

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1994 Nr. 254

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A. TITEL

*Verdrag inzake de voorkoming en bestraffing van genocide;  
Parijs, 9 december 1948*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1960, 32.

C. VERTALING

Zie *Trb.* 1960, 32 en *Trb.* 1966, 179.

D. PARLEMENT

Zie *Trb.* 1966, 179.

E. BEKRACHTIGING

Zie *Trb.* 1960, 32<sup>1)</sup>, en *Trb.* 1970, 190.

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

Nieuw Zeeland . . . . .	28 december 1978
China <sup>2)</sup> . . . . .	18 april 1983
de Verenigde Staten van Amerika <sup>3)</sup> . . . .	25 november 1988

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<sup>1)</sup> De Regering van *Cuba* heeft op 29 januari 1982 de bij de bekrachtiging afgelegde verklaring met betrekking tot de voorbehouden gemaakt door Bulgarije, de Oekraïne, Polen, Roemenië, de Sowjet-Unie, Tsjechoslowakije en Wit Rusland ten aanzien van de artikelen IX en XII van het Verdrag ingetrokken.

De Regering van de *Sowjet-Unie* heeft op 8 maart 1989 het bij de bekrachtiging gemaakte voorbehoud met betrekking tot artikel IX van het Verdrag ingetrokken.

De Regering van *Wit Rusland* heeft op 19 april 1989 het bij de bekrachtiging gemaakte voorbehoud, met betrekking tot artikel IX van het Verdrag ingetrokken.

De Regering van de *Oekraïne* heeft op 20 april 1989 het bij de bekrachtiging gemaakte voorbehoud, met betrekking tot artikel IX van het Verdrag ingetrokken.

De Regering van *Tsjechoslowakije* heeft op 26 april 1991 het bij de ondertekening gemaakte en bij de bekrachtiging van het Verdrag bevestigde voorbehoud met betrekking tot artikel IX van het Verdrag ingetrokken.

2) Onder de volgende verklaring en voorbehoud:

"1. The ratification of the said Convention by the Taiwan local authorities on 19 July 1951 in the name of China is illegal and therefore null and void.

2. The People's Republic of China does not consider itself bound by article IX of the said Convention." (*vertaling*)

De Regering van het *Vereenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* heeft op 26 augustus 1983 naar aanleiding van het door China gemaakte voorbehoud met betrekking tot artikel IX het volgende verklaard:

".... The Government of the United Kingdom have however consistently stated that they are unable to accept reservations to this article. ..."

3) Onder de volgende voorbehouden en verklaringen:

"Reservations

1. That with reference to Article IX of the Convention, before any dispute to which the United States is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the United States is required in each case.

2. That nothing in the Convention requires or authorizes legislation or other action by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

Understandings

1. That the term 'intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such' appearing in Article II means the specific intent to destroy, in whole or in substantial part, a national, ethnical, racial or religious group as such by the acts specified in Article II.

2. That the term 'mental harm' in Article II(b) means permanent impairment of mental faculties through drugs, torture or similar techniques.

3. That the pledge to grant extradition in accordance with a state's law and treaties in force found in Article VII extends only to acts which are criminal under the laws of both the requesting and the requested state and nothing in Article VI affects the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside a state.

4. That acts in the course of armed conflicts committed without the specific intent required by Article II are not sufficient to constitute genocide as defined by this Convention.

5. That with regard to the reference to an international penal tribunal in Article VI of the Convention, the United States declares that it reserves the right to effect its participation in any tribunal only by a treaty entered into specifically for that purpose with the advice and consent of the Senate."

De Regering van *Denemarken* heeft op 22 december 1989 tegen deze voorbehouden het volgende bezwaar gemaakt:

"The Government of Denmark has taken note of the reservations made by the United States of America when ratifying the Convention on the Prevention and Punishment of the Crime of Genocide. According to reservation No. 2 'nothing in the Convention requires or authorizes legislation or other action by the United

States of America prohibited by the Constitution of the United States as interpreted by the United States'. In view of the Government of Denmark this reservation is subject to the General principle of treaty interpretation according to which a party may not invoke the provisions of its internal law as justification for failure to perform a treaty."

De Regeringen van *Finland en Noorwegen* hebben op 22 december 1989 tegen deze voorbehouden hetzelfde bezwaar, mutatis mutandis, gemaakt als de Regering van Denemarken.

De Regering van *Ierland* heeft op 22 december 1989 tegen deze voorbehouden het volgende bezwaar gemaakt:

"The Government of Ireland is unable to accept the second reservation made by the United States of America on the occasion of its ratification of the above-mentioned convention on the grounds that as a generally accepted rule of international law a party to an international agreement may not, by invoking the terms of its internal law, purport to override the provisions of the agreement."

De Regering van *Zweden* heeft op 22 december 1989 tegen het tweede voorbehoud de volgende bezwaren gemaakt:

"The Government of Sweden is of view that a State party to the Convention may not invoke the provisions of its national legislation, including the Constitution, to justify that it does not fulfil its obligation under the Convention and therefore objects to the reservation.

This objection does not constitute an obstacle to the entry into force of the Convention between Sweden and the United States of America."

De Regering van het *Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* heeft op 22 december 1989 tegen deze voorbehouden de volgende bezwaren gemaakt:

"The Government of the United Kingdom have consistently stated that they are unable to accept reservations to Article IX. Accordingly, in conformity with the attitude adopted by them in previous cases, the Government of the United Kingdom do not accept the first reservation entered by the United States.

The Government of the United Kingdom object to the second reservation entered by the United States of America. It creates uncertainty as to the extent of the obligations which the Government of the United States of America is prepared to assume with regard to the Convention."

Het *Koninkrijk der Nederlanden* heeft op 27 december 1989 tegen deze voorbehouden de volgende bezwaren gemaakt:

"As concerns the first reservation, the Government of the Kingdom of the Netherlands recalls its declaration, made on 20 June 1966 on the occasion of the accession of the Kingdom of the Netherlands to the Convention (circulated 21 July 1966 with reference C.N.99.1966.Treaties-1), stating that in its opinion the reservations in respect of article IX of the Convention, made at the time by a number of states, were incompatible with the object and purpose of the Convention, and that the Government of the Kingdom of the Netherlands did not consider states making such reservations parties to the Convention. Accordingly, the Government of the Kingdom of the Netherlands does not consider the United States of America a party to the Convention. Similarly, the Government of the Kingdom of the Netherlands does not consider parties to the Convention other states which have made such reservation, i.e., in addition to the states mentioned in the aforementioned declaration, the People's Republic of China, Democratic Yemen, the German Democratic Republic, the Mongolian People's Republic, the Philippines, Rwanda, Spain, Venezuela, and Vietnam. On the other hand, the Government of the Kingdom of the Netherlands does consider parties to the Convention those states that have since withdrawn their reservations, i.e. the Union

of Soviet Socialist Republics, the Byelorussian Soviet Socialist Republic, and the Ukrainian Soviet Socialist Republic.

As the Convention may come into force between the Kingdom of the Netherlands and the United States of America as a result of the latter withdrawing its reservation in respect of article IX, the Government of the Kingdom of the Netherlands deems it useful to express the following position on the second reservation of the United States of America:

The Government of the Kingdom of the Netherlands objects to this reservation on the ground that it creates uncertainty as to the extent of the obligations the Government of the United States of America is prepared to assume with regard to the Convention. Moreover, any failure by the United States of America to act upon the obligations contained in the Convention on the ground that such action would be prohibited by the constitution of the United States would be contrary to the generally accepted rule of international law, as laid down in article 27 of the Vienna Convention on the law of treaties (Vienna, 23 May 1969)."

De Regering van *Italië* heeft op 29 december 1989 tegen het tweede voorbehoud het volgende bezwaar gemaakt:

"The Government of the Republic of Italy objects to the second reservation entered by the United States of America. It creates uncertainty as to the extent of the obligations which the Government of the United States of America is prepared to assume with regard to the Convention."

De Regering van *Spanje* heeft op 29 december 1989 tegen deze voorbehouden het volgende bezwaar gemaakt:

"Spain interprets the reservation entered by the United States of America to the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General assembly of the United Nations on 9 December 1948, which states that 'nothing in the Convention requires or authorizes legislation or other action by the United States of America prohibited by the Constitution of the United States as interpreted by the United States', to mean that legislation or other action by the United States of America will continue to be in accordance with the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide."

De Regering van de *Bondsrepubliek Duitsland* heeft op 11 januari 1990 tegen deze voorbehouden de volgende verklaring afgelegd:

"The Government of the Federal Republic of Germany has taken note of the declarations made under the heading 'Reservations' by the Government of the United States of America upon ratification of the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly of the United Nations on 9 December 1948. The Government of the Federal Republic of Germany interprets paragraph (2) of the said declarations as a reference to article V of the Convention and therefore as not in any way affecting the obligations of the United States of America as a State Party to the Convention."

De Regering van *Griekenland* heeft op 26 januari 1990 tegen deze voorbehouden het volgende bezwaar gemaakt:

"The Government of the Hellenic Republic cannot accept the first reservation entered by the United States of America upon ratifying the Convention on the Prevention and Punishment of the Crime of Genocide, for it considers such a reservation to be incompatible with the Convention."

As regards the second reservation entered by the United States of America, the Government of the Hellenic Republic considers that, in accordance with the generally recognized principles of international law, a party to an international convention may not invoke its domestic legislation as a reason to avoid honouring its obligations under that Convention." (*vertaling*)

De Regering van *Mexico* heeft op 4 juni 1990 tegen deze voorbehouden het volgende bezwaar gemaakt:

“The Government of Mexico believes that the reservation made by the United States Government to Article IX of the aforesaid Convention should be considered invalid because it is not in keeping with the object and purpose of the Convention, nor with the principle governing the interpretation of treaties whereby no State can invoke provisions of its domestic law as a reason for not complying with a treaty.

If the aforementioned reservation were applied, it would give rise to a situation of uncertainty as to the scope of the obligations which the United States Government would assume with respect to the Convention.

Mexico's objection to the reservation in question should not be interpreted as preventing the entry into force of the 1948 Convention between the [Mexican] Government and the United States Government. (*vertaling*)

De Regering van *Estland* heeft op 21 oktober 1991 tegen het tweede voorbehoud het volgende bezwaar gemaakt:

“The Estonian Government objects to this reservation on the grounds that it creates uncertainty, as to the extent of the obligations the Government of the United States of America is prepared to assume with regard to the Convention. According to Article 27 of the Vienna Convention on the Law of Treaties no party may invoke the provisions of its domestic law as justification for failure to perform a treaty.”

#### F. TOETREDING

Zie *Trb.* 1960, 32<sup>1</sup>), *Trb.* 1966, 179 en *Trb.* 1970, 190<sup>2</sup>).

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

Tonga . . . . .	16 februari 1972
de Duitse Democratische Republiek <sup>3</sup> ) . . . . .	27 maart 1973
Mali . . . . .	16 juli 1974
Lesotho . . . . .	29 november 1974
Rwanda <sup>4</sup> ) . . . . .	16 april 1975
Ierland . . . . .	22 juni 1976
Gambia . . . . .	29 december 1978
Barbados . . . . .	14 januari 1980
Vietnam <sup>5</sup> ) . . . . .	9 juni 1981
Luxemburg . . . . .	7 oktober 1981
Sint Vincent en de Grenadinen . . . . .	9 november 1981
Papoea Nieuw-Guinea . . . . .	27 januari 1982
Cyprus . . . . .	29 maart 1982
Gabon . . . . .	21 januari 1983
Senegal . . . . .	4 augustus 1983
Tanzania . . . . .	5 april 1984
de Maldiven . . . . .	24 april 1984
Togo . . . . .	24 mei 1984
Jemen (Zuid) <sup>6</sup> ) . . . . .	9 februari 1987

de Democratische Volksrepubliek Korea.	31 januari 1989
Jemen (Noord) . . . . .	6 april 1989
Libië . . . . .	16 mei 1989
Bahrein <sup>7)</sup> . . . . .	27 maart 1990
Zimbabwe . . . . .	13 mei 1991
Estland. . . . .	21 oktober 1991
Letland. . . . .	14 april 1992
de Seychellen . . . . .	5 mei 1992
Moldavië . . . . .	26 januari 1993
Armenië . . . . .	23 juni 1993
Georgië . . . . .	11 oktober 1993
Liechtenstein . . . . .	24 maart 1994
De Voormalige Joegoslavische Republiek Macedonië . . . . .	18 januari 1994

#### *Verklaring van voortgezette gebondenheid*

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

Fiji . . . . .	11 januari 1973
de Bahamas . . . . .	5 augustus 1975
Antigua en Barbuda. . . . .	25 oktober 1988
Slovenië . . . . .	1 juli 1992
Kroatic. . . . .	12 oktober 1992
Bosnië-Herzegowina . . . . .	29 december 1992
de Tsjechische Republiek <sup>8)</sup> . . . . .	22 februari 1993
Slowakije . . . . .	28 mei 1993

<sup>1)</sup> De Regering van *Hongarije* heeft op 8 december 1989 de bij de toetreding afgelegde verklaring met betrekking tot artikel IX van het Verdrag ingetrokken.

De Regering van *Bulgarije* heeft op 24 juni 1992 het gemaakte voorbehoud met betrekking tot artikel IX van het Verdrag ingetrokken.

<sup>2)</sup> De Regering van *Mongolië* heeft op 19 juli 1990 het bij de toetreding gemaakte voorbehoud, met betrekking tot artikel IX van het Verdrag ingetrokken.

<sup>3)</sup> Onder de volgende voorbehouden en verklaring:

“The German Democratic Republic does not consider itself bound by the provisions of article IX of the Convention, which provides that disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the Convention are, at the request of any of the parties to the dispute, to be submitted to the International Court of Justice, and declares that, as regards the jurisdiction of the International Court of Justice in respect of disputes relating to the interpretation, application or fulfilment of the Convention, the German Democratic Republic takes the position that, in each individual case, the consent of all parties to the dispute is necessary for the submission of a given dispute to the International Court of Justice for decision.

The German Democratic Republic declares that it cannot accept the provisions of article XII of the Convention and considers that the Convention should also extend to Non-Self-Governing Territories, including Trust Territories.

The German Democratic Republic deems it necessary to state that article XI of the Convention deprives a number of States of the opportunity to become Parties to the Convention. As the Convention regulates matters affecting the interests of all States, it should be open to participation by all States whose policies are guided by the purposes and principles of the Charter of the United Nations." (*ver-taling*)

De Regering van de *Duitse Democratische Republiek* heeft op 27 december 1973 de volgende mededeling gedaan:

"With regard to the application to Berlin (West) of the Convention on the Prevention and Punishment of the Crime of Genocide and in accordance with the Quadripartite Agreement concluded on September 3, 1971 between the governments of the Union of Soviet Socialist Republics, of the United Kingdom of Great Britain and Northern Ireland, of the United States of America and of the French Republic, the German Democratic Republic declares that Berlin (West) is no constituent part of the Federal Republic of Germany and must not be governed by it. For this reason the statement of the Government of the Federal Republic of Germany, according to which this Convention also applies to the 'Land Berlin', is in contradiction to the Quadripartite Agreement and cannot produce any validity."

De Regeringen van *Frankrijk*, het *Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* en de *Verenigde Staten* hebben naar aanleiding van de mededeling van de Duitse Democratische Republiek op 17 juni 1974 de volgende mededeling gedaan:

"The Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America wish to bring to the attention of the States Parties to the Convention that the extension of the Convention to the Western Sectors of Berlin received the prior authorisation, under established procedures, of the authorities of France, the United Kingdom and the United States on the basis of their supreme authority in those Sectors.

In a communication to the Government of the Union of Soviet Socialist Republics which is an integral part (Annex IV A) of the Quadripartite Agreement of the 3rd of September 1971 the Governments of France, the United Kingdom and the United States reaffirmed that, provided matters of security and status are not affected, international agreements and arrangements entered into by the Federal Republic of Germany may be extended to the Western Sectors of Berlin. For its part, the Government of the Union of Soviet Socialist Republic, in a communication to the Governments of France, the United Kingdom and the United States which is similarly an integral part (Annex IV B) of the Quadripartite Agreement of the 3rd of September 1971, affirmed that it would raise no objection to such extension.

Accordingly, the application of the Convention to the Western Sectors of Berlin continues in full force and effect."

De Regering van de *Bondsrepubliek Duitsland* heeft naar aanleiding van het bovenstaande op 15 juli 1974 de volgende mededeling gedaan:

"The Government of the Federal Republic of Germany shares the position set out in the Note of the Three Powers. The extension of the Convention to Berlin (West) continues in full force and effect."

De Regering van de *Sowjet-Unie* heeft naar aanleiding van het bovenstaande op 12 september 1974 de volgende mededeling gedaan:

"The Soviet Union shares the view expressed in the communications from the German Democratic Republic concerning the action by the Federal Republic of Germany in extending to 'Land Berlin' the Convention of 9 December 1948 on the Prevention and Punishment of the Crime of Genocide,... . Berlin (West) has never been a 'Land of the Federal Republic of Germany', does not form part of

the Federal Republic of Germany and is not governed by it. This fact was reaffirmed and given legal effect in the Quadripartite Agreement of 3 September 1971. The declarations by the Federal Republic of Germany extending international agreements to 'Land Berlin' are regarded and will continue to be regarded by the Soviet Union as having no legal effect." (*vertaling*)

De Regering van de Oekraïne heeft op 19 september 1974 een soortgelijke verklaring afgelegd als die van de Sowjet-Unie.

De Regeringen van Frankrijk, het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland en de Verenigde Staten van Amerika hebben op 8 juli 1975 naar aanleiding van de mededelingen van de Sowjet-Unie en de Oekraïne het volgende doen weten:

de Sowjet-Unie:

"In a communication to the Government of the Union of Soviet Socialist Republics which is an integral part (Annex IV A) of the Quadripartite Agreement of 3 September 1971, the Governments of France, the United Kingdom and the United States confirmed that provided that matters of security and status are not affected and provided that extension is specified in each case, international agreements and arrangements entered into by the Federal Republic of Germany may be extended to the Western Sectors of Berlin in accordance with established procedures. For its part, the Government of the Union of Soviet Socialist Republics, in a communication to the Governments of France, the United Kingdom and the United States which is similarly an integral part (Annex IV B) of the Quadripartite Agreement of 3 September 1971, affirmed that it would raise no objection to such extension.

The Quadripartite Agreement does not impose any requirement regarding terminology to be used by the Federal Republic of Germany when extending to the Western Sectors of Berlin such international agreements or arrangements nor, of course does the Quadripartite Agreement affect terminology used in the past.

In any case, the use by the Federal Republic of Germany of the terminology mentioned in the [Note] under reference can in no way affect quadripartite agreements or decisions relating to Berlin.

Consequently, the validity of the Berlin Declaration made by the Federal Republic of Germany is unaffected by the use of this terminology and the application to the Western Sectors of Berlin of the [instrument] mentioned in the above listed [document] continues in full force and effect."

de Oekraïne

The Governments of France, the United Kingdom and the United States wish to point out that the [State whose communication is reported in the above mentioned Note is not a party] to the Quadripartite Agreement of 3 September 1971, which was concluded in Berlin by the Governments of the French Republic, the Union of the Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and [is] not therefore competent to comment authoritatively on its provisions.

The Quadripartite Agreement does not impose any requirement regarding terminology to be used by the Federal Republic of Germany when extending to the Western Sectors of Berlin treaties or agreements to which it has become a party nor, of course, does the Agreement affect terminology used in the past.

In any case the use by the Federal Republic of Germany of the terminology mentioned in the [communication] under reference can in no way affect quadripartite agreements or decisions relating to Berlin.

Consequently the validity of the Berlin Declaration made by the Federal Republic of Germany is unaffected by the use of this terminology.

The Government of France, the United Kingdom and the United States do not



consider it necessary to respond to any further communications of a similar nature by States which are not signatories to the Quadripartite Agreement. This should not be taken to imply any change in the position of those Governments in this matter."

De Regering van de *Bondsrepubliek Duitsland* heeft op 19 september 1975 de volgende mededeling gedaan:

"By their Notes of 8 July 1975, disseminated by Circular Notes ... C.N.188.1975.TREATIES-2 of 13 August 1975, the Governments of France, the United Kingdom and the United States answered the assertions made in the communications referred to above. The Government of the Federal Republic of Germany, on the basis of the legal situation set out in the Notes of the Three Powers wishes to confirm that the application in Berlin (West) of the above-mentioned [instrument] extended by it under the established procedures continues in full force and effect.

The Government of the Federal Republic of Germany wishes to point out that the absence of a response to further communications of a similar nature should not be taken to imply any change of its position in this matter."

De Regering van het *Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* heeft naar aanleiding van het voorbehoud ten aanzien van artikel IX op 21 november 1975 de volgende mededeling gedaan:

"The Government of the United Kingdom of Great Britain and Northern Ireland have consistently stated that they are unable to accept reservations in respect of Article IX of the said Convention; in their view this is not the kind of reservation which intending parties to the Convention have the right to make.

[Accordingly, the Government of the United Kingdom do not accept the reservation entered by the Republic of Rwanda against Article IX of the Convention.]"

De Regering van de *Sowjet-Unie* heeft op 8 december 1975 met betrekking tot haar mededeling van 12 september 1974 het volgende mededegeedeeld:

"The Permanent Mission of the Union of Soviet Socialist Republics to the United Nations ..., considers it necessary to confirm the position on the question set forth in the Permanent Mission's note No. 491 of 11 September 1974. The declarations by the Federal Republic of Germany extending the above-mentioned [Convention] to 'Land Berlin' will continue to be regarded by the Soviet side as having no legal effect." (*vertaling*)

4) Onder het voorbehoud: „zich niet gebonden te achten door artikel IX."

De Regering van het *Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* heeft op 21 november 1975 de volgende mededeling gedaan:

"..... the Government of the United Kingdom do not accept the reservation entered by the Republic of Rwanda against Article IX of the Convention....."

5) Onder de volgende voorbehouden en een verklaring:

"1. The Socialist Republic of Viet Nam does not consider itself bound by article IX of the Convention which provides the jurisdiction of the International Court of Justice in solving disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the Convention at the request of any of the parties to disputes. The Socialist Republic of Viet Nam is of the view that, regarding the jurisdiction of the International Court of Justice in solving disputes referred to in article IX of the Convention, the consent of the parties to the disputes except the criminals is diametrically necessary for the submission of a given dispute to the International Court of Justice for decision.

2. The socialist Republic of Viet Nam does not accept article XII of the Convention and considers that all provisions of the Convention should also extend to non-self-Governing Territories, including Trust Territories.

3. The Socialist Republic of Viet Nam considers that article XI is of a discriminatory nature, depriving a number of States of the opportunity to become parties to the Convention, and holds that the Convention should be open for accession by all States." (*vertaling*)

De Regering van *Kampuchea* heeft op 9 november 1981 het volgende bezwaar gemaakt tegen de toetreding tot het Verdrag van Vietnam.

"The Government of Democratic Kampuchea, as a party to the Convention on the Prevention and Punishment of the Crime of Genocide, considers that the signing of that Convention by the Government of the Socialist Republic of Viet Nam has no legal force, because it is no more than a cynical, macabre charade intended to camouflage the foul crimes of genocide committed by the 250,000 soldiers of the Vietnamese invasion army in Kampuchea. It is an odious insult to the memory of the more than 2,500,000 Kampuchean who have been massacred by these same Vietnamese armed forces using conventional weapons, chemical weapons and the weapon of famine, created deliberately by them for the purpose of eliminating all national resistance at its source.

It is also a gross insult to hundreds of thousands of Laotians who have been massacred or compelled to take refuge abroad since the occupation of Laos by the Socialist Republic of Viet Nam, to the Hmong national minority in Laos, exterminated by Vietnamese conventional and chemical weapons and, finally, to over a million Vietnamese 'boat people' who died at sea or sought refuge abroad in their flight to escape the repression carried out in Viet Nam by the Government of the Socialist Republic of Viet Nam.

This shameless accession by the Socialist Republic of Viet Nam violates and discredits the noble principles and ideals of the United Nations and jeopardizes the prestige and moral authority of our world Organization. It represents an arrogant challenge to the international community, which is well aware of these crimes of genocide committed by the Vietnamese army in Kampuchea, has constantly denounced and condemned them since 25 December 1978, the date on which the Vietnamese invasion of Kampuchea began, and demands that these Vietnamese crimes of genocide be brought to an end by the total withdrawal of the Vietnamese forces from Kampuchea and the restoration of the inalienable right of the people of Kampuchea to decide its own destiny without any foreign interference, as provided in United Nations resolutions 34/22, 35/6 and 36/5." (*vertaling*)

De Regering van het *Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* heeft op 26 augustus 1983 naar aanleiding van de bij de toetreding door Vietnam gemaakte voorbehouden het volgende verklaard:

"..... Likewise, in conformity with the attitude adopted by them in previous cases the Government of the United Kingdom do not accept the reservation entered by Viet Nam relating to article XII."

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

"In acceding to this Convention, the People's Democratic Republic of Yemen does not consider itself bound by article IX of the Convention, which provides that disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the Convention shall be submitted to the International Court of Justice at the request of any of the parties to the dispute. It declares that the competence of the International Court of Justice with respect to disputes concerning the interpretation, application or fulfilment of the Convention shall in each case be subject to the express consent of all parties to the dispute." (*vertaling*)

De Regering van het *Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* heeft op 30 december 1987 naar aanleiding van de bij de toetreding door Jemen(Zuid) gemaakte voorbehoud het volgende bezwaar gemaakt:

"The Government of the United Kingdom of Great Britain and Northern Ireland have consistently stated that they are unable to accept reservations in respect of Article IX of the said Convention; in their view this is not the kind of reservation which intending parties to the Convention have the right to make.

Accordingly the Government of the United Kingdom of Great Britain and Northern Ireland do not accept the reservation entered by the People's Democratic Republic of Yemen against Article IX of the Convention."

7) Onder de volgende voorbehouden:

"With reference to article IX of the Convention the Government of the State of Bahrain declares that, for the submission of any dispute in terms of this article to the jurisdiction of the International Court of Justice, the express consent of all the parties to the dispute is required in each case.

Moreover, the accession by the State of Bahrain to the said Convention shall in no way constitute recognition of Israel or be a cause for the establishment of any relations of any kind therewith."

De Regering van *Israel* heeft op 25 juni 1990 naar aanleiding van de bij de toetreding door Bahrein gemaakte voorbehouden het volgende bezwaar gemaakt:

"The Government of the State of Israel has noted that the instrument of accession of Bahrain to the above-mentioned Convention contains a declaration in respect of Israel.

In view of the Government of the State of Israel, such declaration, which is explicitly of a political character, is incompatible with the purpose and objectives of this Convention and cannot in any way affect whatever obligations are binding upon Bahrain under general International Law or under particular Conventions.

The Government of the State of Israel will, in so far as concerns the substance of the matter, adopt towards Bahrain an attitude of complete reciprocity."

8) Onder de verklaring zich gebonden te achten aan het door Tsjecho-Slowakije bij de ondertekening gemaakte en bij de bekrachtiging bevestigde voorbehoud met betrekking tot artikel XII van het Verdrag (zie *Trb.* 1960, 32 blz. 24).

#### G. INWERKINGTREDING

Zie *Trb.* 1960, 32 en *Trb.* 1966, 179.

#### H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1960, 32 en *Trb.* 1970, 190<sup>1)</sup>.

<sup>1)</sup> De Regering van *Argentinië* heeft naar aanleiding van de toepasselijk-verklaring van het Verdrag door het *Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* op 30 januari 1970 op 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 Island'.

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 bezwaar van Argentinië 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 the above-mentioned Convention, to extend the application of the Convention 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.”

#### J. GEGEVENS

Zie *Trb.* 1960, 32, *Trb.* 1966, 179 en *Trb.* 1970, 190.

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Handvest der Verenigde Naties zie ook, laatstelijk, *Trb.* 1993, 168.

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

Uitgegeven de *achtentwintigste* november 1994.

*De Minister van Buitenlandse Zaken,*

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