dans l'affaire franco-canadienne du chalutier *La Bretagne*. Berne, 2 juin 1986

Texte authentique : français.

Enregistré par la France le 6 octobre 1987.

[TRANSLATION — TRADUCTION]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN FRANCE AND SWITZERLAND CONCERNING THE STATUS, PRIVILEGES AND IMMUNITIES OF THE ARBITRATION TRIBUNAL, ITS MEMBERS AND INDIVIDUALS PARTICIPATING IN ITS WORK IN THE FRANCO-CANADIAN CASE OF THE TRAWLER *LA BRETAGNE*

I

FEDERAL DEPARTMENT OF FOREIGN AFFAIRS

p.B.14.42.27

The Federal Department of Foreign Affairs presents its compliments to the Embassy of France and, with reference to the Embassy's note No. 103, has the honour to inform it of the following:

The Department confirms the agreement of the Swiss authorities to the establishment at Geneva of the Headquarters of the Tribunal set up by the Arbitration Agreement signed at Paris on 23 October 1985 between the Government of the French Republic and the Government of Canada² to adjudicate the dispute between the two Governments concerning the application of the Agreement on their mutual fishing relations, signed at Ottawa on 27 March 1972.³ As the Department has already informed the Embassy of France, the status, privileges and immunities of the Arbitration Tribunal, its members and individuals participating in its work shall be established for the duration of the proceedings in Switzerland, in accordance with the Convention on special missions of 8 December 1969,⁴ which has been ratified by Switzerland and entered into force on 21 June 1985.

Articles 22 to 41 and 43 to 48 of that Convention shall apply by analogy to the Arbitration Tribunal, its members, experts appointed by the Tribunal, the administrative and technical staff of the Tribunal and individuals in the private service of members of the Tribunal.

These provisions shall apply equally to the missions appointed by France and Canada for the purposes of the arbitration, including agents, counsel and experts, according to the list submitted to the Department by the two Governments. Members of the administrative and technical staff of each mission shall enjoy the status, privileges and immunities accorded to members of the administrative and technical staff of the Arbitration Tribunal under the corresponding provisions.

Witnesses called by the Arbitration Tribunal, France and Canada to take part in the arbitral proceedings shall enjoy jurisdictional immunity in respect of oral and written statements made to the Arbitration Tribunal and documents or depositions presented to it.

¹ Came into force on 2 June 1986, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, vol. 1456, No. 1-24629.

³ *Ibid.*, vol. 862, p. 209.

⁴ *Ibid.*, vol. 1400, p. 231.

If individuals participating in the arbitral proceedings, or the clerk of the court, are Swiss nationals or have their permanent residence in Switzerland, they shall enjoy jurisdictional immunity and inviolability only in respect of official acts performed in the exercise of their duties.

The application by Switzerland, in the present case, of the Convention on special missions of 8 December 1969 shall in no way prejudice the position of France with regard to that instrument to which France is not a party.

The Department would be grateful if the Embassy would acknowledge receipt of this note. This note and the Embassy's reply shall constitute an agreement between Switzerland and France on the status, privileges and immunities in Switzerland of the Arbitration Tribunal, its members and individuals participating in its work, set up by the Arbitration Agreement signed at Paris on 23 October 1985 between the Government of the French Republic and the Government of Canada to adjudicate the dispute between the two Parties concerning the application of the Agreement on mutual fishing relations, signed at Ottawa on 27 March 1972.

The Federal Department of Foreign Affairs takes this opportunity, etc.

Berne, 2 June 1986

The Embassy of France
Berne

II

EMBASSY OF FRANCE IN SWITZERLAND

No. 125

The Embassy of France presents its compliments to the Federal Department of Foreign Affairs and has the honour to acknowledge receipt of its note No. p.B.14.42.27 of 2 June 1986 which reads as follows:

[*See note I*]

The Embassy of France has the honour to inform the Federal Department of Foreign Affairs that the content of the above note is acceptable to the French Government and that the note, together with this note in reply, shall constitute an agreement which shall enter into force as of today.

The Embassy of France takes this opportunity, etc.

[M. J. M. MERILLON]

Berne, 2 June 1986

Federal Department of Foreign Affairs
Palais Fédéral
Berne