

Protocol regarding the immunities of the Bank for International Settlements¹

(of 30 July 1936)²

The duly authorised representatives of the Government of His Majesty the King of the Belgians, the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Canada, the Government of the Commonwealth of Australia, the Government of New Zealand, the Government of the Union of South Africa, the Government of India, the Government of the French Republic, the Government of His Majesty the King of the Hellenes, the Government of His Majesty the King of Italy, the Government of His Majesty the Emperor of Japan, the Government of the Republic of Poland, the Government of the Republic of Portugal, the Government of His Majesty the King of Roumania, the Government of the Swiss Confederation, the Government of His Majesty the King of Yugoslavia;

Whereas

In accordance with Article X, paragraph 2 of the Agreement with Germany³, which was signed at The Hague on the 20th January 1930 and has duly come into force, their respective Governments (with the exception of the Swiss Confederation) have conferred upon the Bank for International Settlements, the establishment of which was laid down by the Experts' Plan of

¹ The footnotes in this document have been prepared for explanatory purposes by the Bank's Legal Service.

² 197 LNTS 31.

³ Art. X, paragraph 2 of The Hague Agreement with Germany reads as follows: "The Bank, its property and assets, and also the deposits of other funds entrusted to it, on the territory of, or dependent on the administration of, the Parties shall be immune from any disabilities and from any restrictive measures such as censorship, requisition, seizure or confiscation, in time of peace or war, reprisals, prohibition or restriction of export of gold or currency and other similar interferences, restrictions or prohibitions."

the 7th June 1929, certain immunities regarding its property and assets as well as those which might be entrusted to it;

And whereas by a Convention, signed at The Hague on the same date as that above-mentioned and having acquired the force of law in Switzerland, the Government of the Swiss Confederation has undertaken towards the Governments of Germany, Belgium, France, the United Kingdom of Great Britain and Northern Ireland, Italy and Japan to grant to the said Bank for International Settlements, in the event of its establishment at Basle, a Constituent Charter conferring upon it in accordance with Article 10 immunities similar to those laid down by Article X paragraph 2 of the Agreement with Germany;

And whereas, since Article X paragraph 2 of the Agreement with Germany and Article 10 of the Constituent Charter consecutive to the Convention with the Swiss Confederation only imperfectly express the intention of the contracting Parties and are liable to give rise to difficulties of interpretation, it is important to define the scope of the said Articles and to substitute for the terms employed expressions which are clearer and more capable of assuring to the operation of the Bank for International Settlements the immunities which are indispensable to the accomplishment of its task;

Have agreed as follows:

Article 1

The Bank for International Settlements, its property and assets as well as all the property and assets which are or will be entrusted to it, whether coin or other fungible goods, gold bullion silver or any other metal, precious objects, securities or any other objects the deposit of which is admissible in accordance with banking practice, are exempt from the provisions or measures referred to in paragraph 2 of Article X of the Agreement with Germany and in Article 10 of the Constituent Charter consecutive to the Convention with Switzerland, of the 20th January 1930.

The property and assets of third parties, held by any other institution or person, on the instructions, in the name or for the

account of the Bank for International Settlements, shall be considered as entrusted to the Bank for International Settlements and as enjoying the immunities laid down by the Articles above-mentioned by the same right as the property and assets which the Bank for International Settlements holds for the account of others, in the premises set apart for this purpose by the Bank, its branches or agencies.

Article 2

The present Protocol will come into force, for each contracting Party, on the date of deposit of its instrument of ratification at the Belgian Ministry for Foreign Affairs and Foreign Trade. It will come into force immediately in respect of such contracting Parties as may declare as the time of signing the Convention that they renounce the procedure of ratification.

Article 3

The non-signatory Governments which are or may be Parties to the Agreement with Germany, signed at The Hague on the 20th January 1930 may accede to the present Convention.

Any Government desiring to accede must notify its intention in writing to the Belgian Government, transmitting the document notifying its accession.

Article 4

The Governments not signatories of the Agreement with Germany signed at The Hague on the 20th January 1930, may become Parties to the present Convention by signing, subject to ratification if necessary, the original of this Convention which will remain deposited in the archives of the Belgian Ministry for Foreign Affairs and Foreign Trade. The signature thus appended by a Government not a signatory to the Agreement with Germany will imply accession to Articles X and XV of the Agreement with Germany of the 20th January 1930, as well as to Annex XII of the same Agreement, laying down the procedure before the Arbitral Tribunal, to whose jurisdiction the

Governments in question will thus have submitted themselves, so far as concerns the application and interpretation of the said Article X and of the present Convention.

Article 5

The Belgian Government will forward to all signatory Governments, as well as to the Bank for International Settlements, a certified copy of the present Convention, of the report of the depositing of the first ratifications, the later ratifications and the notifications of accession contemplated by the preceding Article.

Article 6

The present Convention has been drawn up in the French and English languages in one single copy which will remain deposited in the archives of the Belgian Government.

Done at Brussels on the 30th July 1936.