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.


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

<table>
<thead>
<tr>
<th>Participant</th>
<th>Signature</th>
<th>Accession(a), Succession(d), Ratification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
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<td>Austria</td>
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<td>Belgium</td>
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<td>Bosnia and Herzegovina</td>
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<td>Botswana</td>
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<td>Bulgaria</td>
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</tr>
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<td>Colombia</td>
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<td>28 Mar 1976 a</td>
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<td>Costa Rica</td>
<td>9 Nov 1964 a</td>
<td>31 May 1974 a</td>
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<td>Democratic Republic of the Congo</td>
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<td>18 Aug 1993 d</td>
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<td>Dominica</td>
<td>24 Mar 2006 a</td>
<td>14 Dec 2012 a</td>
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<td>Dominican Republic</td>
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<td>23 Oct 2006 d</td>
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<td>Ecuador</td>
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<td>India</td>
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<td>Iran (Islamic Republic)</td>
<td>27 May 1961</td>
<td>3 Feb 1965</td>
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Accession(a), Succession(d), Ratification:

- of: 20 Feb 1962, 15 Oct 1963
- Iraq: 18 Apr 1961
- Israel: 18 Apr 1961
- Italy: 13 Mar 1962, 25 Jun 1969
- Japan: 26 Mar 1962, 8 Jun 1964
- Kenya: 1 Jul 1965 a
- Kuwait: 21 Feb 1991 a
- Lao People's Democratic Republic: 3 Dec 1962 a
- Lebanon: 18 Apr 1961
- Liberia: 16 Sep 2005 a
- Liechtenstein: 18 Apr 1961, 8 May 1964
- Lithuania: 26 Sep 2012 a
- Madagascar: 31 Jul 1963 a
- Malawi: 29 Apr 1980 a
- Malaysia: 9 Nov 1965 a
- Malta: 7 Mar 1967 d
- Mauritius: 18 Jul 1969 d
- Montenegro: 23 Oct 2006 d
- Nauru: 14 Dec 2012 a
- Nepal: 28 Sep 1965 a
- Netherlands: 7 Sep 1984 a
- New Zealand: 28 Mar 1962, 23 Sep 1970
- Nicaragua: 9 Jan 1990 a
- Niger: 26 Apr 1966 a
- North Macedonia: 18 Aug 1993 d
- Oman: 31 May 1974 a
- Pakistan: 29 Mar 1976 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

III 5. PRIVILEGES AND IMMUNITIES, DIPLOMATIC AND CONSULAR RELATIONS, ETC

Panama................................. 4 Dec 1963 a
Paraguay ............................... 23 Dec 1969 a
Philippines ............................ 20 Oct 1961 15 Nov 1965
Romania................................ 19 Sep 2007 a
Serbia2,.................. 12 Mar 2001 d
Seychelles ............................. 29 May 1979 a
Slovakia ............................... 27 Apr 1999 a
Slovenia2,.............................. 6 Jul 1992 d
Spain ..................................... 21 Sep 2011 a
Sri Lanka ............................... 31 Jul 1978 a
State of Palestine ............... 22 Mar 2018 a
Suriname............................... 28 Oct 1992 a
Sweden............................... 18 Apr 1961 21 Mar 1967
Switzerland .......................... 18 Apr 1961 22 Nov 1963
United Kingdom of
Great Britain and
Northern Ireland......11 Dec 1961 1 Sep 1964
United Republic of
Tanzania...............27 Feb 1962 5 Nov 1962
United States of
America10...............[29 Jun 1961 ] [13 Nov 1972 ]
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) in “Historical 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.”
III 5. PRIVILEGES AND IMMUNITIES, DIPLOMATIC AND CONSULAR RELATIONS, ETC