

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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**JAARGANG 2014 Nr. 81**

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A. TITEL

*Statuut van de Internationale Studiegroep voor Nikkel, zoals aangenomen op 2 mei 1986 door de Conferentie van de Verenigde Naties inzake Nikkel, 1985; New York, 2 mei 1986*

B. TEKST

De Engelse en de Franse tekst van het Statuut zijn geplaatst in *Trb.* 1987, 29.

C. VERTALING

Zie *Trb.* 1987, 29.

D. PARLEMENT

Zie *Trb.* 1991, 50.

Het voornemen tot opzegging van het Statuut is in overeenstemming met artikel 14, eerste lid, juncto artikel 2, eerste lid, en artikel 5, eerste lid, van de Rijkswet goedkeuring en bekendmaking verdragen overgelegd aan de Eerste en de Tweede Kamer der Staten-Generaal bij brieven van 19 maart 2010 (Kamerstukken II 32350, nr. 1).

De toelichtende nota die de brieven vergezelde, is ondertekend door de Minister van Economische Zaken M.J.A. VAN DER HOEVEN.

De goedkeuring door de Staten-Generaal is verleend op 25 april 2010.

E. PARTIJGEGEVENS<sup>1)</sup>

Zie rubriek F van *Trb.* 1987, 29 en *Trb.* 1991, 50.

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Australië		12-03-90	R	23-05-90		
Canada		20-09-86	R	23-05-90	29-09-03	28-11-03
Cuba		18-12-89		23-05-90		
Duitsland		19-09-86		23-05-90		
Finland		12-09-86	R	23-05-90		
Frankrijk		28-10-86		23-05-90		
Griekenland		02-12-86		23-05-90		
Indonesië		02-05-90	R	23-05-90		
Japan		11-04-90	R	23-05-90	06-12-02	04-02-03
<b>Nederlanden, het Koninkrijk der</b> – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten		15-06-90		23-05-90 – – – – – –	06-07-10 – – – – – –	04-09-10 – – – – – –
Noorwegen		05-01-88	R	23-05-90		
Russische Federatie		19-11-90	R	01-01-91		
Zweden		19-09-86	R	23-05-90		

\* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

<sup>1)</sup> De depositaris heeft geen partijenoverzicht beschikbaar gesteld. Dit zijn de gegevens voor zover bekend bij de Afdeling Verdragen van het Ministerie van Buitenlandse Zaken.

### **Verklaringen, voorbehouden en bezwaren**

Australië, 12 maart 1990

The Government of Australia nevertheless wishes to state its opinion that the issue of the precise legal nature of the Terms of Reference [whether the Terms of Reference is or not a treaty] can be determined following consideration by the members of the Group once the Terms of Reference have come into effect.

The Australian authorities wish to request that, in the light of the above, Australia should be considered as having duly notified the Secretary-General and as having completed the necessary procedures for the purposes of calculating, under Paragraph 19 (a) of the Terms of Reference, the number of states and percentage of world trade in nickel required for the coming into effect of the Terms of Reference.

Canada, 20 september 1986

With a view to ensuring the viability of the Group, the Government of Canada wishes to confirm that it would not support putting these terms of reference into effect in whole or in part until such time as an appropriate number of countries representing sufficient world trade have been able to notify similar acceptance. Therefore, pursuant to provision 19 (B) of the terms of reference, the Government of Canada would not envisage the convening by the United Nations of an early meeting should less than 15 states accounting for 50 percent of the world trade notify by the September 20, 1986 deadline.

At the same time, on the basis of consultation with prospective members of the INSG, the Government of Canada proposes to convene an informal meeting to consider appropriate next steps in the establishment of the Group, including planning for an inaugural meeting.

Cuba, 18 december 1989

The Government of the Republic of Cuba wishes to state that, in view of the non-fulfilment as yet of the coming-into-effect requirements established in paragraph 19 (a) of the resolution adopted by the United Nations Conference on Nickel, 1985, and the annexed terms of reference, establishing an International Nickel Study Group which requirements are that at least 15 countries which in total account for over 50 per cent of the world trade in nickel have given notice of provisional or definitive application, the definitive application by the Republic of Cuba of the provisions of the resolution and the annexed terms of reference referred to above will be considered subject to the following conditions:

a) A higher level of participation in the Group, in order to ensure the effective functioning of the Group and hence an acceptable level of contribution.

b) The taking into account of the limitations existing for the Republic of Cuba in offering certain statistics on nickel production, consumption and trade.

The Government of the Republic of Cuba states that, for the reasons given above and in accordance with the provisions of paragraph 19 (c) of the resolution and annexed terms of reference, it has chosen the option of provisional application of the terms of reference, and further study of its definitive accession in the light of subsequent decisions on the conditions laid down.

Duitsland, 19 september 1986

The Federal Republic of Germany reserves its position in relation to the text of paragraph 13 of the Terms of Reference of the International Nickel Study Group. In this respect it refers to the proposal of the United Kingdom of Great Britain and Northern Ireland as reproduced in Annex III of the resolution adopted by the United Nations Conference on Nickel 1985 (doc. TD/NICKEL/12):

Annex III

Proposal submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland

Legal status

13. a) The Group shall have legal personality. It shall in particular but subject to paragraph 6 (b) above, have the capacity to enter into contracts, to acquire and to dispose of movable and immovable property and to institute legal proceedings.
- b) The members of the Group shall not be liable to meet any obligations of the Group (whether in contract, tort or otherwise). Their obligations shall be limited to meeting their respective budget contribution under paragraph 14 of these Terms of Reference and the Rules of Procedure. The Group shall not have the power, and shall not be taken to have been authorized by the members, to incur any obligation outside the scope of these Terms of Reference or the Rules of Procedure.
- c) All contracts of the Group shall incorporate subparagraph (b) of this paragraph.
- d) The status of the Group in the territory of the host Government shall be governed by a Headquarters Agreement between the host Government and the Group, to be concluded as soon as possible after these Terms of Reference have come into effect.

Duitsland, 25 augustus 1987

On 19 September 1986, the Federal Republic of Germany signed the final document negotiated with UNCTAD on the establishment of an International Nickel Study Group and, in accordance with paragraph 19 (c) of the Terms of Reference contained in the final document, gave written notice of the provisional application of the Terms of Reference. In so doing the Federal Republic of Germany endorsed the reservation made by the United Kingdom [...].

As a result of this unexpected low level of participation, the INSG has not yet been established because pursuant to their paragraph 19 (a) the

Terms of Reference do not come into effect until at least 15 countries which in total account for over 50% of the world trade in nickel have notified provisional or definite application.

According to the United Nations Secretary General, seven countries accounting for 30.83% of the world trade in nickel have so far notified the provisional or definite application of the INSG Terms of Reference. Against this background, the Government of the Federal Republic of Germany would like to state the following concerning its provisional application of the Terms of Reference notified on 19 September 1986:

1. Definite membership of the INSG by the Federal Republic of Germany can only be considered under the following conditions:

a) A high minimum level of participation (80%) remains the primary prerequisite for the proper functioning of the INSG, in the view of the Federal Republic of Germany. During the negotiating conference, the representative of the Federal Republic of Germany made it clear that the other major nickel producing and nickel consuming countries must also become members of the group. The participants in the conference were even agreed that the envisaged INSG must attract to so many countries that its membership accounts for at least 80% of the world trade in nickel.

b) The Federal Republic of Germany confirms in this connection the reservation likewise notified on 19 September 1986 [...].

2. For this reason, the Federal Republic of Germany chose the option of provisional application of the Terms of Reference, as provided [for in] paragraph 19 (c) thereof. This does not automatically lead to definite membership. The Federal Republic of Germany would therefore decide on its definite accession in due course, taking into account the extent to which the conditions specified under paragraph 19 (a) above have been met.

Griekenland, 2 december 1986

Greece supports the British proposal to amend the Constitution of the said Group, with the aim to restrain its contractual competence.

#### G. INWERKINGTREDING

Zie *Trb.* 1991, 50.

Het Koninkrijk der Nederlanden heeft het Statuut, ingevolge artikel 20, onderdeel a, van het Statuut op 6 juli 2010 opgezegd. Het Statuut is ingevolge artikel 20, onderdeel c, op 4 september 2010 buiten werking getreden.

Wat betreft het Koninkrijk der Nederlanden is het Statuut, dat vanaf 23 mei 1990 alleen voor Nederland (het Europese deel) gold, ook alleen voor Nederland (het Europese deel) buiten werking getreden.

J. VERWIJZINGEN

Zie *Trb.* 1987, 29 en *Trb.* 1991, 50.

Titel : Handvest van de Verenigde Naties;  
San Francisco, 26 juni 1945  
Laatste *Trb.* : *Trb.* 2012, 200

Uitgegeven de *achttiende* april 2014.

*De Minister van Buitenlandse Zaken,*

F.C.G.M. TIMMERMANS