

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1996 Nr. 89

A. TITEL

*Verdrag van Wenen inzake het verdragenrecht, met bijlage;
Wenen, 23 mei 1969*

B. TEKST

De Engelse en de Franse tekst van het Verdrag, met bijlage, zijn geplaatst in *Trb.* 1972, 51.

C. VERTALING

Zie voor de herziene vertaling *Trb.* 1985, 79.

Op blz. 5 van dat Tractatenblad dient in de derde regel en op blz. 6, artikel 12, eerste lid, tweede regel, „uiting” te worden vervangen door „uitdrukking”.

Op blz. 26 van genoemd Tractatenblad dient de laatste regel te luiden:

a) indien het verdrag een grens vaststelt; of

D. PARLEMENT

Zie *Trb.* 1985, 79.

E. BEKRACHTIGING

Zie *Trb.* 1972, 51, *Trb.* 1977, 169 en *Trb.* 1985, 79.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 82 van het Verdrag een akte van bekrachtiging bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Colombia ¹⁾	10 april 1985
Liberia	29 augustus 1985
de Bondsrepubliek Duitsland ²⁾	21 juli 1987
Soedan	18 april 1990

¹⁾ Onder het volgende voorbehoud:

“With regard to article 25, Colombia formulates the reservation that the Political Constitution of Colombia does not recognize the provisional application of treaties; it is the responsibility of the National Congress to approve or disapprove any treaties and conventions which the Government concludes with other States or with international legal entities.” (*VN-vertaling*)

²⁾ Onder de verklaring, dat het Verdrag mede van toepassing zal zijn op het „Land” Berlijn, onder voorbehoud van de rechten en verantwoordelijkheden van Frankrijk, het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland en de Verenigde Staten van Amerika, vanaf de datum van inwerkingtreding voor de Bondsrepubliek Duitsland, en met het volgende bezwaar en de volgende verklaringen:

“1. The Federal Republic of Germany rejects the reservations made by Tunisia, the Union of Soviet Socialist Republics, the Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic and the German Democratic Republic [...] with regard to article 66 of the Vienna Convention on the Law of Treaties as incompatible with the object and purpose of the said Convention. In this connection it wishes to point out that, as stressed on numerous other occasions, the Government of the Federal Republic of Germany considers articles 53 and 64 to be inextricably linked to article 66 (a).

2. The Federal Republic of Germany assumes that the jurisdiction of the International Court of Justice brought about by consent of States outside the Vienna Convention on the Law of Treaties cannot be excluded by invoking the provisions of article 66 (b) of the Convention.

3. The Federal Republic of Germany interprets “measures taken in conformity with the Charter of the United Nations”, as referred to in article 75, the mean future decisions by the Security Council of the United Nations in conformity with Chapter VII of the Charter for the maintenance of international peace and security.” (*VN-vertaling*)

F. TOETREDING

Zie *Trb.* 1972, 51, *Trb.* 1977, 169 en *Trb.* 1985, 79.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 83 van het Verdrag een akte van toetreding bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Senegal	11 april 1986
de Sowjet-Unie ¹⁾	29 april 1986
Wit-Rusland ²⁾	1 mei 1986
Oekraïne ³⁾	14 mei 1986
de Duitse Democratische Republiek ⁴⁾	20 oktober 1986
Bulgarije ⁵⁾	21 april 1987
Hongarije ⁶⁾	19 juni 1987
Tsjechoslowakije ⁷⁾	29 juli 1987
Mongolië ⁸⁾	16 mei 1988
Algerije ⁹⁾	8 november 1988
de Salomonseilanden	9 augustus 1989
Liechtenstein	8 februari 1990
Zwitserland	7 mei 1990

Polen	2 juli 1990
Oman ¹⁰⁾	18 oktober 1990
Suriname	31 januari 1991
Estland	21 oktober 1991
Kameroen	23 oktober 1991
Litouwen	15 januari 1992
België ¹¹⁾	1 september 1992
Moldavië	26 januari 1993
Letland	4 mei 1993
Kazachstan	5 januari 1994
Maleisië	27 juli 1994
Georgië	8 juni 1995
Oezbekistan	12 juli 1995
Turkmenistan	4 januari 1996

Verklaring van voortgezette gebondenheid

De volgende Staten hebben aan de Secretaris-Generaal van de Verenigde Naties medegedeeld, dat zij zich gebonden achten aan het onderhavige Verdrag:

Slovenië	1 juli 1992
Kroatië	12 oktober 1992
de Tsjechische Republiek	22 februari 1993
Slowakije	28 mei 1993
Bosnië-Herzegowina	1 september 1993

¹⁾ Onder de volgende voorbehouden en de volgende verklaring:

Voorbehouden

“The Union of Soviet Socialist Republics does not consider itself bound by the provisions of article 66 of the Vienna Convention on the Law of Treaties and declares that, in order for any dispute among the Contracting Parties concerning the application or the interpretation of articles 53 or 64 to be submitted to the International Court of Justice for a decision, or for any dispute concerning the application or interpretation of any other articles in Part V of the Convention to be submitted for consideration by the Conciliation Commission, the consent of all the parties to the dispute is required in each separate case, and that the conciliators constituting the Conciliation Commission may only be persons appointed by the parties to the dispute by common consent.

The Union of Soviet Socialist Republics will consider that it is not obligated by the provisions of article 20, paragraph 3 or of article 45 (b) of the Vienna Convention on the Law of Treaties, since they are contrary to established international practice.” (VN-vertaling)

Verklaring

“The Union of Soviet Socialist Republics declares that it reserves the right to take any measures to safeguard its interests in the event of the non-observance by other States of the provisions of the Vienna Convention on the Law of Treaties.” (VN-vertaling)

De Regering van *Japan* heeft op 3 april 1987 tegen de voorbehouden en de verklaringen van de Sowjet-Unie en de Duitse Democratische Republiek het volgende bezwaar gemaakt:

“1. The Government of Japan made the following statement on 2 July 1981 on the occasion of depositing its instrument of accession to the Vienna Convention on the Law of Treaties:

‘The Government of Japan objects to any reservation intended to exclude the application, wholly or in part, of the provisions of Article 66 and the Annex concerning the obligatory procedures for settlement of disputes, and does not consider Japan to be in treaty relations with any State which has formulated or will formulate such reservation, in respect of those provisions of Part V of the Convention regarding which the application of the obligatory procedures mentioned above are to be excluded as a result of the said reservation.’

Accordingly, the Government of Japan objects to the reservations made by the Governments of the German Democratic Republic and the Union of Soviet Socialist Republics to Article 66 and the Annex of the Convention and reaffirms the position of Japan that [it] will not be in treaty relations with the above States in respect of the provisions of Part V of the Convention.

2. The Government of Japan objects to the reservation made by the Government of the Union of Soviet Socialist Republics to Article 20, paragraph 3.

3. The Government of Japan objects to the declarations made by the Governments of the German Democratic Republic and the Union of Soviet Socialist Republics reserving their right to take any measures to safeguard their interests in the event of the non-observance by other States of the provisions of the Convention.”

De Regering van het *Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* heeft op 5 juni 1987 tegen het gemaakte voorbehoud met betrekking tot artikel 66 en de afgelegde verklaring het volgende bezwaar gemaakt:

“The Government of the United Kingdom of Great Britain and Northern Ireland object to the reservation entered by the Government of the Union of Soviet Socialist Republics by which it rejects the application of Article 66 of the Convention. Article 66 provides in certain circumstances for the compulsory settlement of disputes by the International Court of Justice (in the case of disputes concerning the application or interpretation of Articles 53 or 64) or by a conciliation procedure (in the case of the rest of Part V of the Convention). These provisions are inextricably linked with the provisions of Part V to which they relate. Their inclusion was the basis on which those parts of Part V which represent progressive development of international law were accepted by the Vienna Conference. Accordingly the United Kingdom does not consider that the treaty relations between it and the Soviet Union include Part V of the Convention.

With respect to any other reservation the intention of which is to exclude the application, in whole or in part, of the provisions of Article 66, to which the United Kingdom has already objected or which is made after the reservation by the Government of the Union of Soviet Socialist Republics, the United Kingdom will not consider its treaty relations with the State which has formulated or will formulate such a reservation as including those provisions of Part V of the Convention with regard to which the application of Article 66 is rejected by the reservation.

The instrument of accession deposited by the Union of Soviet Socialist Republics included also a declaration that it reserves the right to take “any measures” to safeguard its interests in the event of the non-observance by other States of the provisions of the Convention. The purpose and scope of this statement is unclear; but, given that the Union of Soviet Socialist Republics has rejected the

application of Article 66 of the Convention, it would seem to apply rather to acts by Parties to the Convention in respect of treaties where such acts are in breach of the Convention. In such circumstances a State would not be limited in its response to the measures in Article 60: under customary international law it would be entitled to take other measures, provided always that they are reasonable and in proportion to the breach.”

De Regering van het *Koninkrijk der Nederlanden* heeft op 25 september 1987 de volgende verklaring afgelegd, houdende bezwaar tegen het door de Regering van de Sowjet-Unie, Wit-Rusland, Oekraïne en de Duitse Democratische Republiek bij de toetreding tot het Verdrag gemaakte voorbehoud met betrekking tot artikel 66:

“.....[the Government of the Kingdom of the Netherlands] with reference to the accession of the Union of Soviet Socialist Republics, the Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic and the German Democratic Republic to the Vienna Convention on the Law of Treaties, concluded on 23 May 1969, recalls attention to its objections formulated upon its accession to the above-mentioned Convention on 9 April 1985.

In conformity with the terms of the objections the Kingdom of the Netherlands must be deemed to have objected to the reservations, excluding wholly or in part the procedures for the settlement of disputes, contained in Article 66, as formulated by the above-mentioned States as from the date of their respective accession. Accordingly, the treaty relations between the Kingdom of the Netherlands and the Union of Soviet Socialist Republics, the Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic and the German Democratic Republic do not include any of the provisions contained in Part V of the Convention.

The Kingdom of the Netherlands re-iterates that the absence of treaty relations between it and the above-mentioned States in respect of Part V of the Convention will not in any way impair the duty of those States to fulfill any obligation embodied in those provisions to which they are subject under international law independent of the Convention.”

2) Onder dezelfde voorbehouden en dezelfde verklaring als de Sowjet-Unie.

3) Onder dezelfde voorbehouden en dezelfde verklaring als de Sowjet-Unie.

4) Onder het volgende voorbehoud en de volgende verklaringen:

Voorbehoud

“The German Democratic Republic does not consider itself bound by the provisions of Article 66 of the Convention.

In order to submit a dispute concerning the application or the interpretation of article 53 or 64 to the International Court of Justice for a decision or to submit a dispute on the application or interpretation of any other Articles of Part V of the Convention to the Conciliation Commission for consideration it shall be necessary in every single case to have the consent of all Parties to the dispute. The members of the Conciliation Commission shall be appointed jointly by the Parties to the dispute.” (*VN-vertaling*)

Verklaringen

“The German Democratic Republic declares that it reserves itself the right to take measures to protect its interests in the case that other States would not comply with the provisions of the Convention.

The German Democratic Republic holds the view that the provisions of articles 81 and 83 of the Convention are in contradiction to the principle according to which any State, the policy of which is guided by the purposes and principles

of the United Nations Charter, has the right to become a Party to Conventions affecting the interests of all States.” (*VN-vertaling*)

Zie voor bezwaren van Japan tegen dit voorbehoud en deze verklaring noot 1 onder deze rubriek.

5) Onder het volgende voorbehoud en volgende verklaring:

Voorbehoud

“The People’s Republic of Bulgaria does not consider itself bound by the provision of Article 66, paragraph a) of the Convention, according to which any one of the parties to a dispute concerning the application or the interpretation of Article 53 or 64 may, by a written application, submit it to the International Court of Justice for a decision unless the parties by common consent agree to submit the dispute to arbitration. The Government of the People’s Republic of Bulgaria states that for the submission of such a dispute to the International Court of Justice for a decision, the preliminary consent of all parties to the dispute is needed.” (*VN-vertaling*)

Verklaring

“The People’s Republic of Bulgaria considers it necessary to underline that Article 81 and 83 of the Convention, which preclude a number of States from becoming parties to it, are of an unjustifiably restrictive character. These provisions are incompatible with the very nature of the Convention, which is of a universal character and should be open for accession by all States.” (*VN-vertaling*)

De Regering van de *Bondsrepubliek Duitsland* heeft op 27 januari 1988 het volgende bezwaar gemaakt tegen het door Bulgarije, Hongarije en Tsjechoslowakije met betrekking tot artikel 66 gemaakte voorbehoud:

“The Federal Republic of Germany rejects the reservations made by the People’s Republic of Bulgaria, the Hungarian People’s Republic and the Czechoslovak Socialist Republic with regard to Article 66 of the Vienna Convention on the Law of Treaties as incompatible with the object and purpose of the said Convention. In this connection it wishes to point out once more that the Government of the Federal Republic of Germany considers Articles 53 and 64 to be inextricably linked to Article 66 (a).” (*VN-vertaling*)

De Regering van het *Koninkrijk der Nederlanden* heeft op 14 juli 1988 het volgende bezwaar gemaakt tegen het door Bulgarije, Hongarije en Tsjechoslowakije met betrekking tot artikel 66 gemaakte voorbehoud:

“[The Government of the Netherlands] recalls attention to its objections formulated upon its accession to the Convention on 9 April 1985. In conformity with the terms of the objections the Kingdom of the Netherlands must be deemed to have objected to the reservations, excluding wholly or in part the procedures for the settlement of disputes, contained in Article 66 of the Convention, as formulated by [Bulgaria, Czechoslovakia and Hungary] as from the date of their respective accession.

Accordingly, the treaty relations between the Kingdom of the Netherlands and Hungary and Czechoslovakia do not include any of the provisions contained in Part V of the Convention, whereas the treaty relations between the Kingdom of the Netherlands and Bulgaria do not include the provisions of the Article 53 and 64 of the Convention.

The Kingdom of the Netherlands re-iterates that the absence of treaty relations between itself and the above-mentioned States in respect of (parts of) Part V of the Convention will not in any way impair the duty of those States to fulfill any obligation embodied in those provisions to which they are subject under international law independent of the Convention.”

De Regering van Bulgarije heeft op 6 mei 1994 het gemaakte voorbehoud ingetrokken.

6) Onder het volgende voorbehoud:

“The Hungarian People’s Republic does not consider itself bound by the provisions of Article 66 of the Vienna Convention on the Law of Treaties and declares that submission of a dispute concerning the application or the interpretation of Article 53 or 64 to the International Court of Justice for a decision or submission of a dispute concerning the application or the interpretation of any articles in Part V of the Convention to a conciliation commission for consideration shall be subject to the consent of all the parties to the dispute and that the conciliators constituting the conciliation commission shall have been nominated exclusively with the common consent of the parties to the dispute.” (*VN-vertaling*)

Zie voor bezwaren tegen dit voorbehoud noot 5 van deze rubriek.

De Regering van Hongarije heeft op 8 december 1989 dit voorbehoud ingetrokken.

7) Onder het volgende voorbehoud:

“The Czechoslovak Socialist Republic does not consider itself bound by the provisions of Article 66 of the Convention and declares that, in accordance with the principle of sovereign equality of States, for any dispute to be submitted to the International Court of Justice or to a conciliation procedure, the consent of all the parties to the dispute is required in each separate case.” (*VN-vertaling*)

Zie voor bezwaren tegen deze voorbehouden noot 5 van deze rubriek.

De Regering van de Tsjechische en Slowaakse Federale Republiek heeft op 19 oktober 1990 dit voorbehoud ingetrokken.

8) Onder de volgende voorbehouden en verklaringen:

Voorbehouden

“1. The Mongolian People’s Republic does not consider itself bound by the provisions of article 66 of the Vienna Convention on the Law of Treaties.

The Mongolian People’s Republic declares that submission of any dispute concerning the application or the interpretation of article 53 and 64 to the International Court of Justice for a decision as well as submission of any dispute concerning the application or the interpretation of any other articles in Part V of the Convention to a conciliation commission for consideration shall be subject to the consent of all the parties to the dispute in each separate case, and that the conciliators constituting the conciliation commission shall be appointed by the parties to the dispute by common consent.

2. The Mongolian People’s Republic is not obligated by the provisions of article 45 (b) of the Vienna Convention on the Law of Treaties, since they are contrary to established international practice.” (*VN-vertaling*)

Verklaringen

“1. The Mongolian People’s Republic declares that it reserves the right to take any measures to safeguard its interests in the case of the non-observance by other States of the provisions of the Vienna Convention on the Law of Treaties.

2. The Mongolian People’s Republic deems it appropriate to draw attention to the discriminatory nature of article 81 and 83 of the Vienna Convention on the Law of Treaties and declares that the Convention should be open for accession by all States.” (*VN-vertaling*)

De Regering van het Koninkrijk der Nederlanden heeft op 28 juli 1988 het volgende bezwaar gemaakt tegen het door Mongolië met betrekking tot artikel 66 gemaakte voorbehoud:

“.... with reference to the accession of Mongolia on 16 May 1988 to the Vienna

Convention on the Law of Treaties, concluded on 23 May 1969, recalls attention to the objections of the Kingdom of the Netherlands formulated upon its accession to the Convention.

In conformity with the terms of the objections, the Kingdom of the Netherlands objects to any reservation, excluding the procedures regarding the settlement of disputes, contained in Article 66 of the Convention, such as the reservation formulated by Mongolia.

The Kingdom of the Netherlands re-iterates that the absence of treaty relations between itself and Mongolia in respect of Part V of the Convention will not in any way impair the duty of that State to fulfill any obligation embodied in those provisions to which it is subject under international law independent of the Convention.”

De Regering van de *Bondsrepubliek Duitsland* heeft op 21 september 1988 het volgende bezwaar gemaakt tegen het door Mongolië met betrekking tot artikel 66 gemaakte voorbehoud:

“The Federal Republic of Germany rejects the reservation made by the Mongolian People’s Republic with regard to Article 66 of the Vienna Convention on the Law of Treaties as incompatible with the object and purpose of the said Convention. In this connection it wishes to point out once more that the Government of the Federal Republic of Germany considers Articles 53 and 64 to be inextricably linked to Article 66 (a).” (*VN-vertaling*)

De Regering van Mongolië heeft op 19 juli 1990 de gemaakte voorbehouden ingetrokken.

*) Onder het volgende voorbehoud, de volgende verklaring en het volgende bezwaar:

Voorbehoud

«Le Gouvernement de la République algérienne démocratique et populaire considère que la compétence de la Cour internationale de justice ne peut s’exercer, à la requête d’une seule partie, à propos d’un différend tel que celui visé à l’article 66, paragraphe a.

Il déclare que l’accord préalable de toutes les parties concernées est, dans chaque cas, nécessaire pour qu’un différend soit soumis à ladite Cour.»

Verklaring

«L’adhésion de la République algérienne démocratique et populaire à la présente Convention ne signifie en aucune façon la reconnaissance d’Israël.

Cette adhésion ne peut être interprétée comme devant aboutir à l’établissement de relations de quelque nature que ce soit avec Israël.»

Bezwaar

«Le Gouvernement de la République algérienne démocratique et populaire, fidèle au principe de l’intangibilité des frontières héritées à l’indépendance, formule une objection à la réserve émise par le Royaume du Maroc à propos du paragraphe 2 a) de l’article 62 de la Convention» (zie *Trb.* 1977, 169 blz. 38).

De Regering van het *Koninkrijk der Nederlanden* heeft op 30 januari 1989 tegen dit voorbehoud het volgende bezwaar gemaakt:

“With reference to the accession of the People’s Democratic Republic of Algeria on 8 November 1988 to the Vienna Convention on the Law of Treaties, concluded on 23 May 1969, the Kingdom of the Netherlands recalls attention to the objections it formulated upon its accession to the Convention.

In conformity with the terms of the objections, the Kingdom of the Netherlands objects to any reservation, excluding the settlement of disputes concerning the application or the interpretation of articles 53 and 64 before the International

Court of Justice, contained in article 66, paragraph a, of the Convention, such as the reservation formulated by Algeria.

The Kingdom of the Netherlands re-iterates that the absence of treaty relations between itself and Algeria in respect of the articles 53 and 64 of the Convention will not in any way impair the duty of that State to fulfill any obligation embodied in those provisions to which it is subject under international law independent of the Convention.”

De Regering van de *Bondsrepubliek Duitsland* heeft op 20 maart 1989 tegen dit voorbehoud het volgende bezwaar gemaakt:

“The Federal Republic of Germany rejects the reservation made by the People’s Democratic Republic of Algeria with regard to article 66 of the Vienna Convention on the Law of Treaties as incompatible with the object and purpose of the said Convention. In this connection it wishes to point out once more that the Government of the Federal Republic of Germany considers Articles 53 and 64 to be inextricably linked to Article 66 (a).” (*VN-vertaling*)

De Regering van het *Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* heeft op 11 oktober 1989 tegen dit voorbehoud het volgende bezwaar gemaakt:

“The Government of the United Kingdom wish in this context to recall their declaration of 5 June 1987 (in respect of the accession of the Union of Soviet Socialist Republics) which in accordance with its terms applies to the reservations mentioned above, and will similarly apply to any like reservations which any other State may formulate.”

¹⁰⁾ Onder de volgende verklaring:

“According to the understanding of the Government of the Sultanate of Oman the implementation of paragraph (2) to the Article (62) of the said Convention does not include those Treaties which are contrary to the right to self-determination.” (*VN-vertaling*)

¹¹⁾ De Regering van België heeft de depositaris op 18 februari 1993 medegedeeld dat in haar akte van toetreding het volgende voorbehoud had behoren te worden opgenomen:

«L’État belge ne sera pas lié par les articles 53 et 64 de la Convention vis-à-vis de toute partie qui, formulant une réserve au sujet de l’article 66, point a), récuserait la procédure de règlement fixée par cet article.»

Aangezien tegen dit voorbehoud door Partijen geen bezwaren zijn gemaakt voor 21 juni 1993 heeft de depositaris het voorbehoud voor nederlegging aangevaard op die datum.

G. INWERKINGTREDING

Zie *Trb.* 1985, 79.

Vanaf 1 januari 1986 geldt het Verdrag, hetwelk tevoren wat betreft het Koninkrijk der Nederlanden voor Nederland en de Nederlandse Antillen gold, voor Nederland, de Nederlandse Antillen en Aruba.

J. GEGEVENS

Zie *Trb.* 1972, 51, *Trb.* 1977, 169 en *Trb.* 1985, 79.

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 *Trb.* 1987, 114.

Voor het op 26 oktober 1956 te New York tot stand gekomen Statuut van de Internationale Organisatie voor Atoomenergie zie ook, laatstelijk, *Trb.* 1990, 51.

Uitgegeven de *zevenentwintigste* maart 1996.

De Minister van Buitenlandse Zaken,

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