

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2015 Nr. 1

A. TITEL

*Wapenhandelsverdrag;
New York, 2 april 2013*

B. TEKST

De Engelse en de Franse tekst van het verdrag zijn geplaatst in *Trb.* 2013, 143.

Voor correcties in de Franse tekst, zie *Trb.* 2014, 45.

In *Trb.* 2013, 143 dient in de Engelse tekst de volgende correctie te worden aangebracht.

Op blz. 10, in artikel 13, derde lid, zesde regel, dient het woord „Same” te worden vervangen door „same”.

C. VERTALING

Zie *Trb.* 2014, 45.

In dat Tractatenblad dienen de volgende correcties te worden aangebracht.

Op blz. 5, in artikel 1, tweede regel, dient „hoogstmogelijke” te worden vervangen door „hoogst mogelijke”.

Op blz. 16, in artikel 20, derde lid, vierde regel, dient „drievierde-meerderheid” te worden vervangen door „drievierde meerderheid”.

D. PARLEMENT

Artikel 1 van de Rijkswet van 10 december 2014 (*Stb.* 2014, 501) luidt als volgt:

„Artikel 1

Het Wapenhandelsverdrag, waarvan de Engelse en de Franse tekst is geplaatst in Tractatenblad 2013, 143 en de Nederlandse vertaling in Tractatenblad 2014, 45, wordt goedgekeurd voor het gehele Koninkrijk.”

Deze Rijkswet is gecontrasigneerd door de Minister van Buitenlandse Zaken A.G. KOENDERS en de Minister voor Buitenlandse Handel en Ontwikkelingssamenwerking E.M.J. PLOUMEN.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 2013/2014, 2014/2015, 33968 (R2033); Kamerstukken I 2014/2015, 33968 (R2033).

E. PARTIJGEGEVENS

Zie *Trb.* 2013, 143.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Albanië	03-06-13	19-03-14	R	24-12-14		
Andorra	18-12-14					
Angola	24-09-13					
Antigua en Barbuda	03-06-13	12-08-13	R	24-12-14		
Argentinië	03-06-13	25-09-14	R	24-12-14		
Australië	03-06-13	03-06-14	R	24-12-14		
Bahama's	03-06-13	25-09-14	R	24-12-14		
Bahrein	21-11-13					
Bangladesh	26-09-13					
Barbados	25-09-13					
België	03-06-13	03-06-14	R	24-12-14		
Belize	03-06-13					
Benin	03-06-13					
Bosnië en Herzegovina	25-09-13	25-09-14	R	24-12-14		
Brazilië	03-06-13					

Partij	Onder- tekening	Ratificatie	Type [*]	In werking	Opzeg- ging	Buiten werking
Bulgarije	02-07-13	02-04-14	R	24-12-14		
Burkina Faso	03-06-13	03-06-14	R	24-12-14		
Burundi	03-06-13					
Cambodja	18-10-13					
Chili	03-06-13					
Colombia	24-09-13					
Comoren	26-09-13					
Congo, Republiek	25-09-13					
Costa Rica	03-06-13	25-09-13	R	24-12-14		
Cyprus	03-06-13					
Denemarken	03-06-13	02-04-14	R	24-12-14		
Djibouti	03-06-13					
Dominica	01-10-13					
Dominicaanse Republiek	03-06-13	07-08-14	R	24-12-14		
Duitsland	03-06-13	02-04-14	R	24-12-14		
El Salvador	05-06-13	02-04-14	R	24-12-14		
Estland	03-06-13	02-04-14	R	24-12-14		
Filipijnen	25-09-13					
Finland	03-06-13	02-04-14	R	24-12-14		
Frankrijk	03-06-13	02-04-14	R	24-12-14		
Gabon	25-09-13					
Georgië	25-09-14					
Ghana	24-09-13					
Grenada	03-06-13	21-10-13	R	24-12-14		
Griekenland	03-06-13					
Guatemala	24-06-13					
Guinee	29-07-13	21-10-14	R	24-12-14		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Guinee-Bissau	26-09-13					
Guyana	03-06-13	04-07-13	R	24-12-14		
Haïti	21-03-14					
Honduras	25-09-13					
Hongarije	03-06-13	02-04-14	R	24-12-14		
Ierland	03-06-13	02-04-14	R	24-12-14		
IJsland	03-06-13	02-07-13	R	24-12-14		
Israël	18-12-14					
Italië	03-06-13	02-04-14	R	24-12-14		
Ivoorkust	03-06-13					
Jamaica	03-06-13	03-06-14	R	24-12-14		
Japan	03-06-13	09-05-14	R	24-12-14		
Kaapverdië	25-09-13					
Kameroen	03-12-14					
Kiribati	25-09-13					
Kroatië	03-06-13	02-04-14	R	24-12-14		
Lesotho	25-09-13					
Letland	03-06-13	02-04-14	R	24-12-14		
Libanon	27-10-14					
Liberia	04-06-13					
Libië	09-07-13					
Liechtenstein	03-06-13	16-12-14	R	24-12-14		
Litouwen	03-06-13	18-12-14	R	24-12-14		
Luxemburg	03-06-13	03-06-14	R	24-12-14		
Macedonië, de voormalige Joegoslavische Republiek	25-09-13	06-03-14	R	24-12-14		
Madagaskar	25-09-13					

Partij	Onder- tekening	Ratificatie	Type [*]	In werking	Opzeg- ging	Buiten werking
Malawi	09-01-14					
Maleisië	26-09-13					
Mali	03-06-13	03-12-13	R	24-12-14		
Malta	03-06-13	02-04-14	R	24-12-14		
Mauritanië	03-06-13					
Mexico	03-06-13	25-09-13	R	24-12-14		
Moldavië	10-09-13					
Mongolië	24-09-13					
Montenegro	03-06-13	18-08-14	R	24-12-14		
Mozambique	03-06-13					
Namibië	25-09-14					
Nauru	25-09-13					
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	03-06-13	18-12-14 18-12-14 18-12-14 18-12-14 – – –	R R R R	24-12-14 24-12-14 24-12-14 24-12-14 – – –		
Nieuw-Zeeland	03-06-13	02-09-14	R	24-12-14		
Niger	24-03-14					
Nigeria	12-08-13	12-08-13	R	24-12-14		
Noorwegen	03-06-13	12-02-14	R	24-12-14		
Oekraïne	23-09-14					
Oostenrijk	03-06-13	03-06-14	R	24-12-14		
Palau	03-06-13					
Panama	03-06-13	11-02-14	R	24-12-14		
Paraguay	19-06-13					
Peru	24-09-13					

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Polen	01-07-13	17-12-14	R	24-12-14		
Portugal	03-06-13	25-09-14	R	24-12-14		
Roemenië	03-06-13	02-04-14	R	24-12-14		
Rwanda	05-06-13					
Saint Kitts en Nevis	05-06-13	15-12-14	R	24-12-14		
Saint Lucia	03-06-13	25-09-14	R	24-12-14		
Saint Vincent en de Grenadines	03-06-13	03-06-14	R	24-12-14		
Samoa	25-09-13	03-06-14	R	24-12-14		
San Marino	19-12-14					
Sao Tomé en Principe	19-12-14					
Senegal	03-06-13	25-09-14	R	24-12-14		
Servië	12-08-13	05-12-14	R	24-12-14		
Seychellen	03-06-13					
Sierra Leone	25-09-13	12-08-14	R	24-12-14		
Singapore	05-12-14					
Slovenië	03-06-13	02-04-14	R	24-12-14		
Slowakije	10-06-13	02-04-14	R	24-12-14		
Spanje	03-06-13	02-04-14	R	24-12-14		
Suriname	03-06-13					
Swaziland	04-09-13					
Tanzania	03-06-13					
Thailand	25-11-14					
Togo	03-06-13					
Trinidad en Tobago	03-06-13	25-09-13	R	24-12-14		
Tsjaad	25-09-13					
Tsjechië	03-06-13	25-09-14	R	24-12-14		

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Turkije	02-07-13					
Tuvalu	03-06-13					
Uruguay	03-06-13	25-09-14	R	24-12-14		
Vanuatu	26-07-13					
Verenigd Koninkrijk	03-06-13	02-04-14	R	24-12-14		
Verenigde Arabische Emiraten	09-07-13					
Verenigde Staten van Amerika	25-09-13					
Zambia	25-09-13					
Zimbabwe	18-12-14					
Zuid-Afrika	25-09-13	22-12-14	R	24-12-14		
Zuid-Korea	03-06-13					
Zweden	03-06-13	16-06-14	R	24-12-14		
Zwitserland	03-06-13					

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Verklaringen, voorbehouden en bezwaren

Antigua en Barbuda, 12 augustus 2013
Provisional application under Article 23.

Bahama's, 25 september 2014
Provisional application as of 25-09-2014.

België, 3 juni 2013
This signature engages also the Walloon Region, the Flemish Region and the Brussels-Capital Region.

Costa Rica, 25 september 2013
Provisional application as of 25 September 2013.

Denemarken, 2 april 2014

The Treaty shall not apply to the Faroe Islands and Greenland until further notice.

Denemarken, 2 april 2014

Provisional application as of 2 April 2014.

Duitsland, 2 april 2014

Provisional application as of 2 April 2014.

Estland, 2 april 2014

Provisional application as of 2 April 2014.

Finland, 2 april 2014

Provisional application as of 2 April 2014.

Hongarije, 2 april 2014

Provisional application as of 2 April 2014.

IJsland, 2 juli 2013

Provisional application under Article 23.

Letland, 2 april 2014

Provisional application as of 2 April 2014.

Liechtenstein, 16 december 2014

It is the understanding of Liechtenstein that the terms “export”, “import”, “transit”, “transshipment” and “brokering” in Article 2, paragraph 2, include, in light of the object and purpose of this Treaty and in accordance with their ordinary meaning, monetary or non-monetary transactions, such as gifts, loans and leases, and that therefore these activities fall under the scope of this Treaty.

It is the understanding of Liechtenstein that the term “grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a party” in Article 6, paragraph 3, encompasses acts committed in international and in non-international armed conflicts, and includes, among others, serious violations of Common Article 3 to the Geneva Conventions of 1949; as well as, for States Parties to the relevant agreements, war crimes as described in the Hague Convention IV of 1907 and its Regulations, the Additional Protocols of 1977 to the Geneva Conventions and the Rome Statute of the International Criminal Court of 1998.

It is the understanding of Liechtenstein that the term “knowledge” in Article 6, paragraph 3, in light of the object and purpose of this Treaty and in accordance with its ordinary meaning, implies that the State Party concerned shall not authorise the transfer if it has reliable information

providing substantial grounds to believe that the arms or items would be used in the commission of the crimes listed.

It is the understanding of Liechtenstein that the term “overriding risk” in Article 7, paragraph 3, encompasses, in light of the object and purpose of this Treaty and in accordance with the ordinary meaning of all equally authentic language versions of this term in this Treaty, an obligation not to authorise the export whenever the State Party concerned determines that any of the negative consequences set out in paragraph 1 are more likely to materialise than not, even after the expected effect of any mitigating measures has been considered.

It is the understanding of Liechtenstein that Article 26, paragraph 2, seeks to ensure that in a private law dispute, this Treaty cannot be relied upon as a reason to declare as invalid existing or future international defence cooperation agreements concluded between States Parties, and as a consequence, this Treaty remains applicable for any State Party in disregard of obligations under a defence cooperation agreement, in accordance with the Vienna Convention on the Law of Treaties of 1969.

Mexico, 25 september 2013

Provisional application as of 25 September 2013.

Nieuw-Zeeland, 2 september 2014

Provisional application under Article 23.

Nieuw-Zeeland, 2 september 2014

[...] 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, [the] ratification [of the Arms Trade Treaty] shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the depository on the basis of appropriate consultation with that territory [...]

Nieuw-Zeeland, 2 september 2014

[...] the Government of New Zealand [...] declares that it considers that the reference to “ammunitions/munitions” in Article 3 of the Treaty means “ammunition and munitions” and that accordingly the scope of the Treaty includes both ammunition and munitions fired, launched or delivered by the conventional arms covered under Article 2(1); and declares that it considers the reference to “grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party” in Article 6(3), encompasses acts committed in international and in non-international armed conflict, and includes serious violations of Common Article 3 to the Geneva Convention of 1949 as well as, for States Parties to the relevant agreements,

war crimes as described in the Hague Convention IV of 1907 and its Regulations, the Additional Protocols of 1977 to the Geneva Conventions and the Rome Statute of the International Criminal Court; and declares that it considers the effect of the term “overriding risk” in Article 7(3) is to require that it decline to authorize any export where it is determined that there is a substantial risk of any of the negative consequences in Article 7(1); and declares that it considers that where a non-monetary transaction, such as a gift, loan or lease, involves the transfer or arms or items within the scope of the Treaty, such transaction will be covered by the Treaty; and declares that it considers that the Treaty does not place any further restrictions on the international movement of small arms for legitimate recreational and sporting activities where there is no change in ownership of these arms; and declares that it considers that all obligations in the Treaty relating to transit and transshipment of arms or items within the scope of the Treaty must be read in the light of Article 9 [...]

Noorwegen, 12 februari 2014
Provisional application under Article 23.

Oostenrijk, 3 juni 2014
Provisional application under Article 23.

Saint Vincent en de Grenadines, 3 juni 2014
Provisional application under Article 23.

Servië, 12 augustus 2013
Provisional application under Article 23.

Slowakije, 2 april 2014
Provisional application as of 2 April 2014.

Trinidad en Tobago, 25 september 2013
Provisional application as of 25 September 2013.

Verenigd Koninkrijk, 2 april 2014
Provisional application as of 2 April 2014.

Zweden, 16 juni 2014
Provisional application as of 16 June 2014.

G. INWERKINGTREDING

De bepalingen van het verdrag zijn ingevolge artikel 22, eerste lid, op 24 december 2014 in werking getreden.

Het verdrag is ingevolge datzelfde artikel voor het Koninkrijk der Nederlanden op 24 december 2014 in werking getreden.

Wat betreft het Koninkrijk der Nederlanden, geldt het verdrag voor Nederland (het Europese deel en het Caribische deel).

J. VERWIJZINGEN

Zie *Trb.* 2013, 143.

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945

Laatste *Trb.* : *Trb.* 2014, 112

Uitgegeven de *negende* januari 2015.

De Minister van Buitenlandse Zaken,

A.G. KOENDERS