

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2007 Nr. 84

A. TITEL

*Tweede Protocol bij het Haags Verdrag van 1954 inzake de
bescherming van culturele goederen in geval van een gewapend
conflict;
's-Gravenhage, 26 maart 1999*

B. TEKST

De Engelse en de Franse tekst van het Protocol zijn geplaatst in *Trb.* 1999, 107.

C. VERTALING

Zie *Trb.* 2005, 279.

Op blz. 7 van dat Tractatenblad dient in artikel 11, negende lid, eerste regel, het woord „partij” te worden vervangen door „Partij”.

In de derde regel van hetzelfde negende lid dient het woord „toezicht” te worden geschrapt.

Op blz. 20 van dat Tractatenblad dient in artikel 40 de datum „26 mei 1999” te worden vervangen door „26 maart 1999”.

D. PARLEMENT

Bij brieven van 21 november 2006 (Kamerstukken II 2006/2007, 30 894, nr. 1) is het Protocol in overeenstemming met artikel 2, eerste lid, en artikel 5, eerste lid, van de Rijkswet goedkeuring en bekendmaking verdragen overgelegd aan de Eerste en de Tweede Kamer der Staten-Generaal.

De toelichtende nota die de brieven vergezelde, is ondertekend door de Minister van Buitenlandse Zaken B. R. BOT, de Minister van Onderwijs, Cultuur en Wetenschap M. J. A. VAN DER HOEVEN, de Minister van Defensie H. G. J. KAMP en de Minister van Justitie E. M. H. HIRSCH BALLIN.

De goedkeuring door de Staten-Generaal is verleend op 29 december 2006.

E. PARTIJGEGEVENS

Zie *Trb.* 1999, 107.

| Partij | Onder- tekening | Ratifi- catie | Type ¹⁾ | In werking | Opzeg- ging | Buiten werking |
|-----------------------|--------------------|------------------|--------------------|---------------|----------------|-------------------|
| Albanië | 17-05-99 | | | | | |
| Argentinië | | 07-01-02 | T | 09-03-04 | | |
| Armenië | 22-10-99 | 18-05-06 | R | 18-08-06 | | |
| Azerbeidzjan | | 17-04-01 | T | 09-03-04 | | |
| Belarus | 17-12-99 | 13-12-00 | R | 09-03-04 | | |
| België | 17-05-99 | | | | | |
| Brazilië | | 23-09-05 | T | 23-12-05 | | |
| Bulgarije | 15-09-99 | 14-06-00 | R | 09-03-04 | | |
| Cambodja | 17-05-99 | | | | | |
| Canada | | 29-11-05 | T | 28-02-06 | | |
| Colombia | 31-12-99 | | | | | |
| Costa Rica | | 09-12-03 | T | 09-03-04 | | |
| Cyprus | 19-08-99 | 16-05-01 | R | 09-03-04 | | |
| Duitsland | 17-05-99 | | | | | |
| Ecuador | 29-12-99 | 02-08-04 | R | 02-11-04 | | |
| Egypte | 29-12-99 | 03-08-05 | R | 03-11-05 | | |
| El Salvador | | 27-03-02 | T | 09-03-04 | | |
| Equatoriaal Guinee | | 19-11-03 | T | 09-03-04 | | |
| Estland | 17-05-99 | 17-01-05 | R | 17-04-05 | | |
| Finland | 17-05-99 | 27-08-04 | R | 27-11-04 | | |
| Gabon | | 29-08-03 | T | 09-03-04 | | |
| Ghana | 17-05-99 | | | | | |
| Griekenland | 17-05-99 | 20-04-05 | R | 20-07-05 | | |
| Guatemala | | 04-02-05 | T | 04-05-05 | | |
| Heilige Stoel | 17-05-99 | | | | | |

| Partij | Onder- tekening | Ratifi- catie | Type ¹⁾ | In werking | Opzeg- ging | Buiten werking |
|---|--------------------|--------------------|--------------------|--------------------|----------------|-------------------|
| Honduras | | 26-01-03 | T | 09-03-04 | | |
| Hongarije | 17-05-99 | 26-10-05 | R | 26-01-06 | | |
| Indonesië | 17-05-99 | | | | | |
| Iran | | 24-05-05 | T | 24-08-05 | | |
| Italië | 17-05-99 | | | | | |
| Ivoorkust | 17-05-99 | | | | | |
| Jemen | 17-05-99 | | | | | |
| Kroatië | 17-05-99 | 08-02-06 | R | 08-05-06 | | |
| Libië | | 20-07-01 | T | 09-03-04 | | |
| Litouwen | | 13-03-02 | T | 09-03-04 | | |
| Luxemburg | 17-05-99 | 30-06-05 | R | 30-09-05 | | |
| Macedonië, Voormalige Joegoslavische Republiek | 17-05-99 | 19-04-02 | R | 09-03-04 | | |
| Madagascar | 17-05-99 | | | | | |
| Marokko | 21-12-99 | | | | | |
| Mexico | | 07-10-03 | T | 09-03-04 | | |
| Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba | 17-05-99 | 30-01-07 - - | R | 30-04-07 - - | | |
| Nicaragua | | 01-06-01 | T | 09-03-04 | | |
| Niger | | 16-06-06 | T | 16-09-06 | | |
| Nigeria | 17-05-99 | 21-10-05 | R | 21-01-06 | | |
| Oman | 30-06-99 | | | | | |
| Oostenrijk | 17-05-99 | 01-03-02 | R | 09-03-04 | | |
| Pakistan | 17-05-99 | | | | | |
| Panama | | 08-03-01 | T | 09-03-04 | | |
| Paraguay | | 09-11-04 | T | 09-02-05 | | |

| Partij | Ondertekening | Ratificatie | Type ¹⁾ | In werking | Opzegging | Buiten werking |
|--------------|---------------|-------------|--------------------|------------|-----------|----------------|
| Peru | 13-07-99 | 24-05-05 | R | 24-08-05 | | |
| Qatar | 17-05-99 | 04-09-00 | R | 09-03-04 | | |
| Roemenië | 08-11-99 | 07-08-06 | R | 07-11-06 | | |
| Servië | | 02-09-02 | T | 09-03-04 | | |
| Slovenië | | 13-04-04 | T | 13-07-04 | | |
| Slowakije | 22-12-99 | 11-02-04 | R | 11-05-04 | | |
| Spanje | 17-05-99 | 06-07-01 | R | 09-03-04 | | |
| Syrië | 17-05-99 | | | | | |
| Tadzjikistan | | 21-02-06 | T | 21-05-06 | | |
| Uruguay | | 03-01-07 | T | 03-04-07 | | |
| Zweden | 17-05-99 | | | | | |
| Zwitserland | 17-05-99 | 09-07-04 | R | 09-10-04 | | |

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

Uitbreidingen

Verklaringen, voorbehouden en bezwaren

Azerbeidzjan, 17 april 2001

The Republic of Azerbaijan declares that under the definition of “the competent national authorities of the occupied territory” mentioned in Article 9, paragraph 2 of the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, it understands the central competent authority dealing with the issues on the protection of the cultural properties situated over the whole territory of the Party to the Protocol.

België, 17 mei 1999

This signature is also binding on the French Community, the German-speaking Community, the Walloon Region and the Brussels-Capitol Region.

This signature is also binding on the Flemish Community and the Flemish Region.

Canada, 29 november 2005

Statement of Understanding

1. It is the understanding of the Government of Canada that the definition of a military objective in Article 2(f) is to be interpreted the same way as Article 52(2) of Additional Protocol I to the Geneva Conventions of 1949.
2. It is the understanding of the Government of Canada that in relation to Article 6(a)(ii), 6(b), 7(a), 7(b), 8, 13(2)(a) and 13(2)(b) the word "feasible" means that which is practicable or practically possible, taking into account all circumstances ruling at the time, including humanitarian and military considerations.
3. It is the understanding of the Government of Canada that in relation to Article 6(a)(ii), 6(b), 7(c) and 7(d)(ii) that the military advantage anticipated from an attack is intended to refer to the advantage anticipated from the attack considered as a whole and not from isolated or particular parts of the attack.
4. It is the understanding of the Government of Canada that any cultural property that becomes a military objective may be attacked in accordance with a waiver of imperative military necessity pursuant to Article 4(2) of the Convention.
5. It is the understanding of the Government of Canada that a decision to invoke imperative military necessity pursuant to Article 6(c) of this Protocol may be taken by an officer commanding a force smaller than the equivalent of a battalion in size in circumstances where the cultural property becomes a military objective and the circumstances ruling at the time relating to force protection are such that it is not feasible to require the decision to be made by an officer commanding a force the equivalent of a battalion in size or larger.
6. It is the understanding of the Government of Canada that under Article 6(a)(i), cultural property can be made into a military objective because of its nature, location, purpose or use.

Iran, 24 mei 2005

Accession of the Islamic Republic of Iran to this Protocol shall not mean the recognition of any country it does not recognize, neither shall it give rise to any commitment toward such states or governments. Explanatory declaration

Considering the special importance of protecting cultural heritage of nations against damages caused by war,

Bearing in mind the fact that cultural heritage of nations is deemed as part of cultural heritage of humanity,

Considering that full protect of cultural heritage against damages caused by armed conflicts needs the protections more than that which is provided for in the present Protocol,

The Islamic Republic of Iran regards the conclusion of bilateral and multilateral supplementary agreements to the present Protocol as necessary and states its readiness to conclude such agreements. These agreements

shall entail the granting of privileges and providing more possibilities for protection of cultural heritage of nations and shall also articulate the rules stipulated in the Protocol including customary rules of international law, in a way that solely include the rules that are not protested by the Government of the Islamic Republic of Iran and as well as explain more clearly the modality for the implementation of provisions of section 4 of this Protocol.

Oostenrijk, 1 maart 2002

Concerning Article 15 sub-paragraph 1 (c):

The Republic of Austria considers that the term “appropriation” refers to the offence of (grave) theft as set forth in §§ 127 and 128 sub-paragraph 1 (3) of the Austrian Criminal code (österreichisches Strafgesetzbuch - StGB).

Concerning Article 16 sub-paragraph 1 (c):

The Republic of Austria considers with regard to the provision of Article 17 paragraph 1 that the obligation under Article 16 sub-paragraph 1 (c) to establish jurisdiction over the serious violations set forth in Article 15 sub-paragraphs (a) to (c) only applies to such cases where the alleged offender cannot be extradited (aut dedere aut judicare).

G. INWERKINGTREDING

Zie *Trb.* 2005, 279.

Het Protocol is ingevolge artikel 43, tweede lid, voor het Koninkrijk der Nederlanden op 30 april 2007 in werking getreden.

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

J. VERWIJZINGEN

Zie *Trb.* 1999, 107 en *Trb.* 2005, 279.

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945
Laatste *Trb.* : *Trb.* 2007, 50

Uitgegeven de eerste mei 2007.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN