Reservations and declarations to the Convention and objections thereto

as of 1 January 2007

Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.

Where possible, the respective reservations and objections have also been mentioned in the commentaries on the various Articles.

Source: Multilateral Treaties Deposited with the UN Secretary-General (ST/LEG/SER.E/. . .).

Reservations and Declarations

Afghanistan
Upon signature:
“Afghanistan’s understanding of Article 62 (fundamental change of circumstances) is as follows: Subparagraph 2(a) of this Article does not cover unequal and illegal treaties, or any treaties which were contrary to the principle of self-determination. This view was also supported by the Expert Consultant in his statement of 11 May 1968 in the Committee of the Whole and on 14 May 1969 . . . to the Conference”.

Algeria
Reservation:
“The Government of the People's Democratic Republic of Algeria considers that the competence of the International Court of Justice cannot be exercised with respect to a dispute such as that envisaged in Article 66, para. (a) at the request of one of the parties alone. It declares that, in each case, the prior agreement of all the parties concerned is necessary for the dispute to be submitted to the said Court”.

Declaration:
“The accession of the People's Democratic Republic of Algeria to the present Convention does not in any way mean recognition of Israel. This accession shall not be interpreted as involving the establishment of relations of any kind whatever with Israel.

Argentina
“The Argentine Republic does not regard the rule contained in Article 45, para. (b) as applicable to it inasmuch as the rule in question provides for the renunciation of rights in advance”.

Armenia
Reservation (13 July 2006):
“The Republic of Armenia does not consider itself bound by the provisions of Article 66 of [the Convention] and declares that for any dispute among the Contracting Parties concerning the application or the interpretation of any Article of Part V of the Convention to be submitted to the International Court of Justice for a decision or to the Conciliation Commission for consideration the consent of all the parties to the dispute is required in each separate case”.

Belarus
[Same reservations and declaration, identical in essence, mutatis mutandis, as the ones made by the Russian Federation.]

Belgium
Reservation (21 June 1993):
“The Belgian State will not be bound by Articles 53 and 64 of the Convention with regard to any party which, in formulating a reservation concerning Article 66, para. (a), objects to the settlement procedure established by this Article”.

Bolivia
(Upon signature)

1. The shortcomings of [the Convention] are such as to postpone the realization of the aspirations of mankind.

2. Nevertheless, the rules endorsed by the Convention do represent significant advances, based on the principles of international justice which Bolivia has traditionally supported”.

Bulgaria
Reservation:
“The People’s Republic of Bulgaria does not consider itself bound by the provision of Article 66, para. (a) of the Convention, according to which any one of the parties to a dispute concerning the application or the interpretation of Articles 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”.

Declaration:
“The People’s Republic of Bulgaria considers it necessary to underline that Articles 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”.

Withdrawal:
On 6 May 1994 the Government of Bulgaria notified the UN Secretary-General that it had decided to withdraw the reservation made upon accession with regard to Article 66, para. (a).

Canada
“In acceding to [the Convention], the Government of Canada declares its understanding that nothing in Article 66 of the Convention is intended to exclude the jurisdiction of the International Court of Justice where such jurisdiction exists under the provisions of any treaty in force binding the parties with regard to the settlement of disputes. In relation to States parties to the [Convention] which accept as compulsory the jurisdiction of the International Court of Justice, the Government of Canada declares that it does not regard the provisions of Article 66 of the [Convention] as providing ‘some other method of peaceful settlement’ within the meaning of subparagraph 2(a) of the declaration of the Government of Canada accepting as compulsory the jurisdiction of the International Court of Justice which was deposited with the Secretary-General of the United Nations on April 7, 1970”.

1008 reservations and objections