



Strasbourg, 22/03/12

CAHDI (2012) 4 rev  
*Restricted*

# **COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)**

---

**European Observatory of Reservations to International Treaties:**

**List of Outstanding Reservations and Declarations to  
International Treaties**

**43<sup>rd</sup> meeting**  
Strasbourg, 29-30 March 2012

---

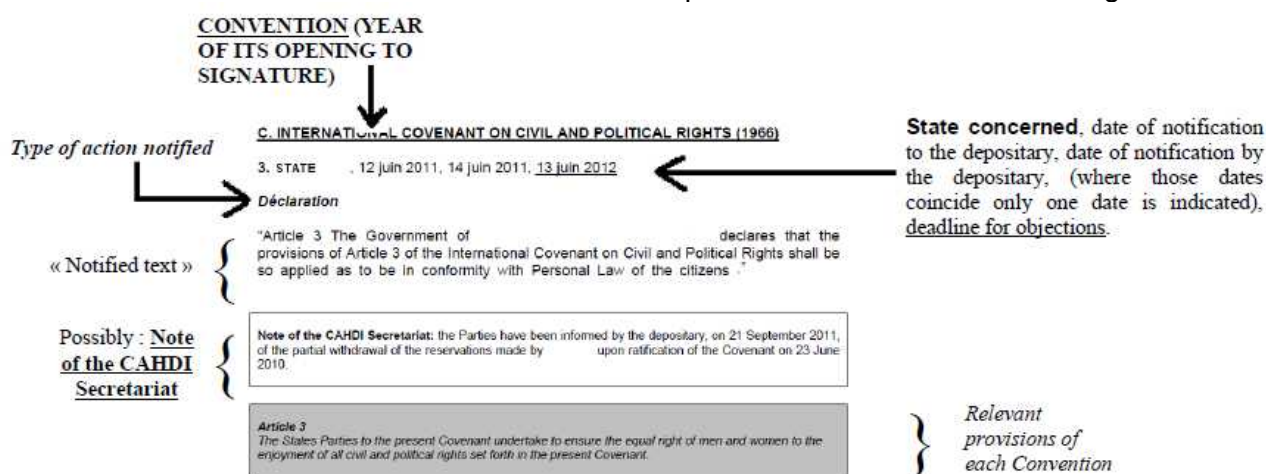
Public International Law Division  
Directorate of Legal Advice and Public International Law, DLAPIL

cahdi@coe.int - fax +33 (0)3 90 21 51 31 - [www.coe.int/cahdi](http://www.coe.int/cahdi)

<b>FOREWORD</b> .....	3
<b>PART I: RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE</b>	
<b>A. CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS (1958)</b>	
1. LIECHTENSTEIN – <i>Reservation</i> .....	4
<b>B. SINGLE CONVENTION ON NARCOTIC DRUGS AS AMENDED BY THE PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS (1961)</b>	
2. BOLIVIA (State plurinational of) – <i>Communication</i> .....	4
<b>C. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (1966)</b>	
3. PAKISTAN – <i>Partial withdrawal and withdrawal</i> .....	5
<b>D. CONVENTION ON ROAD SIGNS AND SIGNALS (1968)</b>	
4. AZERBAIJAN – <i>Reservation and declaration</i> .....	6
<b>E. EUROPEAN AGREEMENT CONCERNING THE WORK OF CREWS OF VEHICLES ENGAGED IN INTERNATIONAL ROAD TRANSPORT (AETR) (1970)</b>	
5. GEORGIA – <i>Reservation</i> .....	6
<b>F. EUROPEAN AGREEMENT SUPPLEMENTING THE CONVENTION ON ROAD SIGNS AND SIGNALS (1971)</b>	
6. AZERBAIJAN – <i>Reservation and declaration</i> .....	6
<b>G. PROTOCOL ON ROAD MARKINGS, ADDITIONAL TO THE EUROPEAN AGREEMENT SUPPLEMENTING THE CONVENTION ON ROAD SIGNS AND SIGNALS (1973)</b>	
7. AZERBAIJAN – <i>Reservation and declaration</i> .....	7
<b>H. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1979)</b>	
8. MOROCCO – <i>Partial withdrawal</i> .....	7
9. SINGAPORE – <i>Partial withdrawal</i> .....	8
<b>I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (1982)</b>	
10. THAILAND – <i>Declaration</i> .....	9
<b>J. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (1984)</b>	
11. PAKISTAN – <i>Withdrawal</i> .....	12
<b>K. UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (1988)</b>	
12. HOLY SEE – <i>Reservation and declarations</i> .....	12
<b>L. PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL SEABED AUTHORITY (1998)</b>	
13. FRANCE – <i>Reservation</i> .....	14
<b>M. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM (1999)</b>	
14. ETHIOPIA – <i>Reservation</i> .....	14
15. HOLY SEE – <i>Reservation and declarations</i> .....	15
<b>N. UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (2000)</b>	
16. BANGLADESH – <i>Reservation</i> .....	16
17. INDIA – <i>Declarations</i> .....	16
18. HOLY SEE – <i>Reservation and declarations</i> .....	17
<b>O. UNITED NATIONS CONVENTION AGAINST CORRUPTION (2003)</b>	
19. INDIA – <i>Reservation</i> .....	18
20. NEPAL – <i>Reservation</i> .....	18
<b>P. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (2006)</b>	
21. CYPRUS – <i>Reservation</i> .....	18
<b>Q. OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (2008)</b>	
22. ARGENTINA – <i>Declaration</i> .....	19
<b>PART II: RESERVATIONS AND DECLARATIONS TO COUNCIL OF EUROPE TREATIES</b>	
<b>R. SECOND ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS (2004)</b>	
23. CHILE – <i>Declaration</i> .....	21
<b>ADDENDUM: TABLES OF OBJECTIONS</b> .....	Document CAHDI (2012) 4 Add prov bil

## FOREWORD

1. At its second meeting (Paris, 14-16 September 1998) the Group of Specialists on Reservations to International Treaties (DI-S-RIT) agreed to propose to the CAHDI to operate as an European observatory of reservations to international treaties.<sup>1</sup>
2. In this context, the CAHDI regularly considers a list of outstanding reservations.
3. The following list includes two parts. Part I concerns reservations and declarations to treaties concluded outside the Council of Europe. The information contained therein can be consulted at the United Nations Treaty Collection site <http://untreaty.un.org/>. Part II concerns reservations and declarations to treaties concluded within the Council of Europe. The information contained therein can be consulted at the Council of Europe site <http://conventions.coe.int/>.
4. The format of the information contained in the present document is the following:



5. Partial withdrawals of reservations are also listed in this document. As underlined by the CAHDI on several occasions, the notification by the depositary of a partial withdrawal does not set any new deadline for objection. In light of the practice in this matter, the objections registered against the "original" version of the reservation are maintained to the extent that they concern an aspect of the reservation which is covered by the withdrawal. Any objections which would be registered for the first time at the time of the partial withdrawal would have no effect.<sup>2</sup>
6. Where required for the purposes of facilitating the understanding of the document, a note of the CAHDI Secretariat is added in order to provide further explanations.
7. When the content of a notification is new and has not been discussed by the CAHDI yet, it is expressly mentioned in the document.

## ACTION REQUIRED

**Members of the CAHDI are called upon to consider the following outstanding reservations and declarations in the context of its operation as a European Observatory of Reservations to International Treaties. Tables of objections to these reservations and declarations are circulated in an Addendum to this document.**

<sup>1</sup> Document DI-S-RIT (98) 10.

<sup>2</sup> Report of the 41<sup>st</sup> meeting of the CAHDI, paragraph 50.

## PART I: RESERVATIONS AND DECLARATIONS TO TREATIES CONCLUDED OUTSIDE THE COUNCIL OF EUROPE

### A. CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS (1958)

#### 1. LIECHTENSTEIN, 7 July 2011, 6 July 2012

##### **Reservation**

"In accordance with article 1 (3) the Principality of Liechtenstein will apply the Convention, on the basis of reciprocity, to the recognition and enforcement of awards made only in the territory of another Contracting State."

##### **Article 1**

"(...)

3. When signing, ratifying or acceding to this Convention, or notifying extension under article X hereof, any State may on the basis of reciprocity declare that it will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. It may also declare that it will apply the Convention only to differences arising out of legal relationships, whether contractual or not, which are considered as commercial under the national law of the State making such declaration."

### B. SINGLE CONVENTION ON NARCOTIC DRUGS AS AMENDED BY THE PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS (1961)

#### 2. BOLIVIA (State plurinational of), 29 December 2011, 10 January 2012, 9 January 2013

##### **Communication**

New
-----

"The Plurinational State of Bolivia reserves the right to allow in its territory; traditional coca leaf chewing; the consumption and use of the coca leaf in its natural state for cultural and medicinal purposes; its use in infusions; and also the cultivation, trade and possession of the coca leaf to the extent necessary for these licit purposes.

At the same time, the Republic of Bolivia will continue to take all necessary legal measures to control the illicit cultivation of coca in order to prevent its abuse and the illicit production of the narcotic drugs which may be extracted from the leaf.

The effective accession of Bolivia to the aforementioned convention is subject to the authorization of this reservation."

**Note of the CAHDI Secretariat:** Bolivia has acceded to this instrument for the first time on 23 September 1976. It has deposited its instrument of denunciation on 29 June 2011, with effect as of 1<sup>st</sup> January 2012 in conformity with paragraph 2 of Article 46 of the Convention. On 29 December 2011, the depositary has received a letter of the President of the Plurinational State of Bolivia containing a new instrument of accession to the Convention which includes a reservation. The Government of Bolivia has indicated that this reservation has been submitted in accordance with article 50, paragraph 3 of the Convention. It has also confirmed that its accession remains subject to the authorisation of the reservation by the States parties to the Convention and, that the instrument of accession is not to be deposited at this stage.

##### **Article 46 – Denunciation**

"1. After the expiry of two years from the date of the coming into force of this Convention (article 41, paragraph 1) any Party may, on its own behalf or on behalf of a territory for which it has international responsibility, and which has withdrawn its consent given in accordance with article 42, denounce this Convention by an instrument in writing deposited with the Secretary-General.

2. The denunciation, if received by the Secretary-General on or before the first day of July in any year, shall take effect on the first day of January in the succeeding year, and, if received after the first day of July, shall take effect as if it had been received on or before the first day of July in the succeeding year.

3. This Convention shall be terminated if, as a result of denunciations made in accordance with paragraph 1, the conditions for its coming into force as laid down in article 41, paragraph 1, cease to exist."

#### **Article 50 – Other reservations**

"1. No reservations other than those made in accordance with article 49 or with the following paragraphs shall be permitted.

2. Any State may at the time of signature, ratification or accession make reservations in respect of the following provisions of this Convention: Article 12, paragraphs 2 and 3; article 13, paragraph 2; article 14, paragraphs 1 and 2; article 31, paragraph 1 b) and article 48.

3. A State which desires to become a Party but wishes to be authorized to make reservations other than those made in accordance with paragraph 2 of this article or with article 49 may inform the Secretary-General of such intention. Unless by the end of twelve months after the date of the Secretary-General's communication of the reservation concerned, this reservation has been objected to by one third of the States that have ratified or acceded to this Convention before the end of that period, it shall be deemed to be permitted, it being understood however that States which have objected to the reservation need not assume towards the reserving State any legal obligation under this Convention which is affected by the reservation.

4. A State which has made reservations may at any time by notification in writing withdraw all or part of its reservations."

### **C. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (1966)**

#### **3. PAKISTAN**

New
-----

##### ***Partial withdrawal and withdrawal***

"The Government of the Islamic Republic of Pakistan declares that the provisions of Article 3 of the International Covenant on Civil and Political Rights shall be so applied as to be in conformity with Personal Law of the citizens and Qanoon-e-Shahadat.

"The Government of the Islamic Republic of Pakistan states that the application of Article 25 of the International Covenant on Civil and Political Rights shall be subject to the principle laid down in Article 41 (2) and Article 91 (3) of the Constitution of Pakistan."

**Note of the CAHDI Secretariat:** the States parties have been informed by the depositary, on 21 September 2011, of the partial withdrawal of reservations submitted by Pakistan upon ratification of the Covenant, on 23 June 2010. Before this partial withdrawal, the reservations to articles 3 and 25 read as follows:

*"The Islamic Republic of Pakistan declares that the provisions of Articles 3, ... shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan and the Sharia laws."*

*"The Islamic Republic of Pakistan declares that the provisions of Article 25 shall be so applied to the extent that they are not repugnant to the Provisions of the Constitution of Pakistan."*

The States parties have also been informed by the depositary, on 21 September 2011, of the withdrawal of reservations made by Pakistan to Articles 6, 7, 12, 13, 18, 19 and 40 of the Convention upon ratification.

#### **Article 3**

*The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.*

#### **Article 25**

*Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:*

(a) *To take part in the conduct of public affairs, directly or through freely chosen representatives;*

(b) *To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;*

(c) *To have access, on general terms of equality, to public service in his country.*

## **D. CONVENTION ON ROAD SIGNS AND SIGNALS (1968)**

**4. AZERBAIJAN**, 22 February 2011, 14 June 2011, 13 June 2012

### ***Reservation and declaration***

“In relation to paragraph 1 of Article 46 of the Convention, the Republic of Azerbaijan declares that it doesn’t consider itself bound by Article 44 of this Convention.

The Republic of Azerbaijan declares that it is unable to guarantee implementation of the provisions of the Convention in its territories occupied by the Republic of Armenia, until the liberation of those territories from the occupation and complete elimination of consequences of that occupation.”

#### **Article 44**

“Any dispute between two or more Contracting Parties which relates to the interpretation or application of this Convention and which the Parties are unable to settle by negotiation or other means of settlement may be referred, at the request of any of the Contracting Parties concerned, to the International Court of Justice for decision.”

#### **Article 46**

“1. Any State may, at the time of signing this Convention or of depositing its instrument of ratification or accession, declare that it does not consider itself bound by Article 44 of this Convention. Other Contracting Parties shall not be bound by Article 44 with respect to any Contracting Party which has made such a declaration. (...)”

## **E. EUROPEAN AGREEMENT CONCERNING THE WORK OF CREWS OF VEHICLES ENGAGED IN INTERNATIONAL ROAD TRANSPORT (AETR) (1970)**

**5. GEORGIA**, 19 May 2011, 18 May 2012

### ***Reservation***

“The Government of Georgia reserves its right to use measures to be applied during the tolerance period with respect to the implementation of digital tachograph by the Contracting Parties to the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) of 1 July 1970, during the two years period after Georgia’s accession to the AETR agreement.”

## **F. EUROPEAN AGREEMENT SUPPLEMENTING THE CONVENTION ON ROAD SIGNS AND SIGNALS (1971)**

**6. AZERBAIJAN**, 11 July 2011, 19 July 2011, 18 July 2012

### ***Reservation and declaration***

“In relation to Article 11, the Republic of Azerbaijan declares that it does not consider itself bound by Article 9 of this Agreement.

The Republic of Azerbaijan declares that it is unable to guarantee implementation of the provisions of the Agreement in its territories occupied by the Republic of Armenia, until the liberation of those territories from the occupation and complete elimination of consequences of that occupation.”

**Article 9**

"1. Any dispute between two or more Contracting Parties which relates to the interpretation or application of this Agreement and which the Parties in dispute are unable to settle by negotiation or other means of settlement shall be referred to arbitration if any of the Contracting Parties in dispute so requests, and shall, to that end, be submitted to one or more arbitrators selected by mutual agreement between the Parties in dispute. If the Parties in dispute fail to agree on the choice of an arbitrator or arbitrators within three months after the request for arbitration, any of those Parties may request the Secretary-General of the United Nations to appoint a single arbitrator to whom the dispute shall be submitted for decision.

2. The award of the arbitrator or arbitrators appointed in accordance with paragraph 1 of this article shall be binding upon the Contracting Parties in dispute."

**Article 11**

"1. Any State may, at the time of signing this Agreement or of depositing its instrument of ratification or accession, declare that it does not consider itself bound by article 9 of this Agreement. Other Contracting Parties shall not be bound by article 9 with respect to any Contracting Party which has made such a declaration. (...)"

## **G. PROTOCOL ON ROAD MARKINGS, ADDITIONAL TO THE EUROPEAN AGREEMENT SUPPLEMENTING THE CONVENTION ON ROAD SIGNS AND SIGNALS (1973)**

7. AZERBAIJAN, 11 July 2011, 19 July 2011, 18 July 2012

**Reservation and declaration**

"In relation to Article 11 of the Protocol, the Republic of Azerbaijan declares that it does not consider itself bound by Article 9 of this Protocol.

The Republic of Azerbaijan declares that it is unable to guarantee implementation of the provisions of the Protocol in its territories occupied by the Republic of Armenia, until the liberation of those territories from the occupation and complete elimination of consequences of that occupation."

Articles 9 and 11 of this instrument are *mutatis mutandis* equivalent to those of the European Agreement supplementing the Convention on Road Signs and Signals.

## **H. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1979)**

8. MOROCCO

**Partial withdrawal**

"The Kingdom of Morocco withdraws its reservations in respect of articles 9 (2) and 16 of the Convention."

**Note of the CAHDI Secretariat:** the States parties have been informed by the depositary, on 18 April 2011, of the partial withdrawal of reservations submitted to articles 9 and 16 by Morocco upon ratification of the Convention, on 21 June 1993. Morocco has not withdrawn its reservations to Article 29 of the Convention, or its declarations concerning Articles 2 and 15.4.

**Article 2**

"States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.”

#### Article 15

“(…)

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.”

#### Article 29

“1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.”

## 9. SINGAPORE

### Partial withdrawal

New
-----

“(1) In the context of Singapore’s multiracial and multi-religious society and the need to respect the freedom of minorities to practice their religious and personal laws, the Republic of Singapore reserves the right not to apply the provisions of article 2, paragraphs (a) to (f), and article 16, paragraphs 1(a), 1(c), 1(h), and article 16, paragraph 2, where compliance with these provisions would be contrary to their religious and personal laws.”

**Note of the CAHDI Secretariat:** the States parties have been informed by the depositary, on 22 September 2011, of the partial withdrawal of the reservation submitted by the Republic of Singapore upon its accession to the Convention, on 5 October 1995. Before the partial withdrawal, the reservation read as follows:

“(1) In the context of Singapore’s multiracial and multi-religious society and the need to respect the freedom of minorities to practice their religious and personal laws, the Republic of Singapore reserves the right not to apply the provisions of articles 2 and 16 where compliance with these provisions would be contrary to their religious or personal laws.”

#### Article 2

“States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.”



**Article 16**

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

**I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (1982)**

**10. THAILAND**, 15 May 2011, 25 May 2011, 24 May 2012

**Declaration**

"I. The Government of the Kingdom of Thailand declares, in relation to Article 310 of the United Nations Convention on the Law of the Sea, as follows:

1. The Government of the Kingdom of Thailand intends to undertake a comprehensive review of existing domestic laws and regulations with a view to progressively harmonizing them with the provisions of the Convention.
2. The Government of the Kingdom of Thailand is not bound either by any declaration or position excluding or modifying the legal scope of the provisions of the Convention, or by any domestic legislation which is inconsistent with the relevant principles of international law and the Convention. The Government of the Kingdom of Thailand reserves the right to state its position concerning all such legislations or declarations at the appropriate time.
3. Ratification by the Government of the Kingdom of Thailand does not imply recognition or acceptance of any territorial claim made by a State party to the Convention.
4. The Government of the Kingdom of Thailand understands that, in the exclusive economic zone, enjoyment of the freedom of navigation in accordance with relevant provisions of the Convention excludes any non-peaceful use without the consent of the coastal State, in particular, military exercises or other activities which may affect the rights or interests of the coastal State; and it also excludes the threat or use of force against the territorial integrity, political independence, peace or security of the coastal State.
5. The Government of the Kingdom of Thailand reserves the right to make, at an appropriate time, the declaration provided for in Article 287 relating to the settlement of disputes concerning the interpretation or application of the Convention.

II. The Government of the Kingdom of Thailand declares, in relation to Article 298 of the United Nations Convention on the Law of the Sea, as follows:

With reference to Article 298, paragraph 1, the Government of the Kingdom of Thailand does not accept any of the procedures provided for in Part XV, Section 2, with respect to the following disputes:

- disputes concerning the interpretation or application of Articles 15, 74 and 83 relating to sea boundary delimitations, or those involving historic bays or titles;
- disputes concerning military activities, including military activities by government vessels and aircraft engaged in non-commercial service, and disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under Article 297, paragraph 2 or 3;
- disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations, unless the Security Council decides to remove the matter from its agenda or calls upon the parties to settle it by the means provided for in the Convention.”

**Article 15**

*“Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.”*

**Article 74**

*“1. The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.  
2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.  
3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and co-operation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.  
4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.”*

**Article 83**

*“1. The delimitation of the continental shelf between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.  
2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.  
3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and co-operation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.  
4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the continental shelf shall be determined in accordance with the provisions of that agreement.”*

**Article 287**

*“1. When signing, ratifying or acceding to this Convention or at any time thereafter, a State shall be free to choose, by means of a written declaration, one or more of the following means for the settlement of disputes concerning the interpretation or application of this Convention: a) the International Tribunal for the Law of the Sea established in accordance with Annex VI; b) the International Court of Justice; c) an arbitral tribunal constituted in accordance with Annex VII; d) a special arbitral tribunal constituted in accordance with Annex VIII for one or more of the categories of disputes specified therein. (...)”*

**Article 297**

“(…)

2. a) Disputes concerning the interpretation or application of the provisions of this Convention with regard to marine scientific research shall be settled in accordance with section 2, except that the coastal State shall not be obliged to accept the submission to such settlement of any dispute arising out of: i) the exercise by the coastal State of a right or discretion in accordance with article 246, or ii) a decision by the coastal State to order suspension or cessation of a research project in accordance with article 253. b) A dispute arising from an allegation by the researching State that with respect to a specific project the coastal State is not exercising its rights under articles 246 and 253 in a manner compatible with this Convention shall be submitted, at the request of either party, to conciliation under Annex V, section 2, provided that the conciliation commission shall not call in question the exercise by the coastal State of its discretion to designate specific areas as referred to in article 246, paragraph 6, or of its discretion to withhold consent in accordance with article 246, paragraph 5.

3. a) Disputes concerning the interpretation or application of the provisions of this Convention with regard to fisheries shall be settled in accordance with section 2, except that the coastal State shall not be obliged to accept the submission to such settlement of any dispute relating to its sovereign rights with respect to the living resources in the exclusive economic zone or their exercise, including its discretionary powers for determining the allowable catch, its harvesting capacity, the allocation of surpluses to other States and the terms and conditions established in its conservation and management laws and regulations. b) Where no settlement has been reached by recourse to section 1 of this Part, a dispute shall be submitted to conciliation under Annex V, section 2, at the request of any party to the dispute, when it is alleged that: i) a coastal State has manifestly failed to comply with its obligations to ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not seriously endangered; ii) a coastal State has arbitrarily refused to determine, at the request of another State, the allowable catch and its capacity to harvest living resources with respect to stocks which that other State is interested in fishing, or iii) a coastal State has arbitrarily refused to allocate to any State, under articles 62, 69 and 70 and under the terms and conditions established by the coastal State consistent with this Convention, the whole or part of the surplus it has declared to exist. c) In no case shall the conciliation commission substitute its discretion for that of the coastal State. d) The report of the conciliation commission shall be communicated to the appropriate international organizations. e) In negotiating agreements pursuant to articles 69 and 70, States Parties, unless they otherwise agree, shall include a clause on measures which they shall take in order to minimize the possibility of a disagreement concerning the interpretation or application of the agreement, and on how they should proceed if a disagreement nevertheless arises.”

**Article 298**

“1. When signing, ratifying or acceding to this Convention or at any time thereafter, a State may, without prejudice to the obligations arising under section 1, declare in writing that it does not accept any one or more of the procedures provided for in section 2 with respect to one or more of the following categories of disputes: a) i) disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations, or those involving historic bays or titles, provided that a State having made such a declaration shall, when such a dispute arises subsequent to the entry into force of this Convention and where no agreement within a reasonable period of time is reached in negotiations between the parties, at the request of any party to the dispute, accept submission of the matter to conciliation under Annex V, section 2; and provided further that any dispute that necessarily involves the concurrent consideration of any unsettled dispute concerning sovereignty or other rights over continental or insular land territory shall be excluded from such submission; ii) after the conciliation commission has presented its report, which shall state the reasons on which it is based, the parties shall negotiate an agreement on the basis of that report; if these negotiations do not result in an agreement, the parties shall, by mutual consent, submit the question to one of the procedures provided for in section 2, unless the parties otherwise agree; iii) this subparagraph does not apply to any sea boundary dispute finally settled by an arrangement between the parties, or to any such dispute which is to be settled in accordance with a bilateral or multilateral agreement binding upon those parties; b) disputes concerning military activities, including military activities by government vessels and aircraft engaged in non-commercial service, and disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraph 2 or 3; c) disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations, unless the Security Council decides to remove the matter from its agenda or calls upon the parties to settle it by the means provided for in this Convention. (…)”

**Article 310**

“Article 309 does not preclude a State, when signing, ratifying or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State.”

## **J. CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (1984)**

### **11. PAKISTAN**

New
-----

#### ***Withdrawal***

No text notified.

**Note of the CAHDI Secretariat:** the State parties have been informed by the depositary, on 21 September 2011, of the withdrawal by the Islamic Republic of Pakistan of the reservations to Articles 3, 4, 6, 12, 13 and 16 of the Convention made upon ratification. Pakistan has not withdrawn its reservations to Articles 8, 28 and 30 of the Convention.

#### **Article 8**

1. *The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.*
2. *If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.*
3. *States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.*
4. *Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.*

#### **Article 28**

1. *Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.*
2. *Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.*

#### **Article 30**

1. *Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.*
2. *Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party having made such a reservation.*
3. *Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.*

## **K. UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (1988)**

### **12. HOLY SEE, 25 January 2012, 2 February 2012, 1<sup>st</sup> February 2013**

New
-----

#### ***Reservation and declarations***

“Pursuant to article 32.4 of this Convention, the Holy See, acting also in the name and on behalf of Vatican City State, declares that it does not consider itself bound by either article 32.1 or article 32.2 of the Convention. The Holy See, acting also in the name and on behalf of Vatican City State, specifically reserves the right to agree in a particular case, on an *ad hoc* basis, to any convenient means to settle any dispute arising out of this Convention.”

“The Holy See declares that articles 6.6 and 7.15 of the Convention shall be interpreted in light of its legal doctrine and the sources of its law (Vatican City State Law LXXI, of 1 October 2008).”

“The Holy See is well aware that one of the problems of contemporary society is the phenomenon of drug abuse and the related problem of illicit trafficking in narcotics and psychotropic substances. This trafficking has already become so widespread and so highly organized as to involve both the developed countries and those on the road to development.

Through its Representatives, the Holy See has followed the various phases of the drawing-up of the Convention text, a process that has been long and laborious.

Pope John Paul II, on the occasion of last year’s Conference in Vienna on the abuse of and illicit trafficking in drugs, pointed out that the criminal activity of production and illicit trafficking must be opposed by cooperation between States. He stated that ‘the common struggle against the plague of drug abuse and illicit trafficking is motivated by a serious spirit of mission, on behalf of humanity and for the very future of society, a mission whose success demands a mutual commitment and a generous response on the part of all’ (17th June 1987).

In consideration of this position, the Holy See has decided to sign the Convention against illicit trafficking in narcotics as a gesture of encouragement vis-à-vis the commitment of the countries that intend to fight against such criminal activity. In adhering to this Convention, the Holy See does not intend to prescind in any way from its specific mission which is of a religious and moral character.”

**Article 6 - Extradition**

“(…)

6. *In considering requests received pursuant to this article, the requested State may refuse to comply with such requests where there are substantial grounds leading its judicial or other competent authorities to believe that compliance would facilitate the prosecution or punishment of any person on account of his race, religion, nationality or political opinions, or would cause prejudice for any of those reasons to any person affected by the request. (...)*”

**Article 7 – Mutual legal assistance**

“(…)

15. *Mutual legal assistance may be refused:*

- a) *If the request is not made in conformity with the provisions of this article;*
- b) *If the requested Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;*
- c) *If the authorities of the requested Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or proceedings under their own jurisdiction;*
- d) *If it would be contrary to the legal system of the requested Party relating to mutual legal assistance for the request to be granted.”*

**Article 32 – Settlement of disputes**

“1. *If there should arise between two or more Parties a dispute relating to the interpretation or application of this Convention, the Parties shall consult together with a view to the settlement of the dispute by negotiation, enquiry, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.*

2. *Any such dispute which cannot be settled in the manner prescribed in paragraph 1 of this article shall be referred, at the request of any one of the States Parties to the dispute, to the International Court of Justice for decision. (...)*

4. *Each State, at the time of signature or ratification, acceptance or approval of this Convention or accession thereto, or each regional economic integration organization, at the time of signature or deposit of an act of formal confirmation or accession, may declare that it does not consider itself bound by paragraphs 2 and 3 of this article. The other Parties shall not be bound by paragraphs 2 and 3 with respect to any Party having made such a declaration. (...)*”

## **L. PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE INTERNATIONAL SEABED AUTHORITY (1998)**

**13. FRANCE**, 23 January 2012, 26 January 2012, 25 January 2013

<b>New</b>
------------

### **Reservation**

“France intends to limit the exemption from taxation provided for in articles 8 (c) and 9 (e) of the Protocol:

- To the officials of the Authority referred to in Article 8, excluding the experts on mission for the Authority referred to in article 9;
- To the salaries and emoluments received from the Authority by these officials, excluding any other form of payment which may be made to them by the Authority.”

#### **Article 8 – Officials**

“1. The Secretary-General will specify the categories of officials to which the provisions of paragraph 2 of this article shall apply. The Secretary-General shall submit these categories to the Assembly. Thereafter these categories shall be communicated to the Governments of all members of the Authority. The names of the officials included in these categories shall from time to time be made known to the Governments of members of the Authority.

2. Officials of the Authority, regardless of nationality, shall:

(...) (c) be exempt from tax in respect of salaries and emoluments paid or any other form of payment made by the Authority; (...)”

#### **Article 9 – Experts on mission for the Authority**

“1. Experts (other than officials coming within the scope of article 8) performing missions for the Authority shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular they shall be accorded:

(...) (e) exemption from tax in respect of salaries and emoluments paid or any other form of payment made by the Authority. This provision is not applicable as between an expert and the member of the Authority of which he or she is a national; (...)

2. Privileges and immunities are accorded to experts, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Authority. The Secretary-General shall have the right and the duty to waive the immunity of any expert where, in the opinion of the Secretary-General, the immunity would impede the course of justice, and it can be waived without prejudice to the interests of the Authority.”

## **M. INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM (1999)**

<b>New</b>
------------

**14. ETHIOPIA**, 20 March 2012, 19 March 2013

“Ethiopia does not consider itself to be bound by the jurisdiction of the International Court of Justice as per Article 24 (2) of the Convention”.

#### **Article 24**

“1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.”

**15. HOLY SEE**, 25 January 2012, 2 February 2012, 1<sup>st</sup> February 2013

New

**Reservation and declarations**

“Pursuant to article 24.2 of the Convention, the Holy See, acting also in the name and on behalf of Vatican City State, declares that it does not consider itself bound by article 24.1 of the Convention. The Holy See, acting also in the name and on behalf of Vatican City State, specifically reserves the right to agree in a particular case, on an ad hoc basis, to any convenient means to settle any dispute arising out of this Convention.”

“By acceding to the International Convention for the Suppression of the Financing of Terrorism, the Holy See, acting also in the name and on behalf of Vatican City State, intends to contribute and to give its moral support to the global prevention, repression and prosecution of terrorism and to the protection of victims of such crimes.

In conformity with its own nature, its mission, and the particular character of Vatican City State, the Holy See upholds the values of brotherhood, justice and peace between persons and peoples, whose protection and strengthening require the primacy of the rule of law and respect for human rights, and it reaffirms that instruments of criminal and judicial cooperation constitute effective safeguards in the face of criminal activities that jeopardize human dignity and peace.

The Holy See, acting also in the name and on behalf of the Vatican City State, declares that its accession to the Convention does not constitute consent to be bound by or to become a party to any of the treaties listed in the Annex to the Convention. Considering that, at the date of its accession to the Convention, the Holy See is not a party to any of the treaties listed in the Annex, for the purposes of article 2.2(a) of the Convention, none of them should be deemed to be included within the scope of the Convention pursuant to its article 2.1(a). In the future, should the Holy See ratify or acceded to any of those treaties, once it has come into force for the Holy See, the treaty in question shall be deemed to be included within the scope of the Convention pursuant to its article 2.1(a).

In respect to article 5 of the Convention, the Holy See notes that, due to the particular nature of the Holy See and of Vatican City State, the concept of criminal liability of legal persons is not embodied in their domestic legal principles.

Pursuant to article 11.2 of the Convention, the Holy See declares that it takes the Convention as the legal basis for cooperation on extradition with other Parties to the Convention, subject to the limitations to the extradition of persons provided for by its domestic law.

With regard to article 15 of the Convention, the Holy See declares that the terms ‘prosecuting or punishing a person on account of that person’s race, religion, nationality, ethnic origin or political opinion’ and ‘prejudice to that person’s position’ shall be interpreted in light of its legal doctrine and the sources of its law (Vatican City State Law LXXI, 1 October 2008).”

**Article 2**

*“1. Any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out:*

*(a) An act which constitutes an offence within the scope of and as defined in one of the treaties listed in the annex; or*  
*(b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.*

*2. (a) On depositing its instrument of ratification, acceptance, approval or accession, a State Party which is not a party to a treaty listed in the annex may declare that, in the application of this Convention to the State Party, the treaty shall be deemed not to be included in the annex referred to in paragraph 1, subparagraph (a). The declaration shall cease to have effect as soon as the treaty enters into force for the State Party, which shall notify the depositary of this fact;*

*(b) When a State Party ceases to be a party to a treaty listed in the annex, it may make a declaration as provided for in this article, with respect to that treaty. (...)”*

**Article 5**

*"1. Each State Party, in accordance with its domestic legal principles, shall take the necessary measures to enable a legal entity located in its territory or organized under its laws to be held liable when a person responsible for the management or control of that legal entity has, in that capacity, committed an offence set forth in article 2. Such liability may be criminal, civil or administrative.*

*2. Such liability is incurred without prejudice to the criminal liability of individuals having committed the offences.*

*3. Each State Party shall ensure, in particular, that legal entities liable in accordance with paragraph 1 above are subject to effective, proportionate and dissuasive criminal, civil or administrative sanctions. Such sanctions may include monetary sanctions."*

**Article 11**

*"(...)*

*2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State. (...)"*

**Article 15**

*"Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons."*

Article 24 is reproduced above.

**N. UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (2000)**

**16. BANGLADESH**, 13 July 2011, 14 July 2011, 13 July 2012

**Reservation**

"In accordance with the provision in paragraph 3 of Article 35 of the Convention, the People's Republic of Bangladesh does not consider itself bound by paragraph 2 of the said Article."

**Article 35**

*"1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Convention through negotiation.*

*2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.*

*3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Convention, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.*

*4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations."*

**17. INDIA**, 5 May 2011, 31 May 2011, 30 May 2012

**Declarations**

"(i) The Government of India does not consider itself bound by the provisions of the Convention and its Protocols relating to submission of disputes for arbitration or to the International Court of Justice."

Article 35 of the Convention is reproduced above. The relevant provisions of the Protocols are *mutatis mutandis* equivalent to Article 35 of the Convention.



**18. HOLY SEE**, 25 January 2012, 3 February 2012, 2 February 2013**Reservation and declarations**

New

“Pursuant to article 35.3 of the Convention, the Holy See, acting also in the name and on behalf of Vatican City State, declares that it does not consider itself bound by article 35.2 of the Convention. The Holy See, acting also in the name and on behalf of Vatican City State, specifically reserves the right to agree in a particular case, on an *ad hoc* basis, to any convenient means to settle any dispute arising out of this Convention.”

“By acceding to the United Nations Convention against Transnational Organized Crime, the Holy See, acting also in the name and on behalf of Vatican City State, intends to contribute and to give its moral support to the global prevention, repression and prosecution of transnational organized crime and to the protection of victims of such crimes.

In conformity with its own nature, its mission, and the particular character of Vatican City State, the Holy See upholds the values of brotherhood, justice and peace between persons and peoples, whose protection and strengthening require the primacy of the rule of law and respect for human rights, and it reaffirms that instruments of criminal and judicial cooperation constitute effective safeguards in the face of criminal activities that jeopardize human dignity and peace.

In respect to article 10 of the Convention, the Holy See notes that, due to the particular nature of the Holy See and of Vatican City State, the concept of criminal liability of legal persons is not embodied in their domestic legal principles.

The Holy See declares that articles 16.14 and 18.21 of the Convention shall be interpreted in light of its legal doctrine and the sources of its law (Vatican City State Law LXXI, of 1 October 2008).”

**Article 10 – Liability of legal persons**

“1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in serious crimes involving an organized criminal group and for the offences established in accordance with articles 5, 6, 8 and 23 of this Convention.

2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.

3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.

4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.”

**Article 16 - Extradition**

“(…)

14. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person’s sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person’s position for any one of these reasons.”

**Article 18 – Mutual legal assistance**

“(…)

21. Mutual legal assistance may be refused:

(a) If the request is not made in conformity with the provisions of this article;

(b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;

(c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;

(d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.”

Article 35 is reproduced above.

## **O. UNITED NATIONS CONVENTION AGAINST CORRUPTION (2003)**

**19. INDIA**, 9 May 2011, 14 July 2011, 13 July 2012

### **Reservation**

“The Government of the Republic of India does not consider itself bound by paragraph 2 of Article 66 of the Convention.”

#### **Article 66**

“(…)

2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court. (…).”

**20. NEPAL**, 29 March 2011, 4 April 2011, 3 April 2012

### **Reservation**

“The Government of Nepal does not consider itself bound by the provision of Article 66 of the United Nations Convention against Corruption under which any dispute between two or more States Parties concerning the interpretation or application of the Convention, at the request of one of those States to the dispute shall be submitted to arbitration, or any of those States Parties may refer the dispute in question to the International Court of Justice.”

The relevant provisions of Article 66 are reproduced above.

## **P. CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (2006)**

**21. CYPRUS**, 27 June 2011, 11 July 2011, 10 July 2012

### **Reservation**

“Whereas the Persons with Disabilities Law, as this has been harmonized with the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, prescribes in section 3A thereof that the said Law shall not apply as regards employment:

- (a) to the armed forces, to the extent that the nature of the work requires special abilities which cannot be exercised by persons with disabilities, and
- (b) to occupational activities where by reason of the nature or the context in which they are carried out, a characteristic or an ability which is not possessed by a person with a disability, constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate, taking into account the possibility of adopting reasonable measures,

the Republic of Cyprus declares that it ratifies the Convention with a reservation in respect of Article 27(1) of the Convention, to the extent that the provisions thereof are in conflict with the provisions of section 3A of the Persons with Disabilities Law.”

**Article 27**

*"1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:*

- a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;*
- b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;*
- c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;*
- d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;*
- e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;*
- f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;*
- g) Employ persons with disabilities in the public sector;*
- h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;*
- i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;*
- j) Promote the acquisition by persons with disabilities of work experience in the open labour market;*
- k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities. (...)"*

## **Q. OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (2008)**

**22. ARGENTINA**, 24 October 2011, 27 October 2011, 26 October 2012

### **Declaration**

<b>New</b>
------------

"On the occasion of its ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Argentine Government recalls that on 3 October 1983 the Argentine Republic rejected the extension of the application of the International Covenant on Economic, Social and Cultural Rights to the Malvinas Islands, South Georgia Islands and South Sandwich Islands.<sup>3</sup>

The Argentine Government recalls that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas are an integral part of the Argentine national territory and, being illegally occupied by the United Kingdom of Great Britain and Northern Ireland, are the subject of a sovereignty dispute between the two countries which is recognized by the United Nations and other international organizations.

In this connection, the General Assembly of the United Nations has adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which the sovereignty dispute referred to as the "Question of the Malvinas Islands" is recognized and the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland are urged to resume negotiations in order to find as soon as possible a peaceful and lasting solution to the dispute. Concurrently, the Special Committee on Decolonization of the United Nations has repeatedly affirmed this view. Also, the General Assembly of the Organization of American States adopted, on 24 June 2010, a new pronouncement, in similar terms, on the question.

<sup>3</sup> Note of the Secretariat: The English notification does not reproduce in integrality the text of the French notification

In ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Argentine Republic does so on the understanding that the system of communications provided for under that instrument does not apply to the right of peoples to selfdetermination in any context related to sovereignty disputes.”

\* \* \*

---

**PART II: RESERVATIONS AND DECLARATIONS TO COUNCIL OF EUROPE TREATIES****R. SECOND ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS (2004)<sup>4</sup>**

**23. CHILE**, 30 May 2011, 5 August 2011, 4 August 2012

***Declaration***

“In accordance with Article 26, paragraph 5, of the Second Additional Protocol, the Republic of Chile declares that it submits the handling and lapse of the requesting party’s information to domestic laws.”

***Article 26***

“(…)

*5. Any Party may, by a declaration addressed to the Secretary General of the Council of Europe, require that, within the framework of procedures for which it could have refused or limited the transmission or the use of personal data in accordance with the provisions of the Convention or one of its Protocols, personal data transmitted to another Party not be used by the latter for the purposes of paragraph 1 unless with its previous consent.”*

---

<sup>4</sup> European Treaty Series No. 182.