

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1998 Nr. 23

A. TITEL

*Verdrag tot vaststellen van enige eenvormige regelen inzake aanvaring
in de binnenvaart;
Genève, 15 maart 1960*

B. TEKST

De Franse en de Duitse tekst van het Verdrag zijn geplaatst in
Trb. 1961, 88.

C. VERTALING

Zie *Trb.* 1966, 192.

D. PARLEMENT

Zie *Trb.* 1966, 192.

E. BEKRACHTIGING

Zie *Trb.* 1966, 192.

Behalve de aldaar genoemde Staten heeft nog de volgende Staat overeenkomstig artikel 10, lid 5, van het Verdrag een akte van bekrachtiging bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

de Bondsrepubliek Duitsland¹⁾. 29 mei 1973

¹⁾ Mede voor Berlijn (West).

F. TOETREDING

Zie *Trb.* 1966, 192.

Behalve de aldaar genoemde hebben nog de volgende Staten overeenkomstig artikel 10, lid 5, van het Verdrag een akte van toetreding bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Roemenië¹⁾ 4 augustus 1969

Zwitserland	26 april 1972
Polen ²⁾	8 mei 1972
Hongarije ³⁾	24 juli 1973
de Duitse Democratische Republiek ⁴⁾	8 oktober 1976

¹⁾ Onder de volgende voorbehouden:

“The Socialist Republic of Romania declares, in accordance with the provisions of article 15, that it does not consider itself bound by the provisions of article 14 of the Convention.

The position of the Socialist Republic of Romania is that disputes relating to the interpretation or application of the Convention may be referred to the International Court of Justice only with the agreement of all the parties in dispute in each particular case.

The Socialist Republic of Romania reserves the right, in accordance with article 9, paragraphs (a) and (b) of the Convention, to provide by law or international agreement that the provisions of the Convention will not apply to vessels exclusively employed by the public authorities, or to waterways reserved exclusively for its own shipping.” (*vertaling*)

²⁾ Onder het volgende voorbehoud:

“... the Polish People’s Republic does not consider itself bound by the provisions of article 14 of the Convention with regard to the reference of disputes to the International Court of Justice. Likewise, it reserves the right not to apply the present Convention to inland waterways reserved exclusively for its own shipping.” (*vertaling*)

De Regering van Polen heeft op 16 oktober 1997 het gemaakte voorbehoud met betrekking tot artikel 14 ingetrokken.

³⁾ Onder de volgende voorbehouden:

“(a) Pursuant to article 9 of the Convention, the Hungarian People’s Republic reserves the right to provide by law that the provisions of this Convention shall not apply:

- To vessels exclusively employed by the public authorities;
- To those waterways in the territory of the Hungarian People’s Republic which are reserved exclusively for its own shipping.

(b) Pursuant to article 15 of the Convention, the Hungarian People’s Republic declares that it does not consider itself bound by the provisions of article 14 of the Convention in so far as it concerns the referral of disputes to the International Court of Justice.” (*vertaling*)

⁴⁾ Onder de volgende voorbehouden:

“Pursuant to the provisions of article 9 (a);
The German Democratic Republic declares that the provisions of the Convention shall not apply to vessels exclusively employed by the public authorities.

Pursuant to article 15:

The German Democratic Republic declares that it does not consider itself bound by Article 14 of the Convention in so far as it concerns the referral of disputes to the International Court of Justice.

In accordance with the provisions of article 19:

The German Democratic Republic adopts the German text of the Convention.” (*vertaling*)

De akte van toetreding ging vergezeld van de volgende verklaring:

“The German Democratic Republic, in connection with its accession to the Convention Relating to the Unification of Certain rules Concerning Collisions in

Inland Navigation of 15 March 1960, declares that the statement of the Federal Republic of Germany according to which this Convention is to be extended to Berlin (West) cannot have any legal consequences and, furthermore, is invalid. The statement of the FRG is incompatible with the four-power agreements and regulations of the post-war period as well as with the Quadripartite Agreement of 3 September 1971. As is known, the German Democratic Republic is competent for the waterways in Berlin (West).”

De Regeringen van *Frankrijk, het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland en de Verenigde Staten van Amerika* hebben op 13 juni 1977 de volgende mededeling gedaan:

“The claim of the German Democratic Republic that it is competent for the waterways in the Western Sectors of Berlin is incorrect. Soon after the war it was decided, with the approval of the respective Sector Commandants, that German technical agencies situated in the Eastern Sector of Berlin would exercise limited operational functions in respect of some of the waterways in the Western Sectors of Berlin. This decision in no way conferred on those agencies any form of sovereignty or jurisdiction over any of the canals, waterways or locks located in the Western Sectors of Berlin, and it has no bearing on the validity of the extension to the Western Sectors of Berlin by the Federal Republic of Germany, in accordance with established procedures, of the Convention relating to the Unification of Certain Rules concerning Collisions in Inland Navigation.

When authorising the extension of this Convention to the Western Sectors of Berlin, the authorities of the Three Powers, acting in the exercise of their supreme authority, ensured, in accordance with established procedures, that the Convention is applied in the Western Sectors of Berlin in such a way as not to affect matters of security and status. Accordingly, the application of this Convention to the Western Sectors of Berlin continues in full force and effect.

The German Democratic Republic is not a party to the wartime and post-war Four Power agreements or decisions on Germany and Berlin, nor to the Quadripartite Agreement which was concluded in Berlin on 3 September 1971 by the Governments of the French Republic, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Union of Soviet Socialist Republics. The German Democratic Republic is not, therefore, competent to comment authoritatively on those agreements.

The Governments 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 parties to the Quadripartite Agreement (or parties to other relevant agreements concluded between the Four Powers). 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 met verwijzing naar bovenstaande mededeling het volgende medegedeeld:

“By their Note of 13 June 1977 [.....], the Governments of France, the United Kingdom and the United States answered the assertions made in the communication referred to above. The Government of the Federal Republic of Germany, on the basis of the legal situation set out in the Note 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 *de Sovjet Unie* heeft op 18 oktober 1977 met betrekking tot de mededeling van Frankrijk, het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland en de Verenigde Staten van Amerika het volgende medegedeeld:

“The Soviet side cannot agree with the claim contained in the above-mentioned letter regarding the status of waterways in the Western Sectors of Berlin, which creates a false picture of their *defacto* and *de jure* situation. It is well known that Berlin was never territorially separate from the former Soviet occupation zone of Germany, and the waterways of its Western Sectors were always regarded as an integral part of the water system of that zone and were under the jurisdiction of the Soviet authorities. This situation was reflected and corroborated in the relevant post-war Four-Power agreements and decisions. The corresponding rights and powers were thereafter transferred by the Soviet authorities to the authorities of the German Democratic Republic.

Therefore, the claim contained in the three-Power statement that agencies of the German Democratic Republic are competent only to “exercise limited operational functions in respect of some of the waterways in the Western Sectors of Berlin”, does not correspond to the real situation. The German Democratic Republic is competent to express its view as to which international agreements regulating problems of inland navigation may apply to these waterways.

The Permanent Mission of the Union of Soviet Socialist Republics declares that the Soviet side, as a party to the wartime and post-war Four-Power agreements and decisions, as well as to the Quadripartite Agreement of 3 September 1971, fully endorses and supports the declaration of the Government of the German Democratic Republic regarding the invalidity of the extension to Berlin (West) by the Federal Republic of Germany of the Convention relating to the Unification of Certain Rules concerning Collisions in Inland Navigation.” (*vertaling*)

De Regeringen van *Frankrijk, het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland en de Verenigde Staten van Amerika* hebben op 21 april 1978 de volgende mededeling gedaan:

“We have the honour to refer to the Note from the Legal Counsel, [...] concerning the accession with reservations and declarations by the Government of the German Democratic Republic to the Convention relating to the Unification of Certain Rules concerning Collisions in Inland Navigation, done at Geneva on 15 March, 1960, and in particular to paragraph 2 of that Note which reported a communication dated 18 October 1977 made by the Government of the Union of Soviet Socialist Republics.

The Governments of France, the United Kingdom and the United States do not accept the assertions contained in the communication of the Union of Soviet Socialist Republics dated 18 October 1977 concerning the status of waterways in the Western Sectors of Berlin. They reaffirm the views expressed in their communication of 13 June 1977 concerning the status of those waterways and concerning the validity of the extension to the Western Sectors of Berlin by the Federal Republic of Germany of the Convention relating to the Unification of Certain Rules Concerning Collisions in Inland Navigation.

The Soviet communication referred to above also incorrectly asserts that Berlin was never territorially separate from the Soviet Occupation Zone of Germany. In this connection the Governments of France, the United Kingdom and the United States wish to recall *inter alia* the provision in the London Protocol of 12 September 1944 according to which, separately from the Zones of Occupation, a “special Berlin area” under joint occupation was established in Germany.” (*vertaling*)

De Regering van *de Bondsrepubliek Duitsland* heeft naar aanleiding van de door de Duitse Democratische Republiek gemaakte voorbehouden en afgelegde verklaring op 30 mei 1978 de volgende mededeling gedaan:

“I have the honour to refer to Note No. [...] from The Legal Counsel concerning the accession with reservations and declaration by the Government of the

German Democratic Republic to the Convention relating to the Unification of Certain Rules concerning Collisions in Inland Navigation, done at Geneva on 15 March 1960. With respect to the communication, as reported in that Note, by the Government of the Union of Soviet Socialist Republics relating to the application of that Convention to Berlin (West), I wish to state the following:

By their Note of 20 April 1978 [.....], the Governments of France, the United Kingdom and the United States answered the assertions made in the communication referred to above. The Government of the Federal Republic of Germany, on the basis of the legal situation set out in the Note of the Three Powers, wishes once more 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 to a response to further communications of a similar nature should not be taken to imply any change of its position in this matter."

Met ingang van 3 oktober 1990 is de Duitse Democratische Republiek toegetreden tot de Bondsrepubliek Duitsland en vormen de beide Duitse Staten één soevereine Staat.

G. INWERKINGTREDING

Zie *Trb.* 1966, 192.

J. GEGEVENS

Zie *Trb.* 1961, 88 en *Trb.* 1966, 192.

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

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Statuut van het Internationaal Gerechtshof zie ook, laatstelijk, *Trb.* 1997, 106.

Uitgegeven de zesde februari 1998.

De Minister van Buitenlandse Zaken,

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