

NETHERLANDS

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RESERVATIONS AND DECLARATIONS

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

Reservation with respect to article 8, paragraph 1 (d):

"The Kingdom of the Netherlands does not accept this provision in the case of the Netherlands Antilles with regard to the latter's central and local government bodies." [The Kingdom of the Netherlands] clarify that although it is not certain whether the reservation [...] is necessary, [it] has preferred the form of a reservation to that of a declaration. In this way the Kingdom of the Netherlands wishes to ensure that the relevant obligation under the Covenant does not apply to the Kingdom as far as the Netherlands Antilles is concerned."

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

(Ed. note: for the text targeted by the following objections, see the Reservations and Declarations of the State which is the subject of the objection)

12 January 1981

"The Government of the Kingdom of the Netherlands objects to the declaration made by the Government of the Republic of India in relation to article 1 of the International Covenant on Civil and Political Rights and article 1 of the International Covenant on Economic, Social and Cultural Rights, since the right of self determination as embodied in the Covenants is conferred upon all peoples. This follows not only from the very language of article 1 common to the two Covenants but as well from the most authoritative statement of the law concerned, i.e., the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. Any attempt to limit the scope of this right or to attach conditions not provided for in the relevant instruments would undermine the concept of self-determination itself and would thereby seriously weaken its universally acceptable character."

18 March 1991

With regard to the interpretative declaration made by Algeria concerning article 13, paragraphs 3 and 4:

"In the opinion of the Government of the Kingdom of the Netherlands, the interpretative declaration concerning article 13, paragraphs 3 and 4 of the International Covenant on Economic, Social and Cultural Rights must be regarded as a reservation to the Covenant. From the text and history of the Covenant it follows that the reservation with respect to article 13, paragraphs 3 and 4 made by the Government of Algeria is incompatible with the object and purpose of the Covenant. The Government of the Kingdom of the Netherlands therefore considers the reservation unacceptable and formally raises an objection to it.

[This objection is] not an obstacle to the entry into force of [the Covenant] between the Kingdom of the Netherlands and Algeria."

22 July 1997

With regard to the declarations and the reservation made by Kuwait :

[Same objection identical in essence, mutatis mutandis, as the one made for Algeria.] [*Ed. note: see above*]

23 April 2002

With regard to the statement made by China made upon ratification:

"...the statement made by the Government of the People's Republic of China to article 8.1 (a) of the International Covenant on Economic, Social and Cultural Rights.

The Government of the Kingdom of the Netherlands has examined the statement and would like to recall that, under well established international treaty law, the name assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified, does not determine its status as a reservation to the treaty. The Government of the Kingdom of the Netherlands considers that the statement made by the Government of the People's Republic of China to article 8.1 (a) of the International Covenant on Economic, Social and Cultural Rights in substance constitutes a reservation.

The Government of the Kingdom of the Netherlands notes that the application of Article 8.1 (a) of the Covenant is being made subject to a statement referring to the contents of national legislation. According to the Vienna Convention on the Law of Treaties, a party to a treaty may not invoke the provisions of its internal law as justification for its failure to abide by the treaty. Furthermore, the right to form and join a trade union of one's choice is one of the fundamental principles of the Covenant.

The Government of the Kingdom of the Netherlands therefore objects to the reservation made by

the People's Republic of China to the International Covenant on Economic, Social and Cultural Rights. This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and China."

7 October 2005

With regard to the declaration made by Pakistan upon signature:

"The Government of the Kingdom of the Netherlands has examined the declaration made by the Islamic Republic of Pakistan on 3 November 2004 upon signature of the International Covenant on Economic, Social and Cultural Rights, done at New York on 16 December 1966.

The Government of the Kingdom of the Netherlands would like to recall that the status of a statement is not determined by the designation assigned to it. The application of the provisions of the International Covenant on Economic, Social and Cultural Rights has been made subject to the provisions of the constitution of the Islamic Republic of Pakistan.

This makes it unclear to what extent the Islamic Republic of Pakistan considers itself bound by the obligations of the treaty. It is of the common interest of States that all parties respect treaties to which they have chosen to become parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties. A reservation as formulated by the Islamic Republic of Pakistan is thus likely to contribute to undermining the basis of international treaty law.

The Government of the Kingdom of the Netherlands considers that the declaration made by the Islamic Republic of Pakistan to the International Covenant on Economic, Social and Cultural Rights in substance constitutes a reservation.

The Government of the Kingdom of the Netherlands therefore objects to the declaration made by the Islamic Republic of Pakistan to the International Covenant on Economic, Social and Cultural Rights.

This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the Islamic Republic of Pakistan, without Pakistan benefiting from its declaration."

Note

[With regard to the declarations made by Bangladesh,]...the Secretary-General received communications from the following Governments on the dates indicated hereinafter:

...

Netherlands (20 December 1999):

"The Government of the Kingdom of the Netherlands has examined the declarations made by the Government of Bangladesh at the time of its accession to the International Covenant on economic, social and cultural rights and considers the declarations concerning Articles 1, 2 and 3, and 7 and 8 as reservations.

The Government of the Kingdom of the Netherlands objects to the reservation made by the Government of Bangladesh in relation to Article 1 of the said Covenant, since the right of self-determination as embodied in the Covenant is conferred upon all peoples. This follows not only from the very language of Article 1 of the Covenant but as well from the most authoritative statement of the law concerned, i.e. the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. Any attempt to limit the scope of this right or to attach conditions not provided for in the relevant instruments would undermine the concept of self-determination itself and would thereby seriously weaken its universally acceptable character.

Furthermore, the Government of the Kingdom of the Netherlands objects to the reservations made by the Government of Bangladesh in relation to Articles 2 and 3, and, 7 and 8 of the said Covenant.

The Government of the Kingdom of the Netherlands considers that such reservations which seek to limit the responsibilities of the reserving State under the Covenant by invoking national law, may raise doubts as to the commitment of this State to the object and purpose of the Covenant and, moreover, contribute to undermining the basis of international treaty law.

It is in the common interest of States that treaties to which they have chosen to become parties should be respected, as to object and purpose by all parties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of Bangladesh.

These objections shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Bangladesh".

(Note 18, Chapter IV.3, Multilateral Treaties Deposited with the Secretary-General)

Note

With regard to the reservation made by Pakistan upon ratification, the Secretary-General received the following communications from the following States on the dates indicated hereinafter:

...

The Netherlands (15 April 2009) "The Government of the Kingdom of the Netherlands has carefully examined the reservation made by the Government of Pakistan upon ratifying the International Covenant on Economic, Social and Cultural Rights. It is the understanding of the Kingdom of the Netherlands that the reservation of Pakistan does not exclude or modify the legal effect of the provisions of the Covenant in their application to Pakistan."

(Note 27, Chapter IV.3, Multilateral Treaties Deposited with the Secretary-General)

TERRITORIAL APPLICATION

<u>Participant:</u>	<u>Date of receipt of the notification:</u>	<u>Territories:</u>
Netherlands	11 Dec 1978	Netherlands Antilles

Note

See note 1 under "Netherlands" regarding Aruba/Netherlands Antilles in the "Historical Information" section in the front matter of *[the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>]*.

[Ed. note: Note 1 is as follows:

Netherlands

Note 1

By a communication received on 30 December 1985, the Government of the Netherlands informed the Secretary-General that "the island of Aruba which was a part of the Netherlands Antilles would obtain internal autonomy as a separate country within the Kingdom of the Netherlands as of 1 January 1986". The said change would have no consequence in international law. The treaties concluded by the Kingdom which applied to the Netherlands Antilles, including Aruba, would continue, after 1 January 1986 to apply to the Netherlands Antilles (of which Aruba is no longer a part) and to Aruba.]

(Note 12, Chapter IV.3, Multilateral Treaties Deposited with the Secretary-General)