

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2005 Nr. 237

A. TITEL

*Protocol tegen de smokkel van migranten over land, over zee en door de lucht, tot aanvulling van het Verdrag van de Verenigde Naties tegen grensoverschrijdende georganiseerde misdaad;
New York, 15 november 2000*

B. TEKST

De Engelse en de Franse tekst van het Protocol zijn geplaatst in *Trb.* 2001, 70.

C. VERTALING

Zie *Trb.* 2004, 36.

D. PARLEMENT

Bij brieven van 1 juni 2005 (Kamerstukken II 2004/2005, 30 159 (R 1794) 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 11 juli 2005.

E. PARTIJGEGEVENS

Zie *Trb.* 2001, 70 en rubriek F van *Trb.* 2004, 36.

Partij	Onder-tekening	Ratifi-catie	Type ¹⁾	In-werking	Opzeg-ging	Buiten-werking
Albanië	12-12-00	21-08-02	R	28-01-04		
Algerije	06-06-01	09-03-04	R	08-04-04		
Argentinië	12-12-00	19-11-02	R	28-01-04		
Armenië	15-11-01	01-07-03	R	28-01-04		
Australië	21-12-01	27-05-04	R	26-06-04		
Azerbeidzjan	12-12-00	30-10-03	R	28-01-04		
Bahama's	09-04-01					
Bahrein		07-06-04	T	07-07-04		
Barbados	26-09-01					
Belarus	14-12-00	25-06-03	R	28-01-04		
België	12-12-00	11-08-04	R	10-09-04		
Benin	17-05-02	30-08-04	R	29-09-04		
Bolivia	12-12-00					
Bosnië-Herzegovina	12-12-00	24-04-02	R	28-01-04		
Botswana	10-04-02	29-08-02	R	28-01-04		
Brazilië	12-12-00	29-01-04	R	28-02-04		
Bulgarije	13-12-00	05-12-01	R	28-01-04		
Burkina Faso	15-12-00	15-05-02	R	28-01-04		
Burundi	14-12-00					
Cambodja	11-11-01					
Canada	14-12-00	13-05-02	R	28-01-04		
Chili	08-08-02	29-11-04	R	29-12-04		
Congo, Republiek	14-12-00					
Costa Rica	16-03-01	07-08-03	R	28-01-04		
Cyprus	12-12-00	06-08-03	R	28-01-04		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Denemarken	12-12-00					
Djibouti		20-04-05	T	20-05-05		
Dominicaanse Republiek, de	15-12-00					
Duitsland	12-12-00					
Ecuador	13-12-00	17-09-02	R	28-01-04		
EG (Europese Gemeenschap)	12-12-00					
Egypte		01-03-05	T	31-03-05		
El Salvador	15-08-02	18-03-04	R	17-04-04		
Equatoriaal Guinee	14-12-00					
Estland	20-09-02	12-05-04	R	11-06-04		
Filippijnen, de	14-12-00	28-05-02	R	28-01-04		
Finland	12-12-00					
Frankrijk	12-12-00	29-10-02	R	28-01-04		
Gambia	14-12-00	05-05-03	R	28-01-04		
Georgië	13-12-00					
Grenada		21-05-04	T	20-06-04		
Griekenland	13-12-00					
Guatemala		01-04-04	T	01-05-04		
Guinee		08-06-05	T	08-07-05		
Guinee-Bissau	14-12-00					
Haiti	13-12-00					
Hongarije	14-12-00					
Ierland	13-12-00					
IJsland	13-12-00					
India	12-12-02					
Indonesië	12-12-00					

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Italië	12-12-00					
Jamaica	13-02-02	29-09-03	R	28-01-04		
Japan	09-12-02					
Kaapverdië	13-12-00	15-07-04	R	14-08-04		
Kameroen	13-12-00					
Kenia		05-01-05	T	04-02-05		
Kiribati		15-09-05	T	15-10-05		
Kroatië	12-12-00	24-01-03	R	28-01-04		
Kyrgyzstan	13-12-00	02-10-03	R	28-01-04		
Laos		26-09-03	T	28-01-04		
Lesotho	14-12-00	24-09-04	R	24-10-04		
Letland	10-12-02	23-04-03	R	28-01-04		
Libanon	26-09-02					
Liberia		22-09-04	T	22-10-04		
Libië	13-11-01	24-09-04	R	24-10-04		
Liechtenstein	14-03-01					
Litouwen	25-04-02	12-05-03	R	28-01-04		
Luxemburg	12-12-00					
Macedonië, Voormalige Joegoslavische Republiek	12-12-00	12-01-05	R	11-02-05		
Madagascar	14-12-00	15-09-05	R	15-10-05		
Malawi		17-03-05	T	16-04-05		
Mali	15-12-00	12-04-02	R	28-01-04		
Malta	14-12-00	24-09-03	R	28-01-04		
Mauritanië		22-07-05	T	21-08-05		
Mauritius		24-09-03	T	28-01-04		
Mexico	13-12-00	04-03-03	R	28-01-04		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Moldavië	14-12-00	16-09-05	T	16-10-05		
Monaco	13-12-00	05-06-01	R	28-01-04		
Mozambique	15-12-00					
Myanmar		30-03-04	T	29-04-04		
Namibië	13-12-00	16-08-02	R	28-01-04		
Nauru	12-11-01					
Nederlanden, het Koninkrijk der (voor Nederland)	12-12-00	27-07-05	R	26-08-05		
Nieuw-Zeeland	14-12-00	19-07-02	R	28-01-04		
Nigeria	13-12-00	27-09-01	R	28-01-04		
Noorwegen	13-12-00	23-09-03	R	28-01-04		
Oekraïne	15-11-01	21-05-04	R	20-06-04		
Oezbekistan	28-06-01					
Oman		13-05-05	T	12-06-05		
Oostenrijk	12-12-00					
Panama	13-12-00	18-08-04	R	17-09-04		
Peru	14-12-00	23-01-02	R	28-01-04		
Polen	04-10-01	26-09-03	R	28-01-04		
Portugal	12-12-00	10-05-04	R	09-06-04		
Roemenië	14-12-00	04-12-02	R	28-01-04		
Russische Federatie	12-12-00	26-05-04	R	25-06-04		
Rwanda	14-12-00					
San Marino	14-12-00					
Saudi-Arabië	10-12-02					
Senegal	13-12-00	27-10-03	R	28-01-04		
Servië en Montenegro	12-12-00	06-09-01	R	28-01-04		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Seychellen, de	22-07-02	22-06-04	R	22-07-04		
Sierra Leone	27-11-01					
Sint Kitts en Nevis		21-05-04	T	20-06-04		
Sint Vincent en de Grenadines	20-11-02					
Slovenië	15-11-01	21-05-04	R	20-06-04		
Slowakije	15-11-01	21-09-04	R	21-10-04		
Spanje	13-12-00	01-03-02	R	28-01-04		
Sri Lanka	13-12-00					
Swaziland	08-01-01					
Syrië	13-12-00					
Tadzjikistan		08-07-02	T	28-01-04		
Tanzania	13-12-00					
Thailand	18-12-01					
Togo	12-12-00					
Trinidad en Tobago	26-09-01					
Tsjechië	10-12-02					
Tunesië	13-12-00	14-07-03	R	28-01-04		
Turkije	13-12-00	25-03-03	R	28-01-04		
Turkmenistan		28-03-05	T	27-04-05		
Uganda	12-12-00					
Uruguay	13-12-00	04-03-05	R	03-04-05		
Venezuela	14-12-00	19-04-05	R	19-05-05		
Verenigd Koninkrijk, het	14-12-00					
Verenigde Staten van Amerika, de	13-12-00					
Zambia		24-04-05	T	24-05-05		

Partij	Ondertekening	Ratificatie	Type ¹⁾	In werking	Opzegging	Buiten werking
Zuid-Afrika	14-12-00	20-02-04	R	21-03-04		
Zuid-Korea	13-12-00					
Zweden	12-12-00					
Zwitserland	02-04-02					

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

Verklaringen, voorbehouden en bezwaren

Algerije, 9 maart 2004

The Government of the Algerian People's Democratic Republic does not consider itself bound by the provisions of article 20, paragraph 2, of this Protocol, which provides that any dispute between two or more States concerning the interpretation or application of the said Protocol that cannot be settled through negotiation shall, at the request of one of those States, be submitted to arbitration or referred to the International Court of Justice.

The Government of the Algerian People's Democratic Republic believes that any dispute of this kind can only be submitted to arbitration or referred to the International Court of Justice with the consent of all parties to the dispute.

Ratification of this Protocol by the Algerian People's Democratic Republic in no way signifies recognition of Israel.

Such ratification cannot be construed as leading to the establishment of any kind of relations with Israel.

Azerbeidzjan, 30 oktober 2003

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Protocol in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation.

In accordance with paragraph 3 of Article 20 of the Protocol, the Republic of Azerbaijan declares that it does not consider itself bound by paragraph 2 of Article 20.

In accordance with paragraph 6 of Article 8 of the Protocol, the Republic of Azerbaijan declares that the Ministry of Transport is designated as an authority to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures.

Bahrein, 7 juni 2004

...the Kingdom of Bahrain does not consider itself bound by Paragraph

2 of Article 20 of the Protocol Against the Smuggling of Migrants by Land, Sea and Air.

België, 12 december 2000

The French, Flemish and German-speaking Communities and the Regions of Wallonia, Flanders and Brussels-Capital are also bound by this signature.

België, 11 augustus 2004

In accordance with article 8, paragraph 6 of the supplementary Protocol, the Federal Department of the Interior, rue de Louvain 3, 1000 Brussels (for the coastline, the Maritime coordination and rescue centre) has been designated as the authority.

Ecuador, 17 september 2002

With regard to the Protocol against the Smuggling of Migrants by Land, Sea and Air, the Government of Ecuador declares that migrants are the victims of illicit trafficking in persons on the part of criminal organizations whose only goal is unjust and undue enrichment at the expense of persons wishing to perform honest work abroad.

The provisions of the Protocol must be understood in conjunction with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly of the United Nations in 1990, and with current international instruments on human rights.

Exercising the powers referred to in article 20, paragraph 3, of the Protocol against the Smuggling of Migrants by Land, Sea and Air, the Government of Ecuador makes a reservation with regard to article 20, paragraph 2, relating to the settlement of disputes.

El Salvador, 15 augustus 2002

The Government of the Republic of El Salvador does not consider itself bound by paragraph 2 of article 20, inasmuch as it does not recognize the compulsory jurisdiction of the International Court of Justice. With regard to article 9, paragraph 2, it hereby declares that only in the event of the revision of criminal judgements shall the State, in keeping with its domestic legislation, by law compensate the victims of judicial errors that have been duly proved. With regard to article 18, it states that the return of smuggled migrants shall take place to the extent possible and within the means of the State.

El Salvador, 18 maart 2004

With regard to article 20, paragraph 3, 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 9, paragraph 2, it hereby declares that only in the event of the revision of criminal judgements shall the State, in keeping with its domestic legislation, by law compensate the victims of judicial errors that have been duly proved.

With regard to article 18, it states that the return of smuggled migrants shall take place to the extent possible and within the means of the State.

Laos, 26 september 2003

In accordance with paragraph 3, Article 20 of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime, the Lao People's Democratic Republic does not consider itself bound by paragraph 2, Article 20 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, 23 april 2003

In accordance with article 8, paragraph 6 of the Protocol against Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, the Republic of Latvia designates the following national authorities to receive and respond to requests for assistance, for confirmation of registry or of the right of a vessel to fly its flag and for authorization to take appropriate measures:

Ministry of Interior
Raina blvd. 6,
Riga, LV-1050
Latvia
Phone: +371 7219263
Fax: +371 7271005
E-mail: kanceleja@iem.gov.lv
Homepage: <http://www.iem.gov.lv>
Ministry of Transport
Gogola iela 3,
Riga, LV-1743
Latvia
Phone: +371 7226922
Fax: +371 7217180
E-mail: satmin@sam.gov.lv
Homepage: <http://www.sam.gov.lv>

Litouwen, 12 mei 2003

And whereas, it is provided in paragraph 3 of Article 20 of the Protocol, the Republic of Lithuania would like to declare that it does not consider itself bound by paragraph 2 of Article 20, which provides that any State

Party may refer any dispute concerning the interpretation or application of the said Protocol to the International Court of Justice.

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;

Further, expressly declares its acceptance of Article 20 (2) on settlement of disputes concerning interpretation and application of this Protocol in consonant with Article 20 (3).

The Competent Authority charged with the responsibility of coordinating and 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 789509 Tel: 265 1 789 177

The Official Language of communication is English.

Moldavië, 16 september 2005

In accordance with paragraph 3 of article 20 of the Protocol, the Republic of Moldova does not consider itself bound by provisions of paragraph 2 of article 20 of the Protocol.

Until the full establishment of the territorial integrity of the Republic of Moldova, the provisions of the Protocol will be applied only on the territory controlled by the authorities of the Republic of Moldova.

In accordance with paragraph 6 of article 8 of the Protocol, the Ministry of Transportation and Communication is designated as a central authority responsible for receiving the requests of legal assistance referred to in this article.

Myanmar, 30 maart 2004

The Government of the Union of Myanmar wishes to express reservation on Article 20 and does not consider itself bound by obligations to refer disputes relating to the interpretation or application of this Protocol to the International Court of Justice.

Nieuw-Zeeland, 19 juli 2002

... consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory ...

Panama, 13 december 2004

... in accordance with article 8 (6), the Republic of Panama has designated the Maritime Authority of Panama as the authority to receive and respond to requests for assistance and for confirmation of registry or of the right of a vessel to fly its flag.

Roemenië, 4 december 2002

In accordance with Article 8 paragraph 6 of the supplementing Protocol against the Smuggling of Migrants by Land, Sea and Air, the Romanian central authority designated to receive the requests for assistance is the Ministry of Public Works, Transports and Housing (Blvd. Dinicu Golescu nr. 38, sector 1 Bucuresti, tel. 223 29 81/fax,223 0272).

Saudi-Arabië, 10 december 2002

The Kingdom of Saudi Arabia is not a party to the 1951 U.N. Convention or to the 1967 Protocol, dealing with the status of refugees.

The Kingdom of Saudi Arabia does not consider itself bound by paragraph 2 of Article 20 of the Protocol Against the Smuggling of Migrants by Land, Sea and Air.

Tunesië, 14 juli 2003

In ratifying the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly of the United Nations on 15 November 2000, declares that it does not consider itself bound by article 20, paragraph 2, of the Protocol and affirms that disputes concerning the interpretation or application of the Protocol may be referred to the International Court of Justice only after it has given its prior consent.

Venezuela, 19 april 2005

The Bolivarian Republic of Venezuela, in accordance with the provision of article 20 (3) of the Protocol against Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, formulates a reservation with respect to the provision established under paragraph 2 of the said article. Consequently, it does not consider itself obligated to refer to arbitration as a means of settlement of disputes, nor does it recognize the compulsory jurisdiction of the International Court of Justice.

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 20 (2) of the Protocol which provides 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 8 (6) of the Protocol, that the Director-General of the Department of Transport has been designated as the authority to receive and respond to requests for assistance in terms of the Protocol.

G. INWERKINGTREDING

Zie *Trb.* 2004, 36.

Het Protocol is ingevolge artikel 22, tweede lid, voor het *Koninkrijk der Nederlanden* op 26 augustus 2005 in werking getreden.

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

J. VERWIJZINGEN

Zie *Trb.* 2001, 70 en *Trb.* 2004, 36.

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