

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2006 Nr. 211

A. TITEL

*Verdrag inzake de veiligheid van VN-personeel en geassocieerd
personeel;
New York, 9 december 1994*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1996, 62.

Op 8 december 2005 is een Facultatief Protocol bij het Verdrag inzake de veiligheid van VN-personeel en geassocieerd personeel totstandgekomen. De Engelse en de Franse tekst¹⁾ luiden als volgt;

Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel

The States Parties to this Protocol,

Recalling the terms of the Convention on the Safety of United Nations and Associated Personnel, done at New York on 9 December 1994,

Deeply concerned over the continuing pattern of attacks against United Nations and associated personnel,

Recognizing that United Nations operations conducted for the purposes of delivering humanitarian, political or development assistance in peacebuilding and of delivering emergency humanitarian assistance which entail particular risks for United Nations and associated personnel require the extension of the scope of legal protection under the Convention to such personnel,

¹⁾ De Arabische, de Chinese, de Russische en de Spaanse tekst zijn niet afgedrukt.

Convinced of the need to have in place an effective regime to ensure that the perpetrators of attacks against United Nations and associated personnel engaged in United Nations operations are brought to justice,

Have agreed as follows:

Article I

Relationship

This Protocol supplements the Convention on the Safety of United Nations and Associated Personnel, done at New York on 9 December 1994 (hereinafter referred to as “the Convention”), and as between the Parties to this Protocol, the Convention and the Protocol shall be read and interpreted together as a single instrument.

Article II

Application of the Convention to United Nations operations

1. The Parties to this Protocol shall, in addition to those operations as defined in article 1(c) of the Convention, apply the Convention in respect of all other United Nations operations established by a competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control for the purposes of:

- a. Delivering humanitarian, political or development assistance in peacebuilding, or
- b. Delivering emergency humanitarian assistance.

2. Paragraph 1 does not apply to any permanent United Nations office, such as headquarters of the Organization or its specialized agencies established under an agreement with the United Nations.

3. A host State may make a declaration to the Secretary-General of the United Nations that it shall not apply the provisions of this Protocol with respect to an operation under article II (1) (b) which is conducted for the sole purpose of responding to a natural disaster. Such a declaration shall be made prior to the deployment of the operation.

Article III

Duty of a State Party with respect to Article 8 of the Convention

The duty of a State Party to this Protocol with respect to the application of article 8 of the Convention to United Nations operations defined in article II of this Protocol shall be without prejudice to its right to take action in the exercise of its national jurisdiction over any United Nations or associated personnel who violates the laws and regulations of that

State, provided that such action is not in violation of any other international law obligation of the State Party.

Article IV

Signature

This Protocol shall be open for signature by all States at United Nations Headquarters for twelve months, from 16 January 2006 to 16 January 2007.

Article V

Consent to be bound

1. This Protocol shall be subject to ratification, acceptance or approval by the signatory States. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

2. This Protocol shall, after 16 January 2007, be open for accession by any non-signatory State. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

3. Any State that is not a State Party to the Convention may ratify, accept, approve or accede to this Protocol if at the same time it ratifies, accepts, approves or accedes to the Convention in accordance with articles 25 and 26 thereof.

Article VI

Entry into force

1. This Protocol shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to this Protocol after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Protocol shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article VII

Denunciation

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article VIII

Authentic texts

The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

DONE at New York this eighth day of December two thousand and five.

Protocole Facultatif relatif à la Convention sur la sécurité du personnel des Nations Unies et du personnel associé

Les États Parties au présent Protocole,

Rappelant les termes de la Convention sur la sécurité du personnel des Nations Unies et du personnel associé, faite à New York le 9 décembre 1994,

Profondément préoccupés par les attaques répétées contre le personnel des Nations Unies et le personnel associé,

Conscients que vu les risques particuliers auxquels est exposé le personnel participant à des opérations des Nations Unies menées aux fins d'apporter une aide humanitaire ou politique ou une aide au développement dans le cadre de la consolidation de la paix et d'apporter une aide humanitaire d'urgence, il convient d'élargir la portée de la protection juridique que prévoit la Convention pour ce personnel,

Convaincus de la nécessité de disposer d'un régime efficace permettant de traduire en justice les auteurs d'attaques perpétrées contre le personnel des Nations Unies et le personnel associé participant à des opérations des Nations Unies,

Sont convenus de ce qui suit:

Article premier

Relation entre le présent Protocole et la Convention

Le présent Protocole complète la Convention sur la sécurité du personnel des Nations Unies et du personnel associé, faite à New York le

9 décembre 1994 (ci-après dénommée «la Convention»), et, entre les Parties au présent Protocole, la Convention et le présent Protocole doivent être lus et interprétés ensemble comme un instrument unique.

Article II

Application de la Convention aux opérations des Nations Unies

1. Outre les opérations définies à l'alinéa c de l'article premier de la Convention, les Parties au présent Protocole appliquent la Convention à toutes les autres opérations des Nations Unies établies par un organe compétent des Nations Unies, conformément à la Charte des Nations Unies, et menées sous l'autorité et le contrôle de l'Organisation des Nations Unies aux fins:

a. D'apporter une aide humanitaire ou politique, ou une aide au développement dans le cadre de la consolidation de la paix, ou

b. D'apporter une aide humanitaire d'urgence.

2. Le paragraphe 1 ne s'applique pas aux bureaux permanents des Nations Unies, tels que le Siège de l'Organisation ou les sièges de ses institutions spécialisées, établis en vertu d'un accord avec l'Organisation des Nations Unies.

3. Un État hôte peut déclarer au Secrétaire général de l'Organisation des Nations Unies qu'il n'appliquera pas les dispositions du présent Protocole à une opération visée à l'alinéa b du paragraphe 1 de l'article II menée à seule fin de réagir à une catastrophe naturelle. Une telle déclaration est faite préalablement au déploiement de l'opération.

Article III

Obligation des États Parties en ce qui concerne l'application de l'article 8 de la Convention

L'obligation des États Parties au présent Protocole en ce qui concerne l'application de l'article 8 de la Convention aux opérations des Nations Unies définies à l'article II du présent Protocole est sans préjudice de leur droit de prendre des mesures dans l'exercice de leur juridiction nationale à l'égard de tout membre du personnel des Nations Unies ou du personnel associé qui viole leurs lois et règlements, à condition que lesdites mesures ne violent aucune autre de leurs obligations juridiques internationales.

Article IV

Signature

Le présent Protocole sera ouvert à la signature de tous les États au Siège de l'Organisation des Nations Unies pendant la période de douze mois allant du 16 janvier 2006 au 16 janvier 2007.

Article V

Consentement à être lié

1. Le présent Protocole est soumis à la ratification, l'acceptation ou l'approbation des États signataires. Les instruments de ratification, d'acceptation ou d'approbation seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

2. Après le 16 janvier 2007, le présent Protocole sera ouvert à l'adhésion de tout État non signataire. Les instruments d'adhésion seront déposés auprès du Secrétaire général de l'Organisation des Nations Unies.

3. Tout État non partie à la Convention peut ratifier, accepter ou approuver le présent Protocole ou y adhérer à condition de ratifier, d'accepter ou d'approuver en même temps la Convention, ou d'y adhérer, conformément aux articles 25 et 26 de celle-ci.

Article VI

Entrée en vigueur

1. Le présent Protocole entrera en vigueur trente jours après la date du dépôt auprès du Secrétaire général de l'Organisation des Nations Unies de vingt-deux instruments de ratification, d'acceptation, d'approbation ou d'adhésion.

2. Pour tout État ratifiant, acceptant ou approuvant le présent Protocole ou y adhérant après le dépôt du vingt-deuxième instrument de ratification, d'acceptation, d'approbation ou d'adhésion, le Protocole entrera en vigueur le trentième jour suivant la date du dépôt par ledit État de son instrument de ratification, d'acceptation, d'approbation ou d'adhésion.

Article VII

Dénonciation

1. Tout État Partie peut dénoncer le présent Protocole par voie de notification écrite adressée au Secrétaire général de l'Organisation des Nations Unies.

2. La dénonciation prendra effet un an après la date à laquelle le Secrétaire général de l'Organisation des Nations Unies aura reçu ladite notification.

Article VIII

Textes faisant foi

L'original du présent Protocole, dont les textes anglais, arabe, chinois, espagnol, français et russe font également foi, sera déposé auprès du

Secrétaire général de l'Organisation des Nations Unies, qui en enverra des copies certifiées conformes à tous les États.

FAIT à New York, le huit décembre deux mil cinq.

C. VERTALING

Zie *Trb.* 1996, 62.

De vertaling van het Facultatief Protocol luidt als volgt:

**Facultatief Protocol bij het Verdrag inzake de veiligheid van
VN-personeel en geassocieerd personeel**

De Staten die Partij zijn bij dit Protocol,

In herinnering roepend de bepalingen van het Verdrag inzake de veiligheid van VN-personeel en geassocieerd personeel, gedaan te New York op 9 december 1994,

Ernstig bezorgd over de aanhoudende aanslagen gericht tegen VN-personeel en geassocieerd personeel,

Erkende dat voor VN-operaties die worden uitgevoerd ten behoeve van het verlenen van humanitaire, politieke of op ontwikkeling gerichte hulp bij vredesopbouw en het verlenen van humanitaire noodhulp die bijzondere risico's voor VN-personeel en geassocieerd personeel met zich meebrengen, uitbreiding van de reikwijdte van de juridische bescherming van dergelijk personeel uit hoofde van het Verdrag vereist is,

Overtuigd van de noodzaak te beschikken over een doeltreffend stelsel om te waarborgen dat de plegers van aanslagen tegen VN-personeel en geassocieerd personeel dat betrokken is bij VN-operaties, berecht worden,

Zijn het volgende overeengekomen:

Artikel I

Verhouding

Dit Protocol vult het Verdrag inzake de veiligheid van VN-personeel en geassocieerd personeel, gedaan te New York op 9 december 1994 (hierna te noemen „het Verdrag”) aan, en het Verdrag en het Protocol worden door de Partijen bij dit Protocol gelezen en uitgelegd als een enkel instrument.

Artikel II

Toepassing van het Verdrag op VN-operaties

1. De Partijen bij dit Protocol passen het Verdrag, in aanvulling op de operaties als omschreven in artikel 1, onderdeel c, van het Verdrag, toe op alle andere VN-operaties opgezet door een bevoegd orgaan van de Verenigde Naties in overeenstemming met het Handvest der Verenigde Naties en uitgevoerd onder VN-gezag en onder VN-toezicht met als doel:

- a. het verlenen van humanitaire, politieke of op ontwikkeling gerichte hulp bij vredesopbouw, of
- b. het verlenen van humanitaire noodhulp.

2. Het eerste lid is niet van toepassing op permanente bureaus van de Verenigde Naties, zoals de hoofdzetel van de organisatie of haar gespecialiseerde organisaties die zijn opgericht krachtens een verdrag met de Verenigde Naties.

3. Een gastheerstaat kan in een verklaring aan de Secretaris-Generaal van de Verenigde Naties te kennen geven dat hij de bepalingen van dit Protocol niet zal toepassen op een operatie krachtens artikel II, eerste lid, onderdeel b, die uitsluitend wordt uitgevoerd om een natuurramp het hoofd te bieden. Een dergelijke verklaring dient voorafgaand aan het begin van de operatie te worden afgelegd.

Artikel III

Plicht van een Staat die Partij is met betrekking tot artikel 8 van het Verdrag

De plicht van een Staat die Partij is bij dit Protocol met betrekking tot de toepassing van artikel 8 van het Verdrag op VN-operaties als omschreven in artikel II van dit Protocol, laat onverlet zijn recht maatregelen te nemen bij de uitoefening van zijn rechtsmacht over VN-personeel of geassocieerd personeel dat de wet- en regelgeving van die Staat schendt, mits dergelijke maatregelen niet in strijd zijn met enige andere verplichting uit hoofde van het internationaal recht van de Staat die Partij is.

Artikel IV

Ondertekening

Dit Protocol staat voor alle Staten gedurende 12 maanden, van 16 januari 2006 tot en met 16 januari 2007, open voor ondertekening op de zetel van de Verenigde Naties.

Artikel V

Instemming te worden gebonden

1. Dit Protocol dient te worden bekrachtigd, aanvaard of goedgekeurd door de ondertekenende Staten. De akten van bekrachtiging, aanvaarding of goedkeuring dienen te worden nedergelegd bij de Secretaris-Generaal van de Verenigde Naties.

2. Na 16 januari 2007 staat dit Protocol open voor toetreding door niet-ondertekenende Staten. De akten van toetreding worden nedergelegd bij de Secretaris-Generaal van de Verenigde Naties.

3. Elke Staat die geen Partij is bij het Verdrag mag dit Protocol bekrachtigen, aanvaarden, goedkeuren of ertoe toetreden indien hij tegelijkertijd het Verdrag bekrachtigt, aanvaardt, goedkeurt of ertoe toetreedt in overeenstemming met de artikelen 25 en 26 daarvan.

Artikel VI

Inwerkingtreding

1. Dit Protocol treedt in werking dertig dagen na de datum waarop tweeëntwintig akten van bekrachtiging, aanvaarding, goedkeuring of toetreding zijn nedergelegd bij de Secretaris-Generaal van de Verenigde Naties.

2. Voor elke Staat die dit Protocol bekrachtigt, aanvaardt of goedkeurt, dan wel hiertoe toetreedt na de nederlegging van de tweeëntwintigste akte van bekrachtiging, aanvaarding, goedkeuring of toetreding, treedt het Protocol in werking op de dertigste dag na de datum van nederlegging door die Staat van zijn akte van bekrachtiging, aanvaarding, goedkeuring of toetreding.

Artikel VII

Opzegging

1. Een Staat die Partij is bij dit Protocol kan dit Protocol opzeggen door middel van een schriftelijke kennisgeving aan de Secretaris-Generaal van de Verenigde Naties.

2. De opzegging wordt van kracht één jaar na de datum waarop deze kennisgeving door de Secretaris-Generaal van de Verenigde Naties is ontvangen.

Artikel VIII

Authentieke teksten

Het origineel van dit Protocol, waarvan de Arabische, de Chinese, de Engelse, de Franse, de Russische en de Spaanse tekst gelijkelijk authen-

tiel zijn, wordt nedergelegd bij de Secretaris-Generaal van de Verenigde Naties, die voor eensluidend gewaarmerkte afschriften daarvan zal toezenden aan alle Staten.

GEDAAN te New York, de achtste december tweeduizendvijf.

D. PARLEMENT

Zie *Trb.* 2002, 61.

Het Protocol behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk aan het Protocol kan worden gebonden.

E. PARTIJEGEREVENS

Zie *Trb.* 2002, 61.

Verdrag

Partij	Onder-tekening	Ratifi-catie	Type ¹⁾	In werking	Opzeg-ging	Buiten werking
Albanië		30-03-01	T	29-04-01		
Argentinië	15-12-94	06-01-97	R	15-01-99		
Australië	22-12-95	04-12-00	R	03-01-01		
Azerbeidzjan		03-08-00	T	02-09-00		
Bangladesh	21-12-94	22-09-99	R	22-10-99		
Belarus	23-10-95	29-11-00	R	29-12-00		
België	21-12-95	19-02-02	R	21-03-02		
Bolivia	17-08-95	22-12-04	R	21-01-05		
Bosnië-Herzegovina		11-08-03	T	10-09-03		
Botswana		01-03-00	T	31-03-00		
Brazilië	03-02-95	06-09-00	R	06-10-00		
Brunei		20-03-02	T	19-04-02		
Bulgarije		04-06-98	T	15-01-99		
Canada	15-12-94	03-04-02	R	03-05-02		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Chili		27-08-97	T	15-01-99		
China		22-09-04	T	22-10-04		
Costa Rica		17-10-00	T	16-11-00		
Cyprus		01-07-03	T	31-07-03		
Denemarken	15-12-94	11-04-95	R	15-01-99		
Duitsland	01-02-95	22-04-97	R	15-01-99		
Ecuador		28-12-00	T	27-01-01		
Estland		08-03-06	T	07-04-06		
Fiji-eilanden	25-10-95	01-04-99	R	01-05-99		
Filippijnen, de	27-02-95	17-06-97	R	15-01-99		
Finland	15-12-94	05-01-01	R	04-02-01		
Frankrijk	12-01-95	09-06-00	R	09-07-00		
Griekenland		03-08-00	T	02-09-00		
Guinee		07-09-00	T	07-10-00		
Guyana		21-05-04	T	20-06-04		
Haïti	19-12-94					
Honduras	17-05-95					
Hongarije		13-07-99	T	12-08-99		
Ierland		28-03-02	T	27-04-02		
IJsland		10-05-01	T	09-06-01		
Italië	16-12-94	05-04-99	R	05-05-99		
Ivoorkust		13-03-02	T	12-04-02		
Jamaica		08-09-00	T	08-10-00		
Japan	06-06-95	06-06-95	R	15-01-99		
Kenia		19-10-04	T	18-11-04		
Koeweit		19-07-04	T	18-08-04		
Kroatië		27-03-00	T	26-04-00		
Laos		22-08-02	T	21-09-02		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Lesotho		06-09-00	T	06-10-00		
Libanon		25-09-03	T	25-10-03		
Liberia		22-09-04	T	22-10-04		
Libië		22-09-00	T	22-10-00		
Liechtenstein	16-10-95	11-12-00	R	10-01-01		
Litouwen		08-09-00	T	08-10-00		
Luxemburg	31-05-95	30-07-01	R	29-08-01		
Macedonië, Voormalige Joegoslavische Republiek		06-03-02	T	05-04-02		
Malta	16-03-95					
Monaco		05-03-99	T	04-04-99		
Mongolië		25-02-04	T	26-03-04		
Nauru		12-11-01	T	12-12-01		
Nederlanden, het Koninkrijk der	22-12-95	07-02-02	R	09-03-02		
Nepal		08-09-00	T	08-10-00		
Nieuw-Zeeland	15-12-94	16-12-98	R	15-01-99		
Noord-Korea		08-10-03	T	07-11-03		
Noorwegen	15-12-94	03-07-95	R	15-01-99		
Oekraïne	15-12-94	17-08-95	R	15-01-99		
Oezbekistan		03-07-96	T	15-01-99		
Oostenrijk		06-09-00	T	06-10-00		
Pakistan	08-03-95					
Panama	15-12-94	04-04-96	R	15-01-99		
Polen	17-03-95	22-05-00	R	21-06-00		
Portugal	15-12-94	14-10-98	R	15-01-99		
Roemenië	27-09-95	29-12-97	R	15-01-99		

Partij	Ondertekening	Ratificatie	Type ¹⁾	In werking	Opzegging	Buiten werking
Russische Federatie	26-09-95	25-06-01	R	25-07-01		
Samoa	16-01-95	19-08-05	R	18-09-05		
Senegal	21-02-95	09-06-99	R	09-07-99		
Servië [en Montenegro]		31-07-03	T	30-08-03		
Sierra Leone	13-02-95					
Singapore		26-03-96	T	15-01-99		
Slovenië		21-01-04	T	20-02-04		
Slowakije	28-12-95	26-06-96	R	15-01-99		
Spanje	19-12-94	13-01-98	R	15-01-99		
Sri Lanka		23-09-03	T	23-10-03		
Togo	22-12-95					
Tsjechië	27-12-95	13-06-97	R	15-01-99		
Tunesië	22-02-95	12-09-00	R	12-10-00		
Turkije		09-08-04	T	08-09-04		
Turkmenistan		29-09-98	T	15-01-99		
Uruguay	17-11-95	03-09-99	R	03-10-99		
Verenigd Koninkrijk, het	19-12-95	06-05-98	R	15-01-99		
Verenigde Staten van Amerika, de	19-12-94					
Zuid-Korea		08-12-97	T	15-01-99		
Zweden	15-12-94	25-06-96	R	15-01-99		

¹⁾ NB=Niet bekend, O=Definitieve ondertekening, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

Uitbreidingen

China

Uitgebreid tot	In werking	Buiten werking
Hong Kong SAR	22-10-2004	
Macau SAR	22-10-2004	

Verklaringen, voorbehouden en bezwaren

België, 19 februari 2002

The Belgian Government declares the following: article 9, paragraph 1 (c), only covers cases where the threat is credible.

China, 22 september 2004

The People's Republic of China makes a reservation with regard to Article 22, paragraph 1 of the Convention on the Safety of United Nations and Associated Personnel and is not bound by the provisions of Article 22, paragraph 1.

Costa Rica, 17 oktober 2000

The Government of the Republic enters a reservation to article 2, paragraph 2, of the Convention, to the effect that limiting the scope of application of the Convention is contrary to the pacifist thinking of our country and, accordingly, that, in the event of conflicts with the application of the Convention, Costa Rica will, where necessary, give precedence to humanitarian law.

Duitsland, 22 april 1997

In accordance with German law, the authorities of the Federal Republic of Germany will communicate information on alleged offenders, victims and circumstances of the crime (personal data) directly to the states concerned and, in parallel with this, will inform the Secretary-General of the United Nations that such information has been communicated.

Estland, 8 maart 2006

In accordance with paragraph 2 of Article 10 of the Convention the Republic of Estonia establishes her jurisdiction over any such crime when it is committed with respect to a national of Estonia.

Koeweit, 19 juli 2004

... with a reservation in respect of article 22 (1), in accordance with article 22 (2) of the Convention.

Laos, 22 augustus 2002

In accordance with paragraph 2, Article 22 of the Convention on the Safety of United Nations and Associated Personnel, the Lao People's Democratic Republic does not consider itself bound by paragraph 1, article 22 of the present Convention. The Lao People's Democratic Republic declares that to refer dispute relating to interpretation and application of the present Convention to arbitration or International Court of Justice, the agreement of all parties concerned in the dispute is necessary.

Nederlanden, het Koninkrijk der, 7 februari 2002

The Kingdom of the Netherlands understands Article 14 of the Convention on the Safety of United Nations and Associated Personnel states that the competent national authorities must decide on a case submitted to them in accordance with national law and in the same manner as they would decide on ordinary offences of a grave nature. Consequently, the Kingdom of the Netherlands understands this provision to include the right of its competent judicial authorities to decide not to prosecute a person alleged to have committed a crime as referred to in Article 9, paragraph 1, if, in the opinion of the competent judicial authorities, grave considerations of procedural law indicate that effective prosecution would be possible.

Nepal, 8 september 2000

[The Government of Nepal] avails itself of the provisions of article 22, paragraph 2, and declares that it does not consider itself bound by the provisions of paragraph 1 of the said article under which any dispute between two or more States Parties concerning the interpretation or application of this Convention shall at the request of one of them, be submitted to arbitration or referred to the International Court of Justice, and states that in each individual case, prior consent of all parties to such a dispute is necessary for the submission of the dispute to arbitration or to the International Court of Justice.

Noord-Korea, 8 oktober 2003

The Democratic People's Republic of Korea does not consider itself bound by all of paragraph 1 of Article 22 of the Convention on the Safety of United Nations and Associated Personnel.

Slowakije, 26 juni 1996

If a dispute concerning the interpretation or application of the Convention is not settled by negotiation, the Slovak Republic prefers its submission to the International Court of Justice in accordance with article 22, paragraph 1 of the Convention. Therefore a dispute, to which the Slovak Republic might be a Party can be submitted to arbitration only with the explicit consent of the Slovak Republic.

Tunesië, 12 september 2000

The Tunisian Republic declares that it does not consider itself bound by the provisions of article 22, paragraph 1, of the Convention and that disputes concerning the interpretation or application of the Convention may be submitted to arbitration or to the International Court of Justice only with the prior consent of all the parties concerned.

Turkije, 9 augustus 2004

I. The Republic of Turkey declares that it will implement the provisions of the Convention only to the State Parties with which it has diplomatic relations.

II. The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and legal and administrative order of the Republic of Turkey are applied.

III. The Republic of Turkey declares that, in accordance with article 22, paragraph 2 of the Convention, Turkey does not consider itself bound by article 22, paragraph 1 of this Convention. The explicit consent of the Republic of Turkey is necessary in each individual case before any dispute to which the Republic of Turkey is party concerning the interpretation or application of this Convention may be referred to the International Court of Justice.

In connection with Article 20, paragraph 1 of the Convention, concerning the applicability of international humanitarian law, the Republic of Turkey is not a party to the Protocols I and II, dated 8 June 1977, Additional to the Geneva Conventions of 12 August 1949, and therefore will not be bound by the provisions of the said Protocols.

Bezwaar door Cyprus, 7 december 2004

The Government of the Republic of Cyprus has examined the declarations made by the Republic of Turkey upon ratification of the Convention on the Safety of the United Nations and Associated Personnel.

The Republic of Turkey declares that it will implement the provisions of the Convention only to the States with which it has diplomatic relations.

In view of the Government of the Republic of Cyprus this declaration in fact amounts to a reservation. The reservation makes it unclear to what extent the Republic of Turkey considers itself bound by the obligations arising from the Convention. In the absence of further clarification, this reservation creates uncertainty as to the States Parties in respect of which Turkey is undertaking the obligations in the Convention, and raises doubt as to the commitment of the Republic of Turkey to the object and purpose of the Convention.

The Republic of Turkey furthermore declares that the Convention is ratified exclusively with regard to the national territory where the

Constitution and the legal and administrative order of the Republic of Turkey are applied.

In the view of the Republic of Cyprus, this declaration in fact amounts to a reservation. This reservation is contrary to the letter and the spirit of Article 10 of the Convention. It should be recalled that the duty to establish jurisdiction over the crimes set out in the Convention is mandatory upon States Parties when the crime is committed in the territory of that State or on board a ship or aircraft registered in that State and when the alleged offender is a national of that State. A limitation to the national territory is contrary to the obligations of States Parties in this regard and therefore incompatible with the object and purpose of the Convention.

The Republic of Turkey also makes a reservation that in connection with Article 20, paragraph 1 of the Convention, concerning the applicability of international humanitarian law, the Republic of Turkey is not a party to the Protocols I and II, dated 8 June 1977, Additional to the Geneva Convention of 12 August 1949, and therefore will not be bound by the provisions of the said Protocols.

The Republic of Cyprus considers this reservation to be contrary to the letter and spirit of Article 20 (1) of the Convention, which states that nothing shall affect the applicability of international humanitarian law as contained in international instruments in relation to the protection of United Nations operations and United Nations and Associated Personnel. Accordingly, this reservation is prohibited by the Convention.

For these reasons, the Government of the Republic of Cyprus objects to the aforesaid reservations made by the Republic of Turkey to the Convention on the Safety of the United Nations and Associated Personnel.

This objection shall not preclude the entry into force of the Convention between the Republic of Cyprus and the Republic of Turkey. The Convention, therefore, enters into force between the two States without the Republic of Turkey benefiting from these reservations.

Bezwaar door **Griekenland**, 21 juli 2005

The Government of the Hellenic Republic has examined the declarations made by the Republic of Turkey upon ratification of the 1994 Convention on the Safety of United Nations and Associated Personnel.

In the view of the Government of the Hellenic Republic, paragraph 1 of these declarations amounts to a reservation which raises concerns as to the commitment of Turkey to implement core provisions of the Convention and in particular those pertaining to the prevention and suppression of crimes against United Nations and Associated Personnel. The reservation may also lead to a discriminatory application of the Convention.

In connection with paragraph II of the declarations, the Government of the Hellenic Republic is of the view that it also amounts to a reservation as it raises the same concerns as above. Furthermore, it raises doubts as to whether Turkey fully undertakes the obligations incumbent upon it by virtue of Article 10 of the Convention. The Government of the Hellenic Republic, therefore, considers that the above reservations are incompatible with the object and purpose of the Convention.

Regarding the reservation made by the Republic of Turkey in connection with Article 20 par. 1 of the Convention, the Government of the Hellenic Republic considers that, in so far as the instruments referred to in the reservation are reflective of customary international law, they are universally binding and cannot be exempted from by a reservation.

For these reasons, the Government of the Hellenic Republic objects to the above reservations made by the Republic of Turkey to the Convention on the Safety of United Nations and Associated Personnel. This objection shall not preclude the entry into force of the Convention between the Hellenic Republic and the Republic of Turkey. The Convention, therefore, enters into force between the two States without taking into account the abovementioned reservations.

Mededeling van **Portugal**, 15 december 2005

The Government of the Portuguese Republic has carefully examined the declarations and reservations made by the Republic of Turkey upon the ratification of the Convention on the Safety of United Nations and Associated Personnel.

The Government of Portugal considers that paragraph I of the declarations amounts to a reservation which raises concerns as to the commitment of Turkey to implement core provisions of the Convention and in particular those concerning the prevention and suppression of crimes against United Nations and Associated personnel. This reservation may also lead to a discriminatory application of the Convention.

Portugal considers that paragraph II of the declaration also amounts to a reservation which is contrary to the object and purpose of the Convention, namely to its Article 10 which requires that each State party shall take such measures as may be necessary to establish its jurisdiction over the crimes against United Nations and Associate personnel in the case of crimes committed in the territory of that State.

With regard to the reservation made by Turkey in connection with article 20, paragraph 1 of the Convention, Portugal considers that in so far as the instruments referred to in a reservation are reflective of customary international law, they are universally binding and cannot be exempted from by a reservation.

The Government of the Portuguese Republic, therefore objects to the above reservations made by the Republic of Turkey to the Convention on the Safety of United Nations and Associated Personnel. This objection shall not preclude the entry into force of the Convention between Portugal and Turkey.

Bezwaar door **Verenigd Koninkrijk, het**, 16 augustus 2005

The Government of the United Kingdom of Great Britain and Northern Ireland has examined the declaration made by the Republic of Turkey upon ratification of the 1994 Convention on the Safety of United Nations and Associated Personnel.

The Government of the United Kingdom of Great Britain and Northern Ireland is concerned that paragraph 1 of the declaration may amount to a reservation of indeterminate scope. Diplomatic relations between Turkey and other States are capable of being established and terminated at will, and without the other State Parties to the Convention knowing of their status. It would offend the legal certainty of treaty relations to attempt to make these contingent upon the existence of diplomatic relations.

As regards paragraph II of the declaration, the Government of the United Kingdom of Great Britain and Northern Ireland is of the view that it raises doubts as to whether Turkey fully undertakes the obligations incumbent upon it by virtue of Article 10 of the Convention. As well as providing that a State Party shall establish its jurisdiction over crimes committed within its national territory, or on board a ship or aircraft registered in that State, Article 10 also provides that a State shall take measures to assume jurisdiction where the alleged offender is a national of that State. Paragraph II, in attempting to ratify the Convention solely with regard to the national territory of Turkey, appears to be contrary to Article 10 (1) (b).

The Government of the United Kingdom of Great Britain and Northern Ireland, therefore, considers that the above paragraphs of the declaration constitute reservations which are incompatible with the object and purpose of the Convention.

Regarding the reservation made by the Republic of Turkey in connection with Article 20 (1) of the Convention, the Government of the United Kingdom of Great Britain and Northern Ireland considers that, in so far as the instruments referred to in the reservation are reflective of customary international law, they are universally binding and cannot be derogated from.

For these reasons, the Government of the United Kingdom of Great Britain and Northern Ireland objects to the above reservations made by the Republic of Turkey to the Convention on the Safety of United Nations and Associated Personnel.

This objection shall not preclude the entry into force of the Convention between the United Kingdom of Great Britain and North-

ern Ireland and the Republic of Turkey. The Convention, therefore, enters into force between the two States without taking into account the above-mentioned reservations.

Facultatief Protocol

Bekrachtiging, aanvaarding of goedkeuring is voorzien in artikel V, eerste lid. Toetreding is voorzien in artikel V, tweede lid.

Partij	Onder-tekening	Ratifi-catie	Type ¹⁾	In werking	Opzeg-ging	Buiten werking
Australië	19-09-06					
Azerbeidzjan	26-09-06					
België	15-09-06					
Bolivia	03-08-06					
Bulgarije	20-09-06					
Centraal Afrikaanse Republiek	27-02-06					
Chili	15-09-06					
Cyprus	13-09-06					
Duitsland	13-09-06					
Libanon	14-03-06					
Liberia	21-09-06					
Liechtenstein	16-01-06					
Luxemburg	16-01-06					
Nederlanden, het Koninkrijk der	19-09-06					
Nieuw-Zeeland	20-09-06					
Noorwegen	20-01-06	24-02-06	R			
Oekraïne	19-09-06					
Oostenrijk	14-03-06					
Polen	15-09-06					

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Roemenië	20-09-06					
Senegal	17-01-06					
Sierra Leone	21-09-06					
Slowakije	22-09-06					
Spanje	19-09-06					
Tsjechië	20-09-06					
Tunesië	19-09-06					
Uruguay	15-09-06					
Zuid-Korea	20-09-06					
Zweden	07-07-06	30-08-06	R			
Zwitserland	19-09-06					

¹⁾ NB=Niet bekend, O=Definitieve ondertekening, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

G. INWERKINGTREDING

Zie *Trb.* 2002, 61.

De bepalingen van het Facultatief Protocol zullen ingevolge artikel VI, eerste lid, van het Protocol in werking treden dertig dagen na de datum waarop tweëntwintig akten van bekrachtiging, aanvaarding, goedkeuring of toetreding zijn nedergelegd bij de Secretaris-Generaal van de Verenigde Naties.

J. VERWIJZINGEN

Zie *Trb.* 1996, 62 en 2002, 61.

Verwijzingen

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945
Laatste *Trb.* : *Trb.* 2006, 130

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Titel : Statuut van het Internationaal Gerechtshof;
San Francisco, 26 juni 1945
Laatste *Trb.* : *Trb.* 1997, 106

Uitgegeven de *twaaifde* oktober 2006.

De Minister van Buitenlandse Zaken,

B. R. BOT