

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2016 Nr. 120

A. TITEL

Verdrag tussen het Koninkrijk der Nederlanden en de Verenigde Naties betreffende de zetel van het Internationaal Restmechanisme voor Straftribunalen (met briefwisseling); New York, 23 februari 2015

Voor een overzicht van de verdragsgegevens, zie verdragsnummer 012813 in de Verdragenbank.

D. PARLEMENT

Het Verdrag is uitdrukkelijk goedgekeurd bij Wet van 2 december 2015 (*Stb.* 2015, 509).

Voor de behandeling in de Staten-Generaal, zie Kamerstukken 34216.

E. PARTIJGEGEVENS

In een nota van 31 mei 2016 aan de Verenigde Naties heeft het Koninkrijk der Nederlanden een eenzijdige verklaring inzake artikel 29 van het Verdrag vastgelegd. De Engelse tekst van deze verklaring luidt als volgt:

Declaration of the Kingdom of the Netherlands

notifying the United Nations that the legal requirements for the entry into force of the Agreement between the Kingdom of the Netherlands and the United Nations concerning the Headquarters of the International Residual Mechanism for Criminal Tribunals of 23 February 2015 have been complied with in the Netherlands,

notifying the United Nations about the implementation of the political decision following consultations with the (former) International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY)

With reference to the Agreement between the Kingdom of the Netherlands and the United Nations concerning the Headquarters of the International Residual Mechanism for Criminal Tribunals of 23 February 2015 (the Host State Agreement),

Considering that upon entry into force of the Host State Agreement, in accordance with Article 48, paragraph 2 of that Agreement, the Agreement Concerning the Headquarters of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (ICTY Headquarters Agreement), signed on 29 July 1994, and the Agreement Regarding the Applicability of the Headquarters Agreement of the International Tribunal for the Former Yugoslavia to the activities and proceedings of the International Criminal Tribunal for Rwanda in the territory of the Kingdom of the Netherlands (ICTR Headquarters Agreement), concluded on 22 and 24 April 1996, shall terminate, and that as of that date the Host State Agreement shall apply mutatis mutandis to the ICTY and ICTR,

With particular reference to Article 29 of the Host State Agreement, which Article implies that members of the family forming part of the household of the officials of the International Residual Mechanism for Criminal Tribunals who are permanent residents of the Netherlands shall be subject to the social security provisions of the Netherlands,

In view of the Dutch government's policy of cooperation when it receives a request from an international organisation to amend the existing headquarters agreement in which family members are excluded from the Dutch social security system,

With reference to the political decision of the Kingdom of the Netherlands of 17 June 2010, following consultations in 2009 with the (former) ICTY about the amendment of the ICTY Headquarters Agreement to the effect that members of the family forming part of the household of the officials of the ICTY would be considered to be subject to the General Old Age Pensions Act of the Netherlands (Algemene Ouderdomswet),

In view of the request of the United Nations Legal Counsel of 21 September 2015 to amend the ICTY Headquarters Agreement to the effect that members of the family forming part of the household of the officials of the ICTY would be considered to be subject to the General Old Age Pensions Act of the Netherlands (Algemene Ouderdomswet) as of 29 July 1994, which is the date of entry into force of the ICTY Headquarters Agreement,

the Kingdom of the Netherlands, for the European part of the Netherlands,

declares that

The Kingdom of the Netherlands will apply Article 29 of the Host State Agreement, including that which is implied by that Article, to the (former) ICTY and (former) ICTR, to the following extent:

In accordance with the political decision of 2010 following consultations with the (former) ICTY in 2009 and focused on the request of the United Nations Legal Counsel mentioned above, members of the family forming part of the household of the officials of the (former) ICTY and the (former) ICTR who were or have been permanent residents of the Netherlands during the period from 1 January 2009 to the date of entry into force of the Host State Agreement shall be subject to the General Old Age Pensions Act of the Kingdom of the Netherlands (Algemene Ouderdomswet) with retroactive effect from 1 January 2009.

G. INWERKINGTREDING

De bepalingen van het Verdrag zullen ingevolge artikel 48, eerste lid, op 1 september 2016 in werking treden.

Wat betreft het Koninkrijk der Nederlanden, zal het Verdrag voor Nederland (het Europese deel) gelden.

Koninkrijk der Nederlanden

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (in Europa)		01-09-2016		
Nederland (Bonaire)				
Nederland (Sint Eustatius)				
Nederland (Saba)				
Aruba				
Curaçao				
Sint Maarten				

Uitgegeven de zestiende augustus 2016.

De Minister van Buitenlandse Zaken,

A.G. KOENDERS