

**5. OPTIONAL PROTOCOL TO THE VIENNA CONVENTION ON DIPLOMATIC
RELATIONS, CONCERNING THE COMPULSORY SETTLEMENT OF DISPUTES**

Vienna, 18 April 1961

ENTRY INTO FORCE: 24 April 1964, in accordance with article VIII.
REGISTRATION: 24 June 1964, No. 7312.
STATUS: Signatories: 28. Parties: 70.
TEXT: United Nations, *Treaty Series*, vol. 500, p. 241.

Note: See "Note:" in chapter III.3.

<i>Participant¹</i>	<i>Signature</i>	<i>Accession(a), Succession(d), Ratification</i>	<i>Participant¹</i>	<i>Signature</i>	<i>Accession(a), Succession(d), Ratification</i>
Australia.....		26 Jan 1968 a	of).....		
Austria.....	18 Apr 1961	28 Apr 1966	Iraq.....	20 Feb 1962	15 Oct 1963
Bahamas.....		17 Mar 1977 a	Ireland.....	18 Apr 1961	
Belgium.....	23 Oct 1961	2 May 1968	Israel.....	18 Apr 1961	
Bosnia and Herzegovina ²		1 Sep 1993 d	Italy.....	13 Mar 1962	25 Jun 1969
Botswana.....		11 Apr 1969 a	Japan.....	26 Mar 1962	8 Jun 1964
Bulgaria.....		6 Jun 1989 a	Kenya.....		1 Jul 1965 a
Cambodia.....		31 Aug 1965 a	Kuwait.....		21 Feb 1991 a
Central African Republic.....	28 Mar 1962	19 Mar 1973	Lao People's Democratic Republic.....		3 Dec 1962 a
Colombia.....	18 Apr 1961		Lebanon.....	18 Apr 1961	
Costa Rica.....		9 Nov 1964 a	Liberia.....		16 Sep 2005 a
Democratic Republic of the Congo.....		19 Jul 1965 a	Liechtenstein.....	18 Apr 1961	8 May 1964
Denmark.....	18 Apr 1961	2 Oct 1968	Lithuania.....		26 Sep 2012 a
Dominica.....		24 Mar 2006 a	Luxembourg.....	2 Feb 1962	17 Aug 1966
Dominican Republic.....	30 Mar 1962	13 Feb 1964	Madagascar.....		31 Jul 1963 a
Ecuador.....	18 Apr 1961	21 Sep 1964	Malawi.....		29 Apr 1980 a
Equatorial Guinea.....		4 Nov 2014 a	Malaysia.....		9 Nov 1965 a
Estonia.....		21 Oct 1991 a	Malta ⁵		7 Mar 1967 d
Fiji.....		21 Jun 1971 d	Mauritius.....		18 Jul 1969 d
Finland.....	20 Oct 1961	9 Dec 1969	Montenegro ⁶		23 Oct 2006 d
France.....	30 Mar 1962	31 Dec 1970	Nauru.....		14 Dec 2012 a
Gabon.....		2 Apr 1964 a	Nepal.....		28 Sep 1965 a
Germany ^{3,4}	18 Apr 1961	11 Nov 1964	Netherlands ⁷		7 Sep 1984 a
Ghana.....	18 Apr 1961		New Zealand ⁸	28 Mar 1962	23 Sep 1970
Guinea.....		10 Jan 1968 a	Nicaragua.....		9 Jan 1990 a
Hungary.....		8 Dec 1989 a	Niger.....		26 Apr 1966 a
Iceland.....		18 May 1971 a	North Macedonia ^{2,9}		18 Aug 1993 d
India.....		15 Oct 1965 a	Norway.....	18 Apr 1961	24 Oct 1967
Iran (Islamic Republic	27 May 1961	3 Feb 1965	Oman.....		31 May 1974 a
			Pakistan.....		29 Mar 1976 a

<i>Participant¹</i>	<i>Signature</i>	<i>Accession(a), Succession(d), Ratification</i>	<i>Participant¹</i>	<i>Signature</i>	<i>Accession(a), Succession(d), Ratification</i>
Panama.....		4 Dec 1963 a	State of Palestine		22 Mar 2018 a
Paraguay		23 Dec 1969 a	Suriname.....		28 Oct 1992 a
Philippines	20 Oct 1961	15 Nov 1965	Sweden.....	18 Apr 1961	21 Mar 1967
Republic of Korea.....	30 Mar 1962	25 Jan 1977	Switzerland	18 Apr 1961	22 Nov 1963
Romania.....		19 Sep 2007 a	United Kingdom of Great Britain and Northern Ireland.....	11 Dec 1961	1 Sep 1964
Serbia ²		12 Mar 2001 d	United Republic of Tanzania.....	27 Feb 1962	5 Nov 1962
Seychelles		29 May 1979 a	United States of America ¹⁰	[29 Jun 1961]	[13 Nov 1972]
Slovakia		27 Apr 1999 a			
Slovenia ²		6 Jul 1992 d			
Spain		21 Sep 2011 a			
Sri Lanka.....		31 Jul 1978 a			

Notes:

¹ Signed on behalf of the Republic of China on 18 April 1961. See also note 1 under "China" in the "Historical Information" section in the front matter of this volume.

In communications addressed to the Secretary-General with reference to the above-mentioned signature and/or ratification, the Permanent Representatives of the Permanent Missions to the United of Bulgaria, the Byelorussian SSR, Mongolia, Pakistan, Poland, Romania, the Ukrainian SSR and the Union of Soviet Socialist Republics stated that their Governments considered the said signature and/or ratification as null and void, since the so-called "Government of China" had no right to speak or assume obligations on behalf of China, there being only one Chinese State, the People's Republic of China, and one Government entitled to represent it, the Government of the People's Republic of China.

In letters addressed to the Secretary-General in regard to the above-mentioned communications, the Permanent Representative of China to the United Nations stated that the Republic of China, a sovereign State and Member of the United Nations, had attended the 1961 Conference on Diplomatic Intercourse and Immunities, contributed to the formulation of the Convention concerned, signed the Convention and duly deposited the instrument of ratification thereof, and that "any statements and reservations relating to the above-mentioned Convention that are incompatible with or derogatory to the legitimate position of the Government of the Republic of China shall in no way affect the rights and obligations of the Republic of China under this Convention".

The instrument of accession deposited on behalf of the Government of China on 25 November 1975 contained the following declaration:

The "signature" on and "ratification" of this Convention by the Chiang Kai-shek clique usurping the name of China are illegal and null and void.

² The former Yugoslavia had signed and ratified the Optional Protocol on 18 April 1961 and 1 April 1963, respectively. See also note 1 under "Bosnia and Herzegovina",

"Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

³ See note 2 under "Germany" in the "Historical Information" section in the front matter of this volume.

⁴ In a communication received on 22 March 1965, the Government of the Federal Republic of Germany informed the Secretary-General of the following:

"The Federal Republic of Germany is not a Party to the Statute of the International Court of Justice. In order to meet her obligations under article I of the Optional Protocol on the Compulsory Settlement of Disputes, and in accordance with Security Council resolution of 15 October 1946 on the conditions under which the International Court of Justice shall be open to States not Parties to that Statute [resolution 9 (1946) adopted by the Security Council at its 76th meeting], the Federal Republic has issued a declaration accepting the competence of the International Court of Justice for the disputes named in article I of the Optional Protocol on the Compulsory Settlement of Disputes. This declaration also applies to the disputes named in article IV of the Optional Protocol on the Compulsory Settlement of Disputes which arise from the interpretation or application of the Optional Protocol on the Acquisition of Nationality."

The declaration referred to above was deposited by the Government of the Federal Republic of Germany on 29 January 1965 with the Registrar of the International Court of Justice who transmitted certified true copies thereof to all States parties to the Statute of the International Court of Justice, in accordance with paragraph 3 of the Security Council resolution referred to above.

In the same communication, the Government of the Federal Republic of Germany has notified the Secretary-General, in accordance with article IV of the Optional Protocol concerning the Compulsory Settlement of Disputes, done at Vienna on 18 April 1961, that it will extend the provisions of the said Protocol

to disputes arising out of the interpretation or application of the Optional Protocol concerning the Acquisition of Nationality, done at Vienna on 18 April 1961.

See also note 1 under “Germany” regarding Berlin (West) iHistorical Information” section in the front matter of this volume.

⁵ In its notification of succession the Government of Malta indicated that it considers itself bound by the Convention as from 1 October 1964 [the date of entry into force of the Convention for the United Kingdom of Great Britain and Northern Ireland].

⁶ See note 1 under “Montenegro” in the “Historical Information” section in the front matter of this volume.

⁷ For the Kingdom in Europe and the Netherlands Antilles. See also notes 1 and 2 under “Netherlands” regarding Aruba/Netherlands Antilles in the “Historical Information” section in the front matter of this volume.

⁸ See note 1 under "New Zealand" regarding Tokelau in the "Historical Information" section in the front matter of this volume.

⁹ Upon depositing the notification of succession, the Government of the former Yugoslav Republic of Macedonia declared that "... the stipulation contained in this Protocol also apply to differences that arose from the interpretation or implementation of the Protocol with facultative signing relating to the acquisition of citizenship".

¹⁰ On 12 October 2018, the Secretary-General received from the Government of the United States of America a communication notifying its withdrawal from the Optional Protocol. The communication reads as follows:

“... the Government of the United States of America [refers] to the Optional Protocol to the Vienna Convention on Diplomatic Relations Concerning the Compulsory Settlement of Disputes, done at Vienna on April 18, 1961.

This letter constitutes notification by the United States of America that it hereby withdraws from the aforesaid Protocol. As a consequence of this withdrawal, the United States will no longer recognize the jurisdiction of the International Court of Justice reflected in that Protocol.”

