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Reference: C.N.673.2010.TREATIES-4 (Depositary Notification)

NETHERLANDS: COMMUNICATION

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

(Original: English)

At the request of the Government of the Kingdom of the Netherlands, the Secretary-General of the United Nations transmits herewith a communication, dated 29 September 2010, from the Minister of Foreign Affairs of the Kingdom of the Netherlands, which was received by him on 11 October 2010.

The Secretary-General is proceeding to the circulation to all States concerned of the actions listed in annex 1 by depositary notifications.

The Secretary-General will issue the remaining depositary notifications as soon as the status report of the treaties that apply to Curaçao, Sint Maarten and/or the Caribbean part of the Netherlands, including any reservations and further declarations, is received from the Kingdom of the Netherlands.

1 November 2010

A handwritten signature in dark ink, appearing to be "J.G.W.", is located below the date.

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned. Depositary notifications are issued in electronic format only. Depositary notifications are made available to the Permanent Missions to the United Nations in the United Nations Treaty Collection on the Internet at <http://treaties.un.org>, under "Depositary Notifications (CNs)". In addition, the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also available at <http://treaties.un.org>.

“The Minister of Foreign Affairs of the Kingdom of the Netherlands presents his compliments to the Secretary-General of the United Nations and, with regard to the international agreements that the Kingdom of the Netherlands is a party to, has the honour to inform the Secretary-General as follows.

The Kingdom of the Netherlands currently consists of three parts: the Netherlands, the Netherlands Antilles and Aruba. The Netherlands Antilles consists of the islands of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba.

With effect from 10 October 2010, the Netherlands Antilles will cease to exist as a part of the Kingdom of the Netherlands. From that date onwards, the Kingdom will consist of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten will enjoy internal self-government within the Kingdom, as Aruba and, up to 10 October 2010, the Netherlands Antilles do.

These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles: these agreements, including any reservations made, will continue to apply to Curaçao and Sin Maarten.

The other islands that have until now formed part of the Netherlands Antilles -Bonaire, Sin Eustatius and Saba- will become parts of the Netherlands, thus constituting ‘the Caribbean part of the Netherlands’. The agreements that now apply to the Netherlands Antilles will also continue to apply to these islands; however, the Government of the Netherlands will now be responsible for implementing these agreements. In addition, a number of the agreements that currently apply to the Netherlands are hereby declared applicable, from 10 October 2010, to this Caribbean part of the Netherlands. The agreements concerned are listed in the Annex which also includes a declaration, regarding the International Covenant on Civil and Political Rights, on the modification of the internal constitutional relations within the Kingdom.

A status report of the agreements that apply to Curacao, Sint Maarten and/or the Caribbean part of the Netherlands, including any reservations and further declarations, will be supplied in the near future.

The Minister of Foreign Affairs kindly requests the Secretary-General, in his capacity as depositary, to inform States parties of the modification described above and of the extensions and the declarations included in the Annex.

The Minister of Foreign Affairs of the Kingdom of the Netherlands avails himself of this opportunity to renew to the Secretary-General the assurances of his highest consideration.

The Minister of Foreign Affairs
(signed) Maxime Verhagen

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ANNEX

The Hague, 29 September 2010

The Minister of Foreign Affairs of the Kingdom of the Netherlands presents his compliments to the Secretary-General of the United Nations and has the honour to inform the Secretary-General that the following treaties are extended to the Caribbean part of the Netherlands (Bonaire, Sint Eustatius and Saba) as per 10 October 2010:

- . Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
New York, 25 May 2000
- . Protocol to Prevent, Suppress and Punish trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
New York, 15 November 2000
- . Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;
New York, 15 November 2000
- . United Nations Convention against Corruption
New York, 31 October 2003

The Minister of Foreign Affairs of the Kingdom of the Netherlands also informs the Secretary-General that the following declaration is submitted:

International Covenant on Civil and Political Rights;
New York, 16 December 1966

In reference to the reservation made by the Kingdom of the Netherlands on ratifying the International Covenant on Civil and Political Rights on 11 December 1978, which reads, as far as relevant:

‘...
Article 12, paragraph 1

The Kingdom of the Netherlands regards the Netherlands and the Netherlands Antilles as separate territories of a State for the purpose of this provision.

Article 12, paragraphs 2 and 4

The Kingdom of the Netherlands regards the Netherlands and the Netherlands Antilles as separate countries for the purpose of these provisions.
...’

The Kingdom of the Netherlands wishes to make the following declaration:

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‘The Kingdom of the Netherlands, consisting, as per 10 October 2010, of the European part of the Netherlands, the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), Aruba, Curaçao and Sint Maarten, regards these parts as separate territories for the purpose of Article 12, paragraph 1, and as separate countries for the purpose of Article 12, paragraphs 2 and 4, of the Covenant.’.

The Minister of Foreign Affairs
(signed) Maxime Verhagen ”

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