

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1971 Nr. 222

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A. TITEL

*Verdrag inzake de volle zee;  
Genève, 29 april 1958*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1959, 124.

C. VERTALING

Zie *Trb.* 1959, 124.

D. GOEDKEURING

Zie *Trb.* 1966, 124.

E. BEKRACHTIGING

Zie *Trb.* 1966, 124. \*)

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 32 van het Verdrag een akte van bekrachtiging bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Zwitserland .....	18 mei 1966
Thailand <sup>1)</sup> .....	2 juli 1968
Denemarken <sup>2)</sup> .....	26 september 1968

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\*) De Regering van de Verenigde Staten van Amerika heeft de Secretaris-Generaal van de Verenigde Naties op 27 oktober 1967 het volgende medegedeeld:

“The Government of the United States of America has received an inquiry regarding the applicability of several of the Geneva Law of the Sea Conventions of 1958 between the United States and States which ratified or acceded to those conventions with reservations which the United States found to be unacceptable. The Government of the United States wishes to state that it has considered and will continue to consider all the Geneva Law of the Sea Conventions of 1958 as being in force between it and all other States that have ratified or acceded thereto, including States that have ratified or acceded with reservations unacceptable to the United States. With respect to States which ratified or acceded with reservations unacceptable to the United States, the conventions are considered by the United States to be in force between it and each of those States except that provisions to which such reservations are addressed shall apply only to the extent that they are not affected by those reservations. The United States considers that such application of the conventions does not in any manner constitute any concurrence by the United States in the substance of any of the reservations involved.”

1) Bij de bekrachtiging heeft de Regering van Thailand bezwaar gemaakt tegen de volgende voorbehouden en verklaringen:

“1. the reservations to article 9 made by the Governments of Albania, Bulgaria, the Byelorussian SSR, Czechoslovakia, Hungary, Mexico, Poland, Romania, the Ukrainian SSR and the USSR.

2. the declarations to article 15 made by the Governments of Albania, Bulgaria, the Byelorussian SSR, Czechoslovakia, Hungary, Poland, Romania, the Ukrainian SSR and the USSR.

3. the reservation made by the Government of Indonesia.”

2) Onder de volgende verklaring:

“The Government of Denmark declares that it does not find acceptable:

The reservations made by the Governments of Albania, Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Mexico, Poland, Romania, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics to article 9;

The reservation made by the Government of Iran to article 26, paragraphs 1 and 2;

The reservation made by the Government of Indonesia regarding the interpretation of the terms ‘territorial sea’ and ‘internal waters’.

The above-mentioned objections shall not affect the coming into force of the Convention, according to article 34, as between Denmark and the Contracting Parties concerned.”

#### F. TOETREDING

Zie *Trb.* 1966, 124.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 33 een akte van toetreding bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Mexico <sup>1)</sup> .....	2 augustus 1966
Japan <sup>2)</sup> .....	10 juni 1968
Kenya .....	20 juni 1969
Swaziland .....	16 oktober 1970
Spanje <sup>3)</sup> .....	25 februari 1971

### *Verklaring van voortgezette gebondenheid*

De Regeringen van de volgende Staten hebben de Secretaris-Generaal van de Verenigde Naties medegedeeld dat zij zich gebonden achten aan het Verdrag, dat op hun grondgebied van toepassing was voordat zij de onafhankelijkheid verwierven:

Trinidad en Tobago .....	11 april 1966
Mauritius .....	5 oktober 1970
Fiji <sup>4)</sup> .....	25 maart 1971
Tonga <sup>5)</sup> .....	29 juni 1971

Zie ook de onder rubriek E afgedrukte noot \*).

1) Onder het volgende voorbehoud:

"The Government of Mexico enters an express reservation with regard to article 9, since it considers that government ships, irrespective of the use to which they are put, enjoy immunity; it therefore does not accept the limitation imposed in the article in question, which provides that only ships owned or operated by a State and used only on government non-commercial service shall have immunity from the jurisdiction of other States on the high seas." (*V.N.-vertaling*)

Tegen het voorbehoud van Mexico hebben de Regering van de Verenigde Staten van Amerika, de Regering van het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland, de Regering van Portugal, de Regering van het Koninkrijk der Nederlanden en de Australische Regering respectievelijk op 28 september 1966, 2 november 1966, 27 december 1966, 17 maart 1967 en 31 januari 1968 bezwaar gemaakt.

2) Onder de volgende verklaringen:

"1. In depositing the instrument of accession of the Convention on the High Seas, the Government of Japan wishes to state that it does not consider acceptable any unilateral statement in whatever form, made by a State upon signing, ratifying or acceding to the Convention on the High Seas, which is intended to exclude or modify for such State legal effects of the provisions of the Convention.

2. In particular, the Government of Japan finds unacceptable the following reservations:

(a) The reservations made by the Governments of Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Poland, Romania, the Ukrainian Soviet Socialist Republic, and the Union of Soviet Socialist Republics to article 9.

(b) The reservations made by the Government of Iran to article 2 and article 26, paragraphs 1 and 2.

The reservations made by the Government of Indonesia quoted in the communications of the United Nations, C.N. 122.1961. TREATIES-7 and C.N. 73.1962. TREATIES-3.

The reservation made by the Government of Albania to article 9 in its instrument of accession.

The reservation made by the Government of Mexico to article 9 in its instrument of accession.”

3) Onder de volgende vermelding:

“Spain’s accession is not to be interpreted as recognition of any rights or situations in connexion with the waters of Gibraltar other than those referred to in article 10 of the Treaty of Utrecht, of 13 July 1713, between the Crowns of Spain and Great Britain.” (*VN-vertaling*)

4) Onder de volgende mededeling:

“The Government of Fiji declares that it withdraws the observations made by the United Kingdom with respect to the reservation made on ratification of the Convention on the High Seas by the Government of Indonesia and substitutes therefor the following observation:

“With respect to the reservation made by the Government of Indonesia on ratification of the above-mentioned Convention on the High Seas, the Government of Fiji states that it considers that the extent of Indonesian national waters referred to therein is subject to the rule of international law that, where the establishment of a straight baseline has the effect of enclosing as internal waters areas which previously had been considered as part of the high seas, a right of innocent passage shall exist in those waters, subject to the regulations of the national authorities respecting police, customs, quarantine and control of pollution, and without prejudice to the exclusive right of such authorities in respect of the exploration and exploitation of the natural resources of such waters and of the subjacent seabed and subsoil.”

Voorts deelde de Regering van Fiji mede dat zij de bezwaren gemaakt door de Regering van het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland tegen de voorbehouden of verklaringen afgelegd door bepaalde Staten met betrekking tot het onderhavige Verdrag (zie *Trb.* 1966, 124, blz. 2 en noot 1 hierboven) handhaaft.

5) Onder de volgende mededeling:

“With respect to the reservation made by the Government of Indonesia on ratification of the abovementioned Convention on the High Seas, the Government of Tonga states that it considers that the extent of Indonesian national waters referred to therein is subject to the rule of international law that, where the establishment of a straight baseline has the effect of enclosing as internal waters areas which previously had been considered as part of the high seas, a right of innocent passage shall exist in those waters, subject to the regulations of the national authorities respecting police, customs, quarantine and control of pollution, and without prejudice to the exclusive right of such authorities in respect of the exploration and exploitation of the natural resources of such waters and of the subjacent seabed and subsoil.”

Op 22 oktober 1971 deelde de Regering van Tonga de Secretaris-Generaal van de Verenigde Naties voorts mede, dat de Regering van Tonga de bezwaren gemaakt door de Regering van het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland tegen de voorbehouden of verklaringen afgelegd door bepaalde Staten met betrekking tot het onderhavige Verdrag (zie *Trb.* 1966, 124, blz. 2 en noot 1 hierboven) handhaaft.

G. INWERKINGTREDING

Zie *Trb.* 1966, 124.

J. GEGEVENS

Zie *Trb.* 1959, 124 en *Trb.* 1966, 124.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Handvest der Verenigde Naties zie ook, laatstelijk, *Trb.* 1969, 104.

Voor het op 29 april 1958 te Genève tot stand gekomen Verdrag inzake de territoriale zee en de aansluitende zone zie ook *Trb.* 1971, 221.

Voor het op 29 april 1958 te Genève tot stand gekomen Verdrag inzake de visserij en de instandhouding van de levende rijkdommen van de volle zee zie ook *Trb.* 1971, 223.

Voor het op 29 april 1958 te Genève tot stand gekomen Verdrag inzake het continentale plateau zie ook *Trb.* 1971, 224.

Voor het op 29 april 1958 te Genève tot stand gekomen Protocol van facultatieve ondertekening inzake de verplichte beslechting van geschillen zie ook *Trb.* 1971, 225.

Uitgegeven de dertigste december 1971.

*De Minister van Buitenlandse Zaken a.i.,*

**BIESHEUVEL.**