

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2011 Nr. 227

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.

In dat Tractatenblad dient in de Franse tekst de volgende correctie te worden aangebracht.

Op blz. 13, in artikel 11, vijfde lid, derde regel, dient het woord „a” te worden vervangen door „à”.

C. VERTALING

Zie *Trb.* 2005, 279.

Voor correcties in de vertaling zie *Trb.* 2007, 84.

D. PARLEMENT

Zie *Trb.* 2007, 84.

Artikel 1 van de Wet van 17 mei 2010 (*Stb.* 2010, 348) luidt als volgt:

„Artikel 1

De volgende verdragen worden goedgekeurd met het oog op het voornemen de toepassing ervan uit te breiden tot Bonaire, Sint Eustatius en Saba:

(...)

8. 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 (*Trb.* 1999, 107);

(...).”.

Deze wet is gecontrasigneerd door de Minister van Buitenlandse Zaken M. J. M. VERHAGEN en de Staatssecretaris van Binnenlandse Zaken en Koninkrijksrelaties A. TH. B. BIJLEVELD-SCHOUTEN.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 2008/2009, 2009/2010, 32047; Handelingen II 2009/2010, 32047; Kamerstukken I 2009/2010, 32047 en 31954; Handelingen I 2009/2010, 32047.

E. PARTIJGEDEVENS

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

Partij	Onder-tekening	Ratificatie	Type*	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		
Bahrein		26-08-08	T	26-11-08		
Barbados		02-10-08	T	02-01-09		
Belarus	17-05-99	13-12-00	R	09-03-04		
België	17-05-99	13-10-10	R	13-01-11		
Bosnië en Herzegovina		22-05-09	T	22-08-09		
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		
Chili		11-09-08	T	11-12-08		
Colombia	31-12-99	24-11-10	R	24-02-11		
Costa Rica		09-12-03	T	09-03-04		

Partij	Onder-tekening	Ratificatie	Type ^a	In werking	Opzeg-ging	Buiten werking
Cyprus	19-08-99	16-05-01	R	09-03-04		
Dominicaanse Republiek, de		03-03-09	T	03-06-09		
Duitsland	17-05-99	25-11-09	R	25-02-10		
Ecuador	29-12-99	02-08-04	R	02-11-04		
Egypte	09-10-99	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		
Georgië		13-09-10	T	13-12-10		
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					
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	10-07-09	R	10-10-09		
Ivoorkust	17-05-99					
Japan		10-09-07	T	10-12-07		
Jemen	17-05-99					
Jordanië		05-05-09	T	05-08-09		
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		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Luxemburg	17-05-99	30-06-05	R	30-09-05		
Macedonië, de voormalige Joegoslavische Republiek	17-05-99	19-04-02	R	09-03-04		
Madagaskar	17-05-99					
Marokko	21-12-99					
Mexico		07-10-03	T	09-03-04		
Montenegro		26-04-07	VG	03-06-06		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	17-05-99	30-01-07 10-10-10 10-10-10 10-10-10 – – –	R R R R	30-04-07 10-01-11 10-01-11 10-01-11 – – –		
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		
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		
Saudi-Arabië		06-11-07	T	06-02-08		
Servië		02-09-02	T	09-03-04		
Slovenië		13-04-04	T	13-07-04		

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
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		
Tsjechië		08-06-07	T	08-09-07		
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

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.

België, 13 oktober 2010

In accordance with Article 16, paragraph 2(a) of the Protocol and with the principle of non-discrimination, Belgium will prosecute the acts referred to in Article 15 of the Protocol without taking into account the exception provided for in its Article 16, paragraph 2(b).

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 10 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.

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.

Nederlanden, het Koninkrijk der, 8 oktober 2010

The Kingdom of the Netherlands currently consists of three parts : the Netherlands, the Netherlands Antilles and Aruba. The Netherlands Antilles consists of the islands of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba.

With effect from 10 October 2010, the Netherlands Antilles will cease to exist as a part of the Kingdom of the Netherlands. From that date onwards, the Kingdom will consist of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten will enjoy internal self-government within the Kingdom, as Aruba and, up to 10 October 2010, the Netherlands Antilles do.

These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles: these agreements, including any reservations made, will continue to apply to Curaçao and Sint Maarten.

The other islands that have until now formed part of the Netherlands Antilles – Bonaire, Sint Eustatius and Saba – will become parts of the Netherlands, thus constituting “the Caribbean part of the Netherlands”. The agreements that now apply to the Netherlands Antilles will also continue to apply to these islands; however, the Government of the Netherlands will now be responsible for implementing these agreements.

In addition, a number of the agreements that currently apply to the Netherlands are hereby declared applicable, from 10 October 2010, to this Caribbean part of the Netherlands.

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 iudicare).

G. INWERKINGTREDING

Zie *Trb.* 2005, 279 en *Trb.* 2007, 84.

Wat betreft het Koninkrijk der Nederlanden, geldt het Protocol, dat vanaf 30 april 2007 alleen voor het Europese deel van Nederland gold, vanaf 10 januari 2011 ook voor het Caribische deel van Nederland.

J. VERWIJZINGEN

Zie *Trb.* 1999, 107, *Trb.* 2005, 279 en *Trb.* 2007, 84.

Verbanden

Het Protocol dient ter aanvulling van:

Titel : Verdrag inzake de bescherming van culturele goederen
in geval van een gewapend conflict;
's-Gravenhage, 14 mei 1954

Laatste *Trb.* : *Trb.* 2011, 226

Overige verwijzingen

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

Laatste *Trb.* : *Trb.* 2011, 176

Titel : Statuut van de Organisatie der Verenigde Naties voor
Onderwijs, Wetenschap en Cultuur;
Londen, 16 november 1945

Laatste *Trb.* : *Trb.* 2009, 51

Uitgegeven de *tiende* november 2011.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL