

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2005 Nr. 232

A. TITEL

*Protocol tegen de illegale vervaardiging van en handel in vuurwapens,
hun onderdelen, componenten en munitie, tot aanvulling van het
Verdrag van de Verenigde Naties tegen grensoverschrijdende
georganiseerde misdaad;
New York, 31 mei 2001*

B. TEKST

De Engelse en de Franse tekst van het Protocol zijn geplaatst in
Trb. 2004, 37.

C. VERTALING

Zie *Trb.* 2004, 37.

D. PARLEMENT

Bij brieven van 30 september 2004 (Kamerstukken II 2004/2005, 29 830 (R 1773) nr. 1) is het Protocol in overeenstemming met artikel 2, eerste en tweede lid, en artikel 5, eerste en tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen overgelegd aan de Eerste en de Tweede Kamer der Staten-Generaal, de Staten van de Nederlandse Antillen en de Staten van Aruba.

De toelichtende nota die de brieven vergezelde, is ondertekend door de Minister van Justitie J. P. H. DONNER en de Minister van Buitenlandse Zaken B. R. BOT.

De goedkeuring door de Staten-Generaal is verleend op 12 november 2004.

E. PARTIJGEGEVENS

Zie de rubrieken E en F van *Trb.* 2004, 37.

| Partij | Onder- tekening | Ratifi- catie | Type ¹⁾ | In werking | Opzeg- ging | Buiten werking |
|-------------------------------|--------------------|------------------|--------------------|---------------|----------------|-------------------|
| Algerije | | 25-08-04 | T | 03-07-05 | | |
| Argentinië | 07-10-02 | | | | | |
| Australië | 21-12-01 | | | | | |
| Azerbeidzjan | | 03-12-04 | T | 03-07-05 | | |
| Barbados | 26-09-01 | | | | | |
| Belarus | | 06-10-04 | T | 03-07-05 | | |
| België | 11-06-02 | 24-09-04 | R | 03-07-05 | | |
| Benin | 17-05-02 | 30-08-04 | R | 03-07-05 | | |
| Brazilië | 11-07-01 | | | | | |
| Bulgarije | 15-02-02 | 06-08-02 | R | 03-07-05 | | |
| Burkina Faso | 17-10-01 | 15-05-02 | R | 03-07-05 | | |
| Canada | 20-03-02 | | | | | |
| China | 09-12-02 | | | | | |
| Costa Rica | 12-11-01 | 09-09-03 | R | 03-07-05 | | |
| Cyprus | 14-08-02 | 06-08-03 | R | 03-07-05 | | |
| Denemarken | 27-08-02 | | | | | |
| Dominicaanse Republiek, de | 15-11-01 | | | | | |
| Duitsland | 03-09-02 | | | | | |
| Ecuador | 12-10-01 | | | | | |
| EG (Europese Gemeenschap) | 16-01-02 | | | | | |
| El Salvador | 15-08-02 | 18-03-04 | R | 03-07-05 | | |
| Estland | 20-09-02 | 12-05-04 | R | 03-07-05 | | |
| Finland | 23-01-02 | | | | | |
| Grenada | | 21-05-04 | T | 03-07-05 | | |
| Griekenland | 10-10-02 | | | | | |

| Partij | Onder- tekening | Ratifi- catie | Type ¹⁾ | In werking | Opzeg- ging | Buiten werking |
|--|--------------------|------------------|--------------------|---------------|----------------|-------------------|
| Guatemala | | 01-04-04 | T | 03-07-05 | | |
| IJsland | 15-11-01 | | | | | |
| India | 12-12-02 | | | | | |
| Italië | 14-11-01 | | | | | |
| Jamaica | 13-11-01 | 29-09-03 | R | 03-07-05 | | |
| Japan | 09-12-02 | | | | | |
| Kaapverdië | | 15-07-04 | T | 03-07-05 | | |
| Kenia | | 05-01-05 | T | 03-07-05 | | |
| Kroatië | | 07-02-05 | T | 03-07-05 | | |
| Laos | | 26-09-03 | T | 03-07-05 | | |
| Lesotho | | 24-09-03 | T | 03-07-05 | | |
| Letland | | 28-07-04 | T | 03-07-05 | | |
| Libanon | 26-09-02 | | | | | |
| Liberia | | 22-09-04 | T | 03-07-05 | | |
| Libië | 13-11-01 | 18-06-04 | R | 03-07-05 | | |
| Litouwen | 12-12-02 | 24-02-05 | R | 03-07-05 | | |
| Luxemburg | 11-12-02 | | | | | |
| Madagascar | 13-11-01 | 15-09-05 | R | 15-10-05 | | |
| Malawi | | 17-03-05 | T | 03-07-05 | | |
| Mali | 11-07-01 | 03-05-02 | R | 03-07-05 | | |
| Mauritanië | | 22-07-05 | T | 21-08-05 | | |
| Mauritius | | 24-09-03 | T | 03-07-05 | | |
| Mexico | 31-12-01 | 10-04-03 | R | 03-07-05 | | |
| Monaco | 24-06-02 | | | | | |
| Nauru | 12-11-01 | | | | | |
| Nederlanden, het Koninkrijk der (voor Nederland) | | 08-02-05 | T | 03-07-05 | | |

| Partij | Onder- tekening | Ratifi- catie | Type ¹⁾ | In werking | Opzeg- ging | Buiten werking |
|-----------------------------|--------------------|------------------|--------------------|---------------|----------------|-------------------|
| Nigeria | 13-11-01 | | | | | |
| Noorwegen | 10-05-02 | 23-09-03 | R | 03-07-05 | | |
| Oman | | 13-05-05 | T | 03-07-05 | | |
| Oostenrijk | 12-11-01 | | | | | |
| Panama | 05-10-01 | 18-08-04 | R | 03-07-05 | | |
| Peru | | 23-09-03 | T | 03-07-05 | | |
| Polen | 12-12-02 | 04-04-05 | R | 03-07-05 | | |
| Portugal | 03-09-02 | | | | | |
| Roemenië | | 16-04-04 | T | 03-07-05 | | |
| Senegal | 17-01-02 | | | | | |
| Seychellen, de | 22-07-02 | | | | | |
| Sierra Leone | 27-11-01 | | | | | |
| Sint Kitts en Nevis | | 21-05-04 | T | 03-07-05 | | |
| Slovenië | 15-11-01 | 21-05-04 | R | 03-07-05 | | |
| Slowakije | 26-08-02 | 21-09-04 | R | 03-07-05 | | |
| Tunesië | 10-07-02 | | | | | |
| Turkije | 28-06-02 | 04-05-04 | R | 03-07-05 | | |
| Turkmenistan | | 28-03-05 | T | 03-07-05 | | |
| Uganda | | 09-03-05 | T | 03-07-05 | | |
| Verenigd Koninkrijk, het | 06-05-02 | | | | | |
| Zambia | | 24-04-05 | T | 03-07-05 | | |
| Zuid-Afrika | 14-10-02 | 20-02-04 | R | 03-07-05 | | |
| Zuid-Korea | 04-10-01 | | | | | |
| Zweden | 10-01-02 | | | | | |

¹⁾ DO=Definitieve ondertekening, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

Verklaringen, voorbehouden en bezwaren

Algerije, 25 augustus 2004

The Government of the People's Democratic Republic of Algeria does not consider itself bound by the provisions of article 16, paragraph 2 of this Protocol, which provides that any dispute between two or more States Parties concerning the interpretation or application of the Protocol that cannot be settled through negotiation shall, at the request of one of those States Parties, be submitted to arbitration or to the International Court of Justice.

The Government of the People's Democratic Republic of Algeria considers that no dispute of such nature may be submitted to arbitration or to the International Court of Justice without the consent of all the parties to the dispute.

The ratification of this Protocol by the People's Democratic Republic of Algeria does not in any way signify recognition of Israel.

The present ratification may not be interpreted as leading to the establishment of relations of any kind with Israel.

Argentinië, 7 oktober 2002

The Argentine Republic declares that, in relation to article 2, the provisions of the Protocol shall be without prejudice to the right of the Argentine Republic to adopt, at the domestic level, stricter provisions designed to fulfil the objectives of the Protocol of preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

Azerbeidzjan, 3 december 2004

The Republic of Azerbaijan declares that it will be unable to guarantee compliance with the provisions of this Protocol in its territories occupied by the Republic of Armenia until these territories are liberated from that occupation...

With regard to Article 16, paragraph 3, of the Protocol, the Republic of Azerbaijan does not consider itself bound by paragraph 2 of Article 16.

Azerbeidzjan, 27 januari 2005

... the Republic of Azerbaijan by his instruction No. 543 of 10 December 2004, designated the Ministry of Internal Affairs of the Republic of Azerbaijan as the national body.

Belarus, 6 oktober 2004

... in accordance with article 13, paragraph 2 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, the Ministry of Interior of the Republic of Belarus has been designated as the national authority

to maintain contacts between the Republic of Belarus and other States Parties on matters relating to the Protocol.

België, 24 september 2004

The Government of Belgium makes the following reservation concerning article 4, paragraph 2 of the Additional Protocol: the activities of armed forces during a period of armed conflict, in the sense given these terms under international humanitarian law, which are governed by this law, are not governed by the present Protocol.

Pursuant to article 13 (2) of the Additional Protocol, the Federal Ministry of Justice, Department of Legislation, Fundamental Rights and Liberties, 115 Boulevard de Waterloo, 1000 Brussels, is designated as the sole contact point.

El Salvador, 15 augustus 2002

The Government of the Republic of El Salvador does not consider itself bound by paragraph 2 of article 16, inasmuch as it does not recognize the compulsory jurisdiction of the International Court of Justice.

El Salvador, 18 maart 2004

With regard to article 16, paragraph 3, of the Protocol, the Government of the Republic of El Salvador does not consider itself bound by paragraph 2 of this article, inasmuch as it does not recognize the compulsory jurisdiction of the International Court of Justice.

With regard to article 13, paragraph 2, of this Protocol and without prejudice to the designation made in accordance with article 18, paragraph 13, of the United Nations Convention against Transnational Organized Crime, the Government of the Republic of El Salvador designates the Ministry of National Defence of the Republic of El Salvador as the central point of contact to provide liaison with other States Parties on matters relating to the Protocol.

Article 3a)

The Republic of El Salvador, in accordance with its domestic law (Act on Control and Monitoring of Firearms, Ammunition, Explosives and Similar Articles and their Regulation) interprets the following as collector's weapons: weapons of war which have been deactivated; and antique and obsolete weapons and those of historical value which shall not be utilized, subject to technical review by the Ministry of National Defence which shall so certify them; weapons of war: pistols, rifles and carbines with automatic firing action as well as those classified as light and heavy, mines, grenades and military explosives; antique weapons are those which are no longer manufactured and may be registered only for purposes of collection, in accordance with technical certification and prior authorization of the Ministry of National Defence; deactivated weapons: any weapon of war that, for purposes of collection, has been deactivated for its original use, with prior authorization by the Ministry of National Defence; firearm: weapons that, by the use of rimfire or

centerfire percussion cartridges, expel projectiles through a smooth or rifled barrel, by means of the expansion of gases produced by the combustion of explosive solids or powder or other flammable material contained in the cartridge; furthermore, for identification purposes, pistols and revolvers shall be marked on the weapon and for rifles, carbines and shotguns, the serial number shall appear on the case of the mechanism; explosives are the combination of various substances and mixtures that produce an exothermic reaction when ignited. Any substance or material which, when struck, subjected to friction, heated or subjected to the effect of a small detonation or a chemical reaction, reacts violently, producing gases at high temperature and pressure that impact anything found in their vicinity; articles similar to firearms or ammunition: any articles or objects made by hand that have similar characteristics or can be used for the same purposes.

Guatemala, 1 april 2004

The Republic of Guatemala shall provide the information referred to in article 12 of the Protocol in the case of information disclosed by individuals on a confidential basis only in the context of a request for judicial assistance.

Kroatië, 7 februari 2005

In accordance with Article 13, paragraph 2 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, the body of contact, to act as liaison with other States Parties on matters relating to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, shall be the Ministry of the Interior.

Laos, 26 september 2003

In accordance with paragraph 3, Article 16 of the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention Against Transnational Organized Crime, the Lao People's Democratic Republic does not consider itself bound by paragraph 2, Article 16 of the present Protocol. The Lao People's Democratic Republic declares that to refer a dispute relating to interpretation and application of the present Protocol to arbitration or the International Court of Justice, the agreement of all parties concerned in the dispute is necessary.

Letland, 28 juli 2004

In accordance with paragraph 2 of Article 13 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Con-

vention against Transnational Organized Crime, the Republic of Latvia declares that the competent national authority to provide liaison with other state parties on matters relating to said protocol is:

Ministry of Interior
Raina Boulevard 6
Riga, LV-1505
Latvia
Phone: + 371 7219263
Fax: + 371 7271005
E-mail: kanceleja@iem.gov.lv

Litouwen, 24 februari 2005

... in accordance with Article 16 (3) of the Protocol, the Seimas of the Republic of Lithuania declares that the Republic of Lithuania does not consider itself bound by paragraph 2, Article 16 of the Protocol providing the settlement of disputes concerning the interpretation and application of this Protocol at the International Court of Justice.

... in accordance with Article 13 (2) of the Protocol, the Seimas of the Republic of Lithuania declares that the Police Department under the Ministry of the Interior of the Republic of Lithuania is designated as the point of contact to act as liaison between it and other States Parties on matters relating to this Protocol.

Malawi, 17 maart 2005

The Government of the Republic of Malawi in its efforts to curb and stamp out offences related to trafficking in persons especially women and children has embarked upon various social and legal reforms to incorporate obligations emanating from this Protocol (Article 17 (4)); Further, expressly declares its acceptance of Article 16 (2) on settlement of disputes concerning interpretation and application of this Protocol in consonant with Article 16 (3);

The Competent Authority charged with the responsibility of coordinating and the rendering of mutual legal assistance is:

The Principal Secretary
Ministry of Home Affairs and Internal Security
Private Bag 331, Lilongwe 3, MALAWI
Fax: 265 1 789 509 Tel: 265 1 789 177

The Official Language of communication is English.

Noorwegen, 23 september 2003

The agency that may act pursuant to Article 13 of the Firearms Protocol as liaison for Norway with regard to the exchange of information between States Parties in connection with the efforts to combat violations of the Firearms Protocol is the National Criminal Investigation Service.

Panama, 13 december 2004

... in accordance with article 13 (2) of the aforementioned Protocol, the Republic of Panama has designated the Ministry of Government and Justice as the national body or single point of contact to act as liaison between it and other States Parties on matters relating to the Protocol.

Polen, 4 april 2005

With regard to article 13, paragraph 2 of this Protocol, without prejudice to article 18, paragraph 13 of the Convention, the Government of the Republic of Poland designates the Chief Commander of the Police as the national body to act as a liaison between the Republic of Poland and other States Parties on matters relating to this Protocol.

Roemenië, 16 april 2004

In accordance with Article 13 paragraph 2 of the Protocol, Romania declares that the National Agency for Export Control is the national point of contact designated to liaise with other States Parties in matters relating to the said Protocol.

Tunesië, 10 juli 2002

... With a reservation to article 16 (2).

Turkije, 3 juni 2005

National Body:

General Command of Gendarmerie

Department of Combatting Smuggling and Organized Crime

Point of Contact:

Senior Colonel Cengiz Yildirim

Head of Department Department of Combatting Smuggling and Organized Crime

General Command of Gendarmerie.

Uganda, 21 april 2005

...The National Focal Point for the Protocol Against Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition is as follows:

The Coordinator

Uganda National Focal Point on Small Arms and Light Weapons

P.O.Box 7191

KAMPALA

Telephone No: 256-41-252091

Cell No: 256-71-667720

Fax No: 256-41-252093

Zuid-Afrika, 20 februari 2004

And whereas pending a decision by the Government of the Republic of South Africa on the compulsory jurisdiction of the International Court

of Justice, the Government of the Republic does not consider itself bound by the terms of Article 16 (2) of the Protocol which provided for the compulsory jurisdiction of the International Court of Justice in differences arising out of the interpretation or application of the Protocol. The Republic will adhere to the position that, for the submission of a particular dispute for settlement by the International Court, the consent of all the parties to the dispute is required in every individual case. And whereas the Secretary-General is hereby notified, in accordance with Article 13 (2) of the Protocol, that the National Commissioner of the South African Police Service has been designated as the single point of contact to liaise with other States Parties on matters relating to the Protocol as required by Article 13 (2) of said Protocol.

G. INWERKINGTREDING

De bepalingen van het Protocol zijn ingevolge artikel 18, eerste lid, op 3 juli 2005 in werking getreden.

Het Verdrag is ingevolge artikel 18, eerste lid, voor het *Koninkrijk der Nederlanden* op 3 juli 2005 in werking getreden.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag alleen voor Nederland.

J. VERWIJZINGEN

Zie *Trb.* 2004, 37.

Verwijzingen

| | |
|---------------------|--|
| Titel | : Handvest van de Verenigde Naties; San Francisco, 26 juni 1945 |
| Laatste <i>Trb.</i> | : <i>Trb.</i> 2004, 240 |
| Titel | : Verdrag van de Verenigde Naties tegen grensoverschrijdende georganiseerde misdaad; New York, 15 november 2000 |
| Laatste <i>Trb.</i> | : <i>Trb.</i> 2004, 184 |

Uitgegeven de vierde oktober 2005.

De Minister van Buitenlandse Zaken,

B. R. BOT