16. CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION)

Geneva, 14 November 1975

ENTRY INTO FORCE: 20 March 1978, in accordance with article 53(1).


STATUS: Signatories: 16. Parties: 77.¹

TEXT:


Note: The Convention was adopted by a revising Conference convened in accordance with article 46 of the TIR Convention of 15 January 1959 (see chapter XI.A-13). In accordance with its article 52(2), it was opened for signature from 1 January 1976 until 31 December 1976 inclusive at the United Nations Office at Geneva.

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<th>Participant</th>
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<td>Belarus</td>
<td>5 Apr 1993 a</td>
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<td>20 Oct 1977 a</td>
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<td>Armenia</td>
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<td>Canada</td>
<td>21 Oct 1980 a</td>
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<td>Austria</td>
<td>27 Apr 1976 13 May 1977</td>
<td>Chile</td>
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<td>Morocco</td>
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**Declarations and Reservations**

(Unless otherwise indicated, the declarations and reservations were made upon definitive signature, ratification, acceptance, approval, accession or succession. For objections thereto see hereinafter.)
AFGHANISTAN
Pursuant to article 58 (1), [...] Afghanistan will not be bound by the provisions of article 57, paragraphs 2 to 6, of the Convention.

ALBANIA
The Council of Ministers of the Socialist People's Republic of Albania does not consider itself bound by article 57, paragraphs 2, 3, 4 and 6, of the Convention, which provide for recourse to compulsory arbitration for the interpretation and application of the Convention, and declares that in order for a dispute to be submitted to arbitration the agreement of all the parties to the dispute is necessary in each case.

ALGERIA
Pursuant to article 58, the People's Democratic Republic of Algeria does not consider itself bound by paragraphs 2 to 6 of article 57 concerning arbitration.

BULGARIA
The People's Republic of Bulgaria declares that article 52, paragraph 1, which restricts the participation by a certain number of States in the Convention, is in contradiction with the generally accepted principle of sovereign equality of States.

The People's Republic of Bulgaria declares also that the possibility envisaged in article 52, paragraph 3, for customs or economic unions to become Contracting Parties to the Convention, does not bind Bulgaria with any obligations whatsoever with respect to these unions.

CHINA
The People’s Republic of China does not accept the constraints imposed in article 57, paragraphs 2 through 6, of the 1975 Convention on the International Transport of Goods.

Pending further notification by the Government of the People’s Republic of China, the 1975 Convention on the International Transport of Goods shall not apply within the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People’s Republic of China.

CZECH REPUBLIC
EGYPT
The Arab Republic of Egypt declares a reservation to article 57, paragraphs 2, 3, 4, 5 and 6, concerning the settlement through arbitration of disputes relating to the provisions of the Convention, in application of article 58 thereof. Accordingly, the Arab Republic of Egypt does not consider itself bound by the provisions of article 57, paragraphs 2 to 6.

HUNGARY
"The Hungarian People's Republic does not consider itself bound by the provisions on compulsory arbitration contained in article 57 of the Convention."

"The Hungarian People's Republic draws attention to the fact that the provisions in paragraph 1 of Article 52 of the Convention are at variance with the fundamental principles of international law. It follows from the generally accepted principle of sovereign equality of States that the Convention should be open for adherence by all States without any discrimination and restriction."

INDIA
"The Republic of India declares that it does not consider itself bound by Article 57, paragraphs 2 to 6 of the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975), concerning the settlement of disputes, arising out of the interpretation or application of its provisions, through arbitration by the arbitration tribunal."

KUWAIT
Excluding the application of article 57 (2) to (6).

It is understood that the accession by the State of Kuwait to the Customs Convention on the International Transport of Goods under Cover of TIR Carnets concluded at Geneva on 14 November 1975 does not mean in any way recognition of Israel by the State of Kuwait. Furthermore, no treaty relations will arise between the State of Kuwait and Israel.

OMAN
… with a reservation to paragraphs 2, 3, 4, 5 and 6 of article 57 relating to arbitration.

PAKISTAN
“The Government of the Islamic Republic of Pakistan declares, in terms of Article 58 of the Convention, that it would not be bound by the provisions of Article 57, paragraphs 2 to 6 of the Convention.”

POLAND
The Polish People's Republic declares that the provisions of article 52, paragraph 3, of the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), concluded at Geneva on 14 November 1975, under which customs or economic unions may become Contracting Parties to that Convention, does not in any way alter the position of the Government of the Polish People's Republic with regard to the international organizations in question.

ROMANIA
The Socialist Republic of Romania brings to knowledge that according to the provisions of paragraph 1, article 58 of the Customs Convention on the International Transport of Goods under cover of TIR Carnets (TIR Convention), concluded at Geneva, on November 14, 1975, it does not consider itself bound by the provisions of paragraphs 2-6 of article 57 of this Convention.

The Socialist Republic of Romania considers that the difference between two or more contracting parties on the interpretation or implementation of the Convention, which had not been settled by negotiations or in any other way, could be submitted to arbitration only with the consent of all parties in dispute, in each individual case.

The Socialist Republic of Romania considers that the provisions of article 52, paragraph 1 of the Convention do not concur with the principles according to which the international multilateral treaties, whose object and aim interest the international community in its entirety, should be opened to the universal participation.

RUSSIAN FEDERATION
(a) Declaration in respect of article 52, paragraph 1:

"The Union of Soviet Socialist Republics considers that the provision of article 52, paragraph 1, of the 1975 Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), which restricts the participation of certain States in the Convention, is contrary to the generally recognized principle of the sovereign equality of States;"

(b) Declaration in respect of article 52, paragraph 3:

""
The participation of customs or economic unions in the 1975 Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention) does not change the Soviet Union's position regarding different international organizations;

(c) Reservation in respect of article 57, paragraphs 2 to 6:

The Union of Soviet Socialist Republics does not consider itself bound by the provisions of article 57, paragraphs 2 to 6, of the 1975 Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), which provide for the submission of disputes concerning the interpretation or application of the Convention to a court of arbitration at the request of one of the Parties in dispute, and declares that the agreement of all the Parties in dispute is required in each particular case for the submission of the dispute to a court of arbitration.

SLOVAKIA

SYRIAN ARAB REPUBLIC

The accession of the Syrian Arab Republic to the Convention and its conclusion doesn't imply in any way a recognition of Israel or the involvement of the Syrian Arab Republic on matters administrated by this Convention with it.

The Syrian Arab Republic has acceded to the [said Convention], with a reservation concerning paragraphs 2 to 6 of Article 57 of the Convention.

Objections

(Unless otherwise indicated, the objections were made upon definitive signature, ratification, acceptance, approval, accession or succession.)

ARMENIA

“Pursuant to the procedure set forth in Article 60, paragraphs 1 and 2 of the Convention, the Government of the Republic of Armenia wishes to express its objection with respect to the decision of the Administrative Committee for the 1975 TIR Convention of the United Nations Economic Commission for Europe (UNECE) regarding a proposal of amendment to Annex 6, Explanatory Note 0.8.3, adopted at its forty-seventh session, held in Geneva on 5 February 2009.”

BELGIUM

[See objection under "European Community"]

DENMARK

[See objection under "European Community"]

EUROPEAN UNION

16 August 1978

... On behalf of the Member States of the European Economic Community and of the Community itself, of the reaction on the Community side to this statement by the People's Republic of Bulgaria. It should be recalled that the conference which took place in Geneva, from 8 to 14 November 1975 under the auspices of the United Nations Economic Commission for Europe for the purpose of revising the TIR Convention decided that customs or economic unions might become contracting parties to the Convention at the same time as all their Member States or at any time after all their Member States had become contracting parties to the Convention.

In accordance with this provision as contained in article 52 (3) of the Convention the European Economic Community, which participated in the above-mentioned conference, signed the Convention on 30 December 1976.

It shall also be recalled that the TIR Convention prohibits any reservation on the Convention, with the exception of reservations to the provisions contained in article 57 paragraphs (2) to (6) thereof on the compulsory settlement of disputes arising from the interpretation or application of the Convention. The statement made by Bulgaria concerning article 52 (3) has the appearance of a reservation to that provision, although such reservation is expressly prohibited by the Convention.

The Community and the Member States therefore consider that under no circumstances can this statement be invoked against them and they regard it as entirely void.

[Same objection, mutatis mutandis, as the one made by Belgium, Denmark, France, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland, and the European Economic Community with respect of the declaration made by Bulgaria.]

FRANCE

[See objection under "European Community"]

GEORGIA

“Pursuant to the procedure set forth in paras 1 and 2 of the Article 60 of the Convention, the Government of Georgia would like to express its objection with regard to the decision of the Administrative Committee for the 1975 TIR Convention of the United Nations Economic Commission for Europe (UNECE), regarding the proposal to amend Annex 6, Explanatory Note 0.8.3, adopted at its forty-seventh session, held in Geneva on 5 February 2009.”

GERMANY

[See objection under "European Community"]

IRAN (ISLAMIC REPUBLIC OF)

“Pursuant to the procedure set forth in Article 60, paragraphs 1 and 2 of the Convention, the Government of the Islamic Republic of Iran wishes to express its objection with respect to the decision of the Administrative Committee for the 1975 TIR Convention of the United Nations Economic Commission for Europe (UNECE) regarding a proposal of amendment to Annex 6, Explanatory Note 0.8.3, adopted at its forty-seventh session held in Geneva on 5 February 2009.”

IRELAND

[See objection under "European Community"]

ITALY

[See objection under "European Community"]

KYRGYZSTAN

Pursuant to paragraphs 1 and 2 of article 60 of the Convention, the Government of the Kyrgyz Republic
wishes to express its objection to the decision taken by the Administrative Committee for the 1975 TIR Convention of the United Nations Economic Commission for Europe (UNECE) regarding a proposal of amendment to Annex 6, Explanatory Note 0.8.3, adopted at its forty-seventh session, held in Geneva on 5 February 2009.

**LUXEMBOURG**

[See objection under "European Community"]

**NETHERLANDS**

[See objection under "European Community"]

**NORTH MACEDONIA**

“Pursuant to the procedure set forth in Article 60, paragraphs 1 and 2 of the Convention, [the Government of the former Yugoslav Republic of Macedonia] has the honour to notify of the objection of the Republic of Macedonia with respect to the decision of the Administrative Committee for the 1975 TIR Convention of the United Nations Economic Commission for Europe (UNECE) regarding a proposal of amendment to Annex 6, Explanatory Note 0.8.3, adopted at its forty-seventh session, held in Geneva on 5 February 2009.”

**SYRIAN ARAB REPUBLIC**

“Pursuant to the procedure set forth in Article 60, paragraphs 1 and 2 of the Convention, the Government of the Syrian Arab Republic wishes to express its objection with respect to the decision of the Administrative Committee for the 1975 TIR Convention of the United Nations Economic Commission for Europe (UNECE) regarding a proposal of amendment to Annex 6, Explanatory Note 0.8.3 that was adopted in the city of Geneva on February 5, 2009.”

**TAJIKISTAN**

According to Article 60, Paragraphs 1 and 2 of the Convention, the Government of the Republic of Tajikistan disagrees with the decision made by the Administrative Committee of the TIR Convention 1975 of the UN European Economic Commission, with regard to the amendment to Annex 6, Explanatory Note 0.8.3 that was adopted in the city of Geneva on February 5, 2009.

**TURKEY**

“… With reference to Depositary Notification (Ref.: C.N. 198.2009.TREATIES-2) dated 8 April 2009 … [the Government of Turkey] objects to the proposed amendment to Annex 6, Explanatory Note 0.8.3 of the Customs Convention on the International Transport of Goods Under Cover of TIR Carnets.”

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

[See objection under "European Community"]

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<th>Participant</th>
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<tr>
<td>United Kingdom of Great Britain and Northern Ireland</td>
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<td>Bailiwick of Guernsey, Bailiwick of Jersey, Gibraltar and Isle of Man</td>
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</table>

**Notes:**

1. On depositing the instrument of ratification, the Government of Switzerland declared that the provisions of the Convention will apply to the Principality of Liechtenstein, so long as it is linked to Switzerland by a customs union treaty.

2. Amendments to the Convention and annexes were adopted as follows:

<table>
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<td>Annex 6</td>
<td>Czechoslovakia*</td>
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<td>Various Parties</td>
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<td>Annexes 2, 6 and 7</td>
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<td>Article 18 and annex 1</td>
<td>Austria</td>
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<td>23 May 1989**</td>
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Amendments to: | Author of the proposal: | Date of circulation: | Date of entry into force: |
---|---|---|---|
Annexes 2 and 7 | Sweden | 21 Jan 1992 | 1 Aug 1992 |
Annex 6 | Sweden | 24 Mar 1993 | 1 Aug 1993 |
Article 16 | Sweden | 24 Mar 1993 | 24 Jun 1994 |
Annexes 1 and 6 | Netherlands | 27 Apr 1994 | 1 Oct 1994 |
Annex 7 | Germany | 27 Apr 1994 | 1 Oct 1994 |
Annexes 2, 6 and 7 | Sweden | 27 Apr 1994 | 1 Oct 1994 |
Annexes 1, 4 and 6*** | Germany, Sweden | 5 Apr 1995 | 1 Aug 1995 |
Convention and annexes 6 and 8 | Administrative Committee | 17 Nov 1997 | 17 Feb 1999 |
Article 3 and annexes 2 et 7 | Administrative Committee | 12 Feb 2001 | 12 Jun 2001**** |
Convention and annexes 1 and 6 | Administrative Committee | 12 Feb 2001 | 12 May 2002 |
Annex 6 relating to article 38, paragraph 1 | Administrative Committee | 20 Jun 2003 | 7 Nov 2003 |
Annex 6, relating to article 2, paragraph 1 (b) of annex 2 | Administrative Committee | 23 Jun 2003 | 7 Nov 2003 |
Annex 26, paragraph 1 | Administrative Committee | 29 Jun 2003 | 19 Sep 2004 |
Article 1 (b) | Administrative Committee | 24 Mar 2005 | 1 Oct 2005 |
Annex 2, Article 3, paragraphs 9 and 10 and to Annex 7, Part 1, Article 4, paragraphs 9 and 10 | Administrative Committee | 24 Mar 2005 | 1 Oct 2005 |
Annexes 1 and 9 | Administrative Committee | 12 May 2005 | 1 Apr 2006 |
Introduction of a new Article 42 ter and the amendment of Article 60 of the Convention, together with the introduction of a new Annex 10 | Administrative Committee | 12 May 2005 | 12 August 2006 |
Amendments regarding the addition of two new Explanatory Notes to Article 6.2 bis and Annex 8, Article 10 (B)). | Administrative Committee | 30 Jan 2006 | 12 August 2006 |
Amendment to Annex 6, Explanatory Note 0.8.3 | Administrative Committee | 5 February 2009 | *****

** As for the entry into force of the amendment to Annex 1 (model of the TIR Carnet, Rules regarding the use of the TIR carnets, Rule 5), which was proposed as a consequence of the proposed amendment to article 18 of the Convention, the Administrative Committee decided, in accordance with article 60 (1) of the Convention that the said amendments should come into force on the same date as the amendment to article 18 of the Convention, i.e., 23 May 1989.

**** The Secretary-General received objections from the the Government of Czech Republic on 1 May 1995 and Romania on 28 April 1995 with respect to Annex 6. None of the Contracting Parties to the above Convention having expressed an objection by 1 May 1995 to the amendments to Annexes 1 and 4, and less than one-fifth of the Contracting Parties having informed the Secretary-General that they reject the amendments to annex 6 by 1 May 1995, the amendments in question, in accordance with the decision of the Administrative Committee, taken at its seventeenth session held in Geneva on 20 and 21 October 1994, entered into force on 1 August 1995.

*****Annexes 2 and 7 only. By 12 February 2002, none of the Contracting Parties to the above-mentioned Convention had an objection to the proposal of amendments to Article 3 the Secretary-General. Consequently, in accordance with the provisions of article 59 (3) of the Convention, the amendments to Article 3 of the Convention will enter into force on 12 May 2002 for all Contracting Parties.

******By 1 October 2009, more than five of the States which are Parties to the above Convention (Armenia, Georgia, Kyrgyzstan, Iran (Islamic Republic of), Syrian Arab Republic, Tajikistan, Turkey and the former Yugoslav Republic of Macedonia) have notified the Secretary-General of their objection to the proposed amendment to Annex 6, Explanatory Note 0.8.3, adopted by the Administrative Committee at its forty-seventh session held in Geneva on 5 February 2009.

Consequently, in accordance with the provisions of article 59 (4) of the above Convention, the amendment is deemed not to have been accepted and has no effect.

3 The former Yugoslavia had signed and ratified the Convention on 28 April 1976 and 20 September 1977, respectively. See also note 1 regarding “Bosnia and Herzegovina”, “Croatia”, “former Yugoslavia”, “Albania”, “The Former Yugoslav Republic of Macedonia” and “Yugoslavia” in the “Historical Information” section in the front matter of this volume.

4 Czechoslovakia had acceded to the Convention on 25 February 1981, with a reservation and a declaration. For the text of the reservation and the declaration, see United Nations, Treaty Series, vol. 1216, p. 327. See also note 1 under “Czech Republic” and note 1 under “Slovakia” in the “Historical Information” section in the front matter of this volume.

5 The ratification does not extend to the Faeroe Islands. Subsequently, the Secretary-General received, on 13 April 1987, from the Government of Denmark a communication declaring that the Convention will apply to the Faeroe Islands as from 10 April 1987.

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

7 The German Democratic Republic had acceded to the Convention on 21 July 1978 with a reservation and a declaration. For the text of the reservation and the declaration,
see United Nations, *Treaty Series*, vol. 1098, p. 368. See also note 2 under “Germany” in the “Historical Information” section in the front matter of this volume.

8 See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

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

10 On 12 April 1994, the Secretary-General received from the Government of Greece the following communication:


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

11 The Government of Ukraine informed the Secretary-General that although, being a part of the USSR, Ukraine as one of the States Members of the United Nations since its inception, a number of provisions set forth in the Convention pertained solely to the competence of the Government of the Soviet Union. Furthermore, the Government of Ukraine specified that, from the time of the Soviet Union's participation in the TIR Convention, its provisions were extended also to the territory of Ukraine because Ukraine was an inalienable part of the USSR and also Ukraine, as a former Soviet Republic, shared borders with other States, and the relevant customs agencies of the Soviet Union were located in its territory. In accordance with the Act proclaiming the succession of Ukraine of 12 September 1991 and the Act of 15 July 1994 proclaiming the participation of Ukraine in the Convention, Ukraine reaffirmed its participation in the TIR Convention as from 12 September 1991.

12 In a notification received on 6 May 1994, the Government of Bulgaria notified the Secretary-General that it had decided to withdraw the reservation made upon accession with respect to article 57 (2) to (6). For the text of the reservation, see United Nations, *Treaty Series*, vol. 1079, p. 296.

13 On 9 January 1984, the Secretary-General received from the Government of Israel, the following communication:

"The Government of the State of Israel has noted that the instrument by Kuwait contains a declaration of political character in respect of Israel. In the view of the Government of the State of Israel this Convention is not the place for making such political pronouncements. Moreover, the said declaration cannot in any way affect whatever obligations are binding upon the Government of the State of Kuwait under general international law or under specific Conventions.

"The Government of the State of Israel will, in regard to the substance of the matter, adopt towards the Government of the State of Kuwait an attitude of complete reciprocity."

14 On 16 October 1997, the Government of Poland notified the Secretary-General that it had decided to withdraw its reservation with regard to article 57, paragraphs 2 to 6 of the Convention made upon accession. For the text of the reservation see United Nations, *Treaty Series*, vol. 1208, p. 549.