

**No. 27132**

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**FRANCE  
and  
NEW ZEALAND**

**Supplementary Agreement relating to an arbitral tribunal.  
Signed at New York on 14 February 1989**

*Authentic texts: French and English.*

*Registered by France on 26 February 1990.*

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**FRANCE  
et  
NOUVELLE-ZÉLANDE**

**Accord complémentaire relatif à un tribunal d'arbitrage.  
Signé à New York le 14 février 1989**

*Textes authentiques : français et anglais.*

*Enregistré par la France le 26 février 1990.*

## SUPPLEMENTARY AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF NEW ZEALAND RELATING TO AN ARBITRAL TRIBUNAL

The Government of the French Republic and the Government of New Zealand

RECALLING the three Agreements concluded by exchanges of letters of 9 July 1986<sup>2</sup> following the ruling of the Secretary-General of the United Nations relating to the Rainbow Warrior affair;

RECALLING FURTHER that the third Agreement establishes an arbitral procedure for the settlement of any dispute concerning the interpretation or application of either of the first two Agreements which it has not been possible to settle through the diplomatic channel;

NOTING that the Government of New Zealand by diplomatic Note of 22 September 1988 requested that this procedure be used to settle such a dispute;

NOTING ALSO that in accordance with the third Agreement an Arbitral Tribunal has been constituted comprising:

Dr Eduardo Jimenez de Arechaga, Chairman of the Tribunal, appointed by the two Governments,

<sup>1</sup> Came into force on 14 February 1989 by signature, in accordance with article 10.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1546, No. I-26849.

M. Jean-Denis Bredin, designated by the  
Government of the French Republic,

Sir Kenneth Keith, designated by the Government  
of New Zealand;

BEARING IN MIND the provisions of the third  
Agreement;

BELIEVING it desirable to supplement those  
provisions of the third Agreement relating to the  
functioning and procedures of the Tribunal;

HAVE AGREED AS FOLLOWS:

#### ARTICLE 1

1. Subject to paragraphs 2, 3 and 4 of this Article,  
the composition of the Tribunal shall remain unchanged  
throughout the period in which it is exercising its  
functions.

2. In the event that either the arbitrator  
designated by the Government of the French Republic or  
the arbitrator designated by the Government of New  
Zealand is, for any reason, unable or unwilling to act  
as such, the vacancy may be filled by the Government  
which designated that arbitrator.

3. The proceedings of the Tribunal shall be suspended during a period of twenty days from the date on which the Tribunal has acknowledged such a vacancy. If at the end of that period the arbitrator has not been replaced by the Government which designated him the proceedings of the Tribunal shall nonetheless resume.

4. In the event that the Chairman of the Tribunal is, for any reason, unable or unwilling to act as such, he shall be replaced by agreement between the two Governments. If the two Governments are unable to agree within a period of forty days from the date on which the Tribunal has acknowledged such a vacancy, the Secretary-General of the United Nations shall be requested to make the necessary appointment after consultation with the two Governments. The proceedings of the Tribunal shall be suspended until such time as the vacancy has been filled.

#### ARTICLE 2

The decisions of the Tribunal shall be taken on the basis of the Agreements concluded between the Government of the French Republic and the Government of New Zealand by exchanges of letters on 9 July 1986, this Agreement and the applicable rules and principles of international law.