

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

---

---

JAARGANG 1995 Nr. 19

---

---

A. TITEL

*Internationaal Verdrag inzake economische, sociale en culturele rechten;*  
*New York, 19 december 1966*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1969, 100<sup>1)</sup>.

Voor de ondertekeningen zie ook *Trb.* 1975, 61.

Het Verdrag is in overeenstemming met zijn artikel 26, eerste lid, voorts nog ondertekend voor de volgende Staat:

Kambodja<sup>2)</sup> . . . . . 17 oktober 1980

---

<sup>1)</sup> De Regering van Malta heeft op 13 september 1990 het bij de ondertekening gemaakte voorbehoud met betrekking tot artikel 10, tweede lid, van het Verdrag ingetrokken.

<sup>2)</sup> De Regeringen van de Mongoolse Volksrepubliek, de Duitse Democratische Republiek, Hongarije, Bulgarije, de Sowjet-Unie, Wit-Rusland en Tsjecho-Slowakije hebben tegen deze ondertekening bezwaar gemaakt.

C. VERTALING

Zie *Trb.* 1978, 178.

D. PARLEMENT

Zie *Trb.* 1978, 178.

## E. BEKRACHTIGING

Zie *Trb.* 1969, 100<sup>1)</sup>, *Trb.* 1975, 61<sup>2)</sup> en *Trb.* 1978, 178<sup>3)</sup>.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 26, tweede lid, van het Verdrag een akte van bekrachtiging bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Nieuw-Zeeland <sup>4)</sup> . . . . .	28 december 1978
Marokko . . . . .	3 mei 1979
Japan <sup>5)</sup> . . . . .	21 juni 1979
IJsland . . . . .	22 augustus 1979
El Salvador . . . . .	30 november 1979
Honduras . . . . .	17 februari 1981
Egypte <sup>6)</sup> . . . . .	14 januari 1982
België <sup>7)</sup> . . . . .	21 april 1983
Luxemburg . . . . .	18 augustus 1983
Argentinië <sup>8)</sup> . . . . .	8 augustus 1986
Algerije <sup>9)</sup> . . . . .	12 september 1989
Ierland <sup>10)</sup> . . . . .	8 december 1989
Malta <sup>11)</sup> . . . . .	13 september 1990
Israël . . . . .	3 oktober 1991

<sup>1)</sup> De Regering van Wit-Rusland heeft op 30 september 1992 de verklaring met betrekking tot artikel 26, eerste lid, afgelegd bij de bekrachtiging tot het Verdrag, ingetrokken.

<sup>2)</sup> De Regering van de Duitse Democratische Republiek heeft bij de bekrachtiging van het Verdrag op 8 november 1973 de volgende verklaring afgelegd:

“The German Democratic Republic has ratified the two Covenants in accordance with the policy it has so far pursued with the view to safeguarding human rights. It is convinced that these Covenants promote the world-wide struggle for the enforcement of human rights, which is an integral part of the struggle for the maintenance and strengthening of peace. On the occasion of the 25th anniversary of the Universal Declaration of Human Rights it thus contributes to the peaceful international cooperation of states, to the promotion of human rights and to the joint struggle against their violation by aggressive policies, colonialism and apartheid, racism and other forms of assaults on the right of the peoples to self-determination.

The Constitution of the German Democratic Republic guarantees the political, economic, social and cultural rights to every citizen independent of race, sex and religion. Socialist democracy has created the conditions for every citizen not only to enjoy these rights but also take an active part in their implementation and enforcement.

Such fundamental human rights as the right to peace, the right to work and social security, the equality of women, and the right to education have been fully implemented in the German Democratic Republic. The Government of the German Democratic Republic has always paid great attention to the material prerequisites for guaranteeing above all the social and economic rights. The welfare of the working people and its continuous improvement are the leit-motif of the entire policy of the Government of the German Democratic Republic.

The Government of the German Democratic Republic holds that the signing and ratification of the two human rights Covenants by further Member States of the United Nations would be an important step to implement the aims for respecting and promoting the human rights, the aims proclaimed in the United Nations Charter.”

Op 30 september 1992 heeft *Wit Rusland* het bij de bekrachtiging op 12 november 1973 gemaakte voorbehoud (zie *Trb.* 1975, 61, blz. 5) ingetrokken.

<sup>3)</sup> De Regering van *Argentinië* heeft op 3 oktober 1983 naar aanleiding van de bekrachtiging van het Verdrag door het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland, mede voor de Falkland-eilanden met onderhorigheden het volgende bezwaar gemaakt:

“[The Government of Argentina makes a] formal objection to the [declaration] of territorial extension issued by the United Kingdom with regard to the Malvinas Islands (and dependencies), which that country is illegally occupying and refers to as the ‘Falkland Islands.

The Argentine Republic rejects and considers null and void the [said declaration] of territorial extension.” (*vertaling*)

De Regering van het *Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* heeft op 28 februari 1985 naar aanleiding van het gemaakte bezwaar door *Argentinië* op 3 oktober 1983 de volgende verklaring afgelegd:

“The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to their right, by notification to the Depositary under the relevant provisions of each of the above treaties, to extend the application of the Covenants in question to the Falkland Islands or to the Falkland Islands Dependencies, as the case may be.

For this reason alone, the Government of the United Kingdom are unable to regard the Argentine communications under reference as having any legal effect.”

<sup>4)</sup> Onder de volgende voorbehouden:

The Government of New Zealand reserves the right not to apply Article 8 to the extent that existing legislative measures, enacted to ensure effective trade union representation and encourage orderly industrial relations, may not be fully compatible with that Article.

The Government of New Zealand reserves the right to postpone, in the economic circumstances foreseeable at the present time, the implementation of Article 10 (2) as it relates to paid maternity leave with adequate social security benefits.”

<sup>5)</sup> Onder bevestiging van de bij de ondertekening van het Verdrag gemaakte voorbehouden en afgelegde verklaring (zie *Trb.* 1978, 178, blz. 1 en 2).

<sup>6)</sup> Onder de volgende verklaring:

“... taking into consideration the provisions of the Islamic Sharia and the fact that they do not conflict with the text annexed to the instrument... we accept, support and ratify it...”

<sup>7)</sup> Onder de volgende verklaringen:

“1. Concernant le paragraphe 2 de l’article 2, le Gouvernement belge interprète la non-discrimination fondée sur l’origine nationale comme n’impliquant pas nécessairement l’obligation pour les Etats de garantir d’office aux étrangers les mêmes droits qu’à leur nationaux. Ce concept doit s’entendre comme visant à écarter tout comportement arbitraire mais non des différences de traitement fondées sur des considérations objectives et raisonnables, conformes aux principes qui prévalent dans les sociétés démocratiques.

2. Concernant le paragraphe 3 du même article, le Gouvernement belge entend

que cette disposition ne saurait contrevenir au principe de compensation équitable en cas de mesure d'expropriation ou de nationalisation."

<sup>8)</sup> Onder het volgende bezwaar:

"The Argentine Republic rejects the extension, notified to the Secretary-General of the United Nations on 20 May 1976 by the United Kingdom of Great Britain and Northern Ireland, of the application of the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly of the United Nations on 16 December 1966, to the Malvinas, South Georgia and South Sandwich Islands, and reaffirms its sovereign rights to those archipelagos, which form an integral part of its national territory.

The General Assembly of the United Nations has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6 and 40/21 in which it recognizes the existence of a sovereignty dispute regarding the question of the Falklands Islands (Malvinas) and urges the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to pursue negotiations in order to find as soon as possible a peaceful and definitive solution to the dispute, through the good offices of the Secretary-General of the United Nations, who shall inform the General Assembly of the progress made." (vertaling)

De Regering van het *Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* heeft op 13 januari 1988 tegen dit bezwaar de volgende mededeling gedaan:

"The Permanent Representative wishes to inform the Secretary-General that the Government of the United Kingdom of Great Britain and Northern Ireland rejects the statements made by the Argentine Republic, regarding the Falkland Islands and South Georgia and the South Sandwich Island, when ratifying the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and when acceding to the Optional Protocol to the latter.

The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt as to British sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands and its consequent right to extend treaties to those territories."

<sup>9)</sup> Onder de volgende interpretatieve verklaringen:

«1. Le Gouvernement algérien interprète l'article premier commun aux deux Pactes comme ne portant en aucun cas atteinte au droit inaliénable de tous les peuples à disposer d'eux-mêmes et de leurs richesses et ressources naturelles.

Il considère en outre que le maintien de l'état de dépendance de certains territoires auxquels se réfèrent l'article premier, alinéa 3, des deux Pactes et l'article 14 du pacte sur les droits économiques, sociaux et culturels, est contraire aux buts et objectifs des Nations Unies, à la Charte de l'ONU et à la Déclaration 1514 XV relative à «l'octroi de l'indépendance aux pays et aux peuples coloniaux».

2. Le Gouvernement algérien interprète les dispositions de l'article 8 du Pacte sur les droits économiques, sociaux et culturels et de l'article 22 du Pacte sur les droits civils et politiques comme faisant de la loi le cadre d'intervention de l'Etat pour l'organisation et l'exercice du droit syndical.

3. Le Gouvernement algérien considère que les dispositions des alinéas 3 et 4 de l'article 13 du Pacte sur les droits économiques, sociaux et culturels, ne peuvent en aucun cas porter atteinte à son droit d'organiser librement son système éducatif.»

De Regering van *Duitsland* heeft op 25 oktober 1990 tegen deze interpretatieve verklaringen de volgende bezwaren gemaakt:

“The Federal Republic of Germany states the following regarding the declarations made by Algeria upon deposit of its instrument of ratification to the International Covenant of 16 December 1966 on Economic, Social and Cultural Rights .....

It interprets the declaration under paragraph 2 to mean that the latter is not intended to eliminate the obligation of Algeria to ensure that the rights guaranteed in article 8, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights ..... may be restricted only for the reasons mentioned in the said articles and that such restriction shall be prescribed by law.

It interprets the declaration under paragraph 4 to mean that Algeria, by referring to its domestic legal system, does not intend to restrict its obligation to ensure through appropriate steps equally of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution.” (*vertaling*)

De Regering van *Portugal* heeft op 26 oktober 1990 tegen deze interpretatieve verklaringen de volgende bezwaren gemaakt:

“The Government of Portugal hereby presents its formal objection to the interpretative declarations made by the Government of Algeria upon ratification of the ..... International Covenant on Economic, Social and Cultural Rights. The Government of Portugal having examined the contents of the said declarations reached the conclusion that they can be regarded as reservations and therefore should be considered invalid as well as incompatible with the purposes and object of the Covenants.

This objection shall not preclude the entry into force of the Covenants between Portugal and Algeria.”

Het *Koninkrijk der Nederlanden* heeft op 18 maart 1991 tegen deze interpretatieve verklaringen het volgende bezwaar gemaakt:

“In the opinion of the Government of the Kingdom of the Netherlands, the interpretative declaration concerning article 13, paragraphs 3 and 4 of the International Covenant on Economic, Social and Cultural Rights (adopted by the General Assembly of the United Nations on 16 December 1966) must be regarded as a reservation to the Covenant. From the text and history of the Covenant it follows that the reservation with respect to article 13, paragraphs 3 and 4 made by the Government of Algeria is incompatible with the object and purpose of the Covenant. The Government of the Kingdom of the Netherlands therefore considers the reservation unacceptable and formally raises an objection to it.

[This objection is] not an obstacle to the entry into force of [the Covenant] between the Kingdom of the Netherlands and Algeria.”

<sup>10)</sup> Onder de volgende voorbehouden:

“Article 2, Paragraph 2

In the context of Government policy to foster, promote and encourage the use of the Irish language by all appropriate means, Ireland reserves the right to require, or give favourable consideration to, a knowledge of the Irish language for certain occupations.

Article 13, Paragraph 2(a)

Ireland recognises the inalienable right and duty of parents to provide for the education of children, and, while recognising the State’s obligations to provide for free primary education and requiring that children receive a certain minimum education, nevertheless reserves the right to allow parents to provide for the education of their children in their homes provided that these minimum standards are observed.”

<sup>11)</sup> Onder het volgende voorbehoud:

“The Government of Malta declares that it is in favour of upholding the prin-

ciple affirmed in the words 'and to ensure the religious and moral education of their children in conformity with their own convictions'. However, having regard to the fact that the population of Malta is overwhelmingly Roman Catholic, it is difficult also in view of limited financial and human resources, to provide such education in accordance with a particular religious or moral belief in cases of small groups, which cases are very exceptional in Malta."

#### F. TOETREDING

Zie *Trb.* 1969, 100, *Trb.* 1975, 61 en *Trb.* 1978, 178.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 26, vierde lid, van het Verdrag een akte van toetreding bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Trinidad en Tobago <sup>1)</sup> . . . . .	8 december 1978
Gambia . . . . .	29 december 1978
India <sup>2)</sup> . . . . .	10 april 1979
Nicaragua . . . . .	12 maart 1980
Sri Lanka . . . . .	11 juni 1980
Frankrijk <sup>3)</sup> . . . . .	4 november 1980
Mexico <sup>4)</sup> . . . . .	23 maart 1981
de Centraalafrikaanse Republiek . . . . .	8 mei 1981
de Democratische Volksrepubliek Korea. . . . .	14 september 1981
Sint Vincent en de Grenadinen . . . . .	9 november 1981
Bolivia . . . . .	12 augustus 1982
Vietnam <sup>5)</sup> . . . . .	24 september 1982
Gabon . . . . .	21 januari 1983
Afghanistan <sup>6)</sup> . . . . .	24 januari 1983
Kongo <sup>7)</sup> . . . . .	5 oktober 1983
Zambia <sup>8)</sup> . . . . .	10 april 1984
Togo . . . . .	24 mei 1984
Kameroen . . . . .	27 juni 1984
Griekenland . . . . .	16 mei 1985
San Marino . . . . .	18 oktober 1985
Niger . . . . .	7 maart 1986
Soedan . . . . .	18 maart 1986
Oeganda . . . . .	21 januari 1987
Jemen(Zuid) <sup>9)</sup> . . . . .	9 februari 1987
Equatoriaal-Guinee . . . . .	25 september 1987
Guatemala . . . . .	19 mei 1988
Somalië . . . . .	24 januari 1990
Korea . . . . .	10 april 1990
Boeroendi . . . . .	9 mei 1990
Zimbabwe . . . . .	13 mei 1991
Nepal . . . . .	14 mei 1991
Grenada . . . . .	6 september 1991
Albanië . . . . .	4 oktober 1991

Estland . . . . .	21 oktober 1991
Litouwen . . . . .	20 november 1991
Angola . . . . .	10 januari 1992
Brazilië . . . . .	24 januari 1992
Benin . . . . .	12 maart 1992
Ivoorkust . . . . .	26 maart 1992
Letland . . . . .	14 april 1992
Seychellen . . . . .	5 mei 1992
Paraguay . . . . .	10 juni 1992
Kambodja . . . . .	26 mei 1992
Zwitserland . . . . .	18 juni 1992
Guinee-Bissau . . . . .	2 juli 1992
Azerbajdzjan . . . . .	13 augustus 1992
Lesotho . . . . .	9 september 1992
Moldavië . . . . .	26 januari 1993
Ethiopië . . . . .	11 juni 1993
Dominica . . . . .	17 juni 1993
Nigeria . . . . .	29 juli 1993
Kaapverdië . . . . .	6 augustus 1993
Armenië . . . . .	13 september 1993
Malawi . . . . .	22 december 1993
Georgië . . . . .	3 mei 1994

*Verklaring van voortgezette gebondenheid*

De volgende Staten hebben de Secretaris-Generaal van de Verenigde Naties medegedeeld zich gebonden te achten aan het Verdrag:

Solomoneilanden <sup>10)</sup> . . . . .	17 maart 1982
Slovenië . . . . .	1 juli 1992
Kroatië . . . . .	12 oktober 1992
de Tsjechische Republiek <sup>11)</sup> . . . . .	22 februari 1993
Bosnië-Herzegowina . . . . .	1 september 1993
Slowakije . . . . .	28 mei 1993
De Voormalige Joegoslavische Republiek Macedonië . . . . .	18 januari 1994

<sup>1)</sup> Onder het volgende voorbehoud met betrekking tot artikel 8, eerste lid, letter d, en artikel 8, tweede lid:

“The Government of Trinidad and Tobago reserves the right to impose lawful and or reasonable restrictions on the exercise of the aforementioned rights by personnel engaged in essential services under the Industrial Relations Act or under any Statute replacing same which has been passed in accordance with the provisions of the Trinidad and Tobago Constitution.”

<sup>2)</sup> Onder de volgende verklaringen:

“I. With reference to article 1 of the International Covenant on Economic, Social and Cultural Rights, ..... the Government of the Republic of India declares that the words ‘the right of self-determination’ appearing in those articles apply only to the peoples under foreign domination and that these words do not apply

to sovereign independent States or to a section of a people or nation - which is the essence of national integrity.

.....  
 IV. With reference to articles 4 and 8 of the International Covenant of Economic, Social and Cultural Rights, ..... the Government of the Republic of India declares that the provisions of the said articles shall be so applied as to be in conformity with the provisions of article 19 of the Constitution of India.

V. With reference to article 7(c) of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said article shall be so applied as to be in conformity with the provisions of article 16 (4) of the Constitution of India.”

De Regering van de *Bondsrepubliek Duitsland* heeft op 15 augustus 1980 tegen de afgelegde verklaring met betrekking tot artikel 1 het volgende bezwaar gemaakt:

“The Federal Government welcomes the decision of the Republic of India to adhere to the United Nations Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights.

The Government of the Federal Republic of Germany strongly objects, however, to the declaration made by the Republic of India in respect of article 1 of the International Covenant on Economic, Social and Cultural Rights .....

The right of self-determination as enshrined in the Charter of the United Nations and as embodied in the Covenants applies to all peoples and not only to those under foreign domination. All peoples, therefore, have the inalienable right freely to determine their political status and freely to pursue their economic, social and cultural development. The Federal Government cannot consider as valid any interpretation of the right of self-determination which is contrary to the clear language of the provisions in question. It moreover considers that any limitation of their applicability to all nations is incompatible with the object and purpose of the Covenants.”

De Regering van *Frankrijk* heeft op 4 november 1980 tegen de afgelegde verklaring met betrekking tot artikel 1 het volgende bezwaar gemaakt:

«Le Gouvernement de la République formule une objection à la réserve faite par le Gouvernement de la République de l'Inde à l'article 1er du Pacte international relatif aux droits économiques, sociaux et culturels, ladite réserve posant des conditions non prévues par la Charte des Nations Unies à l'exercice du droit à l'autodétermination. La présente déclaration ne sera pas considérée comme faisant obstacle à l'entrée en vigueur du Pacte entre la République française et la République de l'Inde.»

Het *Koninkrijk der Nederlanden* heeft op 12 januari 1981 tegen de afgelegde verklaring met betrekking tot artikel 1 het volgende bezwaar gemaakt:

“The Government of the Kingdom of the Netherlands objects to the declaration made by the Government of the Republic of India in relation to article 1 of the International Covenant on Civil and Political Rights and article 1 of the International Covenant on Economic, Social and Cultural Rights, since the right of self determination as embodied in the Covenants is conferred upon all peoples. This follows not only from the very language of article 1 common to the two Covenants but as well from the most authoritative statement of the law concerned, i.e. the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. Any attempt to limit the scope of this right or to attach conditions not provided for in the relevant instruments would undermine the concept of self-determination itself and would thereby seriously weaken its universally acceptable character.”



3) Onder de volgende verklaringen:

«1. Le Gouvernement de la République considère que, conformément à l'Article 103 de la Charte des Nations Unies, en cas de conflit entre ses obligations en vertu de Pacte et ses obligations en vertu de la Charte (notamment des articles 1er et 2 de celle-ci) ses obligations en vertu de la Charte prévaudront.

2. Le Gouvernement de la République déclare que les articles 6, 9, 11 et 13 ne doivent pas être interprétés comme faisant obstacle à des dispositions réglementant l'accès des étrangers au travail ou fixant des conditions de résidence pour l'attribution de certaines prestations sociales.

3. Le Gouvernement de la République déclare qu'il appliquera les dispositions de l'article 8 qui se rapportent à l'exercice du droit de grève conformément à l'article 6 paragraphe 4 de la Charte sociale européenne selon l'interprétation qui en est donnée à l'annexe de cette Charte.»

4) Onder de volgende verklaring:

*Interpretive statement*

“The Government of Mexico accedes to the International Covenant on Economic, Social and Cultural Rights with the understanding that article 8 of the Covenant shall be applied in the Mexican Republic under the conditions and in conformity with the procedures established in the applicable provisions of the Political Constitution of the United Mexican States and the relevant implementing legislation.” (*vertaling*)

5) Onder de volgende verklaring:

“Upon accession to the Covenants, the Government of the Socialist Republic of Viet Nam deems it necessary to declare that the provisions of ..... article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, under which a number of States are deprived of the opportunity to become parties to the Covenants, are of a discriminatory nature. The Government of the Socialist Republic of Viet Nam considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States without any discrimination or limitation.” (*vertaling*)

6) Onder de volgende verklaring:

“The presiding body of the Revolutionary Council of the Democratic Republic of Afghanistan declares that the ..... provisions of paragraphs 1 and 3 of article 26 of the International Covenant on Economic, Social and Cultural Rights, according to which some countries cannot join the aforesaid Covenants, contradicts the international character of the aforesaid treaties. Therefore, according to the equal rights to all States to sovereignty, both Covenants should be left open for the purpose of the participation of all States.” (*vertaling*)

7) Onder de volgende voorbehouden:

«Le Gouvernement de la République populaire du Congo déclare qu'il ne se sent pas lié par les dispositions des paragraphes 3 et 4 de l'article 13 [...]. Les paragraphes 3 et 4 de l'article 13 du Pacte international relatif aux droits économiques, sociaux et culturels consacrent le principe de la liberté de l'enseignement en laissant les parents libres de choisir pour leurs enfants des établissements autres que ceux des pouvoirs publics et autorisent des particuliers à créer et à diriger les établissements d'enseignement.

De telles dispositions violent dans notre Pays le principe de la nationalisation de l'enseignement et le monopole donné à l'Etat dans ce domaine.»

8) Onder het volgende voorbehoud:

“The Government of the Republic of Zambia states that it reserves the right to postpone the application of article 13 (2) (a) of the Covenant, in so far as it relates

to primary education; since, while the Government of the Republic of Zambia fully accepts the principles embodied in the same article and undertakes to take the necessary steps to apply them in their entirety, the problems of implementation, and particularly the financial implications, are such that full application of the principles in question cannot be guaranteed at this stage.”

<sup>9)</sup> Onder de volgende verklaring:

“The accession of the People’s Democratic Republic of Yemen to the Covenant on Economic, Social and Cultural Rights shall in no way signify recognition of Israel or serve as grounds for the establishment of relations of any sort with Israel.” (*vertaling*)

<sup>10)</sup> De Regering van *Solomoneilanden* heeft op 10 mei 1992 verklaard, dat zij de voorbehouden, gemaakt door het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland, handhaaft uitgezonderd in zoverre deze niet van toepassing kunnen zijn op Solomoneilanden (zie Trb. 1978, 178 blz. 16 en 17).

<sup>11)</sup> Onder handhaving van de verklaring afgelegd door Tsjechoslowakije bij de ondertekening en herhaald bij de bekrachtiging van het Verdrag.

#### G. INWERKINGTREDING

Zie Trb. 1978, 178.

#### H. TOEPASSELIJKVERKLARING

Portugal heeft het Verdrag uitgebreid tot:

Macau<sup>1)</sup> . . . . . 27 april 1993

<sup>1)</sup> Onder de verklaring dat:

“the Covenants are confirmed and proclaimed binding and valid, and they shall have effect and be implemented and observed without exception, bearing in mind that:

##### *Article 1.*

The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, ratified, respectively, by Act No. 29/78 of 12 June, and by Act No. 45/78 of 11 July, shall be applicable in the territory of Macau.

##### *Article 2.*

1. The applicability in Macau of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and in particular of article 1 in both Covenants, shall in no way affect the status of Macau as defined in the Constitution of the Portuguese Republic and in the Organic Statute of Macau.

2. The applicability of the Covenants in Macau shall in no way affect the provisions of the Joint Declaration of the Government of the Portuguese Republic and the Government of the People’s Republic of China on the Question of Macau, signed on 13 April 1987, especially with respect to the provision specifying that Macau forms part of Chinese territory and that the Government of the People’s Republic of China will resume the exercise of sovereignty over Macau with effect from 20 December 1999, and that Portugal will be responsible for the administration of Macau until 19 December 1999.

.....

*Article 5.*

1. The provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights that are applicable to Macau shall be implemented in Macau, in particular through specific legal documents issued by the organs of government of the territory.

2. The restrictions of the fundamental rights in Macau shall be confined to those cases prescribed by law and shall not exceed the limits permitted by the applicable provisions of the aforementioned Covenants.”

J. GEGEVENS

Zie *Trb.* 1969, 100, *Trb.* 1975, 61 en *Trb.* 1978, 178.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Handvest der Verenigde Naties zie ook, laatstelijk, *Trb.* 1994, 277.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Statuut van het Internationale Gerechtshof zie ook, laatstelijk, *Trb.* 1987, 114.

Voor het op 19 december 1966 te New York tot stand gekomen Internationaal Verdrag inzake burgerrechten en politieke rechten zie ook, laatstelijk, *Trb.* 1995, 18.

Uitgegeven de *zevenentwintigste* januari 1995.

*De Minister van Buitenlandse Zaken,*

H. A. F. M. O. VAN MIERLO