

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2011 Nr. 68

A. TITEL

*Verdrag inzake clustermunie;
Dublin, 30 mei 2008*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 2009, 45.

C. VERTALING

Zie *Trb.* 2009, 45.

D. PARLEMENT

Artikel 1 van de Rijkswet van 20 januari 2011 (*Stb.* 2011, 66) luidt als volgt:

„Artikel 1

Het op 30 mei 2008 te Dublin totstandgekomen Verdrag inzake clustermunie, waarvan de Engelse tekst en de vertaling in het Nederlands zijn geplaatst in *Tractatenblad* 2009, 45, wordt goedgekeurd voor het gehele Koninkrijk.”.

Deze Rijkswet is gecontrasigneerd door de Minister van Buitenlandse Zaken U. ROSENTHAL en de Minister van Defensie J. S. J. HILLEN.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 2009/2010, 2010/2011, 32187 (R1902); Hand. II 2009/2010, 2010/2011; Kamerstukken I 2009/2010, 2010/2011, 32187 (R1902); Hand. I 2010/2011.

E. PARTIJGEGEVENS

Zie *Trb.* 2009, 45.

| Partij | Onder- tekening | Ratificatie | Type * | In werking | Opzeg- ging | Buiten werking |
|--------------------------------------|--------------------|-------------|--------|---------------|----------------|-------------------|
| Afghanistan | 03-12-08 | | | | | |
| Albanië | 03-12-08 | 16-06-09 | R | 01-08-10 | | |
| Angola | 03-12-08 | | | | | |
| Antigua en Barbuda | 16-07-10 | 23-08-10 | R | 01-02-11 | | |
| Australië | 03-12-08 | | | | | |
| België | 03-12-08 | 22-12-09 | R | 01-08-10 | | |
| Benin | 03-12-08 | | | | | |
| Bolivia | 03-12-08 | | | | | |
| Bosnië en Herzegovina | 03-12-08 | 07-09-10 | R | 01-03-11 | | |
| Botswana | 03-12-08 | | | | | |
| Bulgarije | 03-12-08 | | | | | |
| Burkina Faso | 03-12-08 | 16-02-10 | R | 01-08-10 | | |
| Burundi | 03-12-08 | 25-09-09 | R | 01-08-10 | | |
| Canada | 03-12-08 | | | | | |
| Centraal Afrikaanse Republiek | 03-12-08 | | | | | |
| Chili | 03-12-08 | 16-12-10 | R | 01-06-11 | | |
| Colombia | 03-12-08 | | | | | |
| Comoren, de | 03-12-08 | 28-07-10 | R | 01-01-11 | | |
| Congo, Democratische Republiek | 18-03-09 | | | | | |

| Partij | Onder- tekening | Ratificatie | Type [*] | In werking | Opzeg- ging | Buiten werking |
|-------------------------------|--------------------|-------------|-------------------|---------------|----------------|-------------------|
| Congo, Republiek | 03-12-08 | | | | | |
| Cookeilanden | 03-12-08 | | | | | |
| Costa Rica | 03-12-08 | | | | | |
| Cyprus | 23-09-09 | | | | | |
| Denemarken | 03-12-08 | 12-02-10 | R | 01-08-10 | | |
| Djibouti | 30-07-10 | | | | | |
| Dominicaanse Republiek, de | 10-11-09 | | | | | |
| Duitsland | 03-12-08 | 08-07-09 | R | 01-08-10 | | |
| Ecuador | 03-12-08 | 11-05-10 | R | 01-11-10 | | |
| El Salvador | 03-12-08 | 10-01-11 | R | 01-07-11 | | |
| Fiji-eilanden | 03-12-08 | 28-05-10 | R | 01-11-10 | | |
| Filipijnen, de | 03-12-08 | | | | | |
| Frankrijk | 03-12-08 | 25-09-09 | R | 01-08-10 | | |
| Gambia | 03-12-08 | | | | | |
| Ghana | 03-12-08 | 03-02-11 | R | 01-08-11 | | |
| Guatemala | 03-12-08 | 03-11-10 | R | 01-05-11 | | |
| Guinee | 03-12-08 | | | | | |
| Guinee-Bissau | 04-12-08 | 29-11-10 | R | 01-05-11 | | |
| Haïti | 28-10-09 | | | | | |
| Heilige Stoel | 03-12-08 | 03-12-08 | R | 01-08-10 | | |
| Honduras | 03-12-08 | | | | | |
| Hongarije | 03-12-08 | | | | | |
| Ierland | 03-12-08 | 03-12-08 | R | 01-08-10 | | |
| IJsland | 03-12-08 | | | | | |
| Indonesië | 03-12-08 | | | | | |
| Irak | 12-11-09 | | | | | |
| Italië | 03-12-08 | | | | | |

| Partij | Onder- tekening | Ratificatie | Type* | In werking | Opzeg- ging | Buiten werking |
|--|--------------------|-------------|-------|---------------|----------------|-------------------|
| Ivoorkust | 04-12-08 | | | | | |
| Jamaica | 12-06-09 | | | | | |
| Japan | 03-12-08 | 14-07-09 | R | 01-08-10 | | |
| Kaapverdië | 03-12-08 | 19-10-10 | R | 01-04-11 | | |
| Kameroen | 15-12-09 | | | | | |
| Kenia | 03-12-08 | | | | | |
| Kroatië | 03-12-08 | 17-08-09 | R | 01-08-10 | | |
| Laos | 03-12-08 | 18-03-09 | R | 01-08-10 | | |
| Lesotho | 03-12-08 | 28-05-10 | R | 01-11-10 | | |
| Libanon | 03-12-08 | 05-11-10 | R | 01-05-11 | | |
| Liberia | 03-12-08 | | | | | |
| Liechtenstein | 03-12-08 | | | | | |
| Litouwen | 03-12-08 | | | | | |
| Luxemburg | 03-12-08 | 10-07-09 | R | 01-08-10 | | |
| Macedonië, de voormalige Joegoslavische Republiek | 03-12-08 | 08-10-09 | R | 01-08-10 | | |
| Madagaskar | 03-12-08 | | | | | |
| Malawi | 03-12-08 | 07-10-09 | R | 01-08-10 | | |
| Mali | 03-12-08 | 30-06-10 | R | 01-12-10 | | |
| Malta | 03-12-08 | 24-09-09 | R | 01-08-10 | | |
| Mauritanië | 19-04-10 | | | | | |
| Mexico | 03-12-08 | 06-05-09 | R | 01-08-10 | | |
| Moldavië | 03-12-08 | 16-02-10 | R | 01-08-10 | | |
| Monaco | 03-12-08 | 21-09-10 | R | 01-03-11 | | |
| Montenegro | 03-12-08 | 25-01-10 | R | 01-08-10 | | |
| Mozambique | 03-12-08 | 14-03-11 | R | 01-09-11 | | |
| Namibië | 03-12-08 | | | | | |

| Partij | Onder- tekening | Ratificatie | Type* | In werking | Opzeg- ging | Buiten werking |
|--|--------------------|--|------------------|--|----------------|-------------------|
| Nauru | 03-12-08 | | | | | |
| Nederland, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten | 03-12-08 | 23-02-11 23-02-11 23-02-11 23-02-11 | R R R R | 01-08-11 01-08-11 01-08-11 01-08-11 | | |
| Nicaragua | 03-12-08 | 02-11-09 | R | 01-08-10 | | |
| Nieuw-Zeeland | 03-12-08 | 22-12-09 | R | 01-08-10 | | |
| Niger | 03-12-08 | 02-06-09 | R | 01-08-10 | | |
| Nigeria | 12-06-09 | | | | | |
| Noorwegen | 03-12-08 | 03-12-08 | R | 01-08-10 | | |
| Oostenrijk | 03-12-08 | 02-04-09 | R | 01-08-10 | | |
| Palau | 03-12-08 | | | | | |
| Panama | 03-12-08 | 29-11-10 | R | 01-05-11 | | |
| Paraguay | 03-12-08 | | | | | |
| Peru | 03-12-08 | | | | | |
| Portugal | 03-12-08 | 09-03-11 | R | 01-09-11 | | |
| Rwanda | 03-12-08 | | | | | |
| Saint Vincent en de Grenadines | 23-09-09 | 29-10-10 | R | 01-05-11 | | |
| Samoa | 03-12-08 | 28-04-10 | R | 01-10-10 | | |
| San Marino | 03-12-08 | 10-07-09 | R | 01-08-10 | | |
| Sao Tomé en Principe | 03-12-08 | | | | | |
| Senegal | 03-12-08 | | | | | |
| Seychellen, de | 13-04-10 | 20-05-10 | R | 01-11-10 | | |
| Sierra Leone | 03-12-08 | 03-12-08 | R | 01-08-10 | | |
| Slovenië | 03-12-08 | 19-08-09 | R | 01-08-10 | | |

| Partij | Onder- tekening | Ratificatie | Type* | In werking | Opzeg- ging | Buiten werking |
|--|--------------------|-------------|-------|---------------|----------------|-------------------|
| Somalië | 03-12-08 | | | | | |
| Spanje | 03-12-08 | 17-06-09 | R | 01-08-10 | | |
| Tanzania | 03-12-08 | | | | | |
| Togo | 03-12-08 | | | | | |
| Tsjaad | 03-12-08 | | | | | |
| Tsjechië | 03-12-08 | | | | | |
| Tunesië | 12-01-09 | 28-09-10 | R | 01-03-11 | | |
| Uganda | 03-12-08 | | | | | |
| Uruguay | 03-12-08 | 24-09-09 | R | 01-08-10 | | |
| Verenigd Koninkrijk, het | 03-12-08 | 04-05-10 | R | 01-11-10 | | |
| Zambia | 03-12-08 | 12-08-09 | R | 01-08-10 | | |
| Zuid-Afrika | 03-12-08 | | | | | |
| Zweden | 03-12-08 | | | | | |
| Zwitserland | 03-12-08 | | | | | |
| * O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend | | | | | | |

Uitbreidingen

Denemarken

| Uitgebreid tot | In werking | Buiten werking |
|----------------|------------|----------------|
| Groenland | 01-08-2010 | |

Verklaringen, voorbehouden en bezwaren

België, 3 december 2008

This signature is equally binding the region of Walloon, the Flemish region and the region of the capital of Brussels.

Denemarken, 12 februari 2010

Until further notice, the Convention shall not apply to the Faroe Islands.

El Salvador, 10 januari 2011

Interpretative Declaration:

Regarding Article 10 of this Convention, the Government of the Republic of El Salvador considers that the contents of paragraph 1 of this Article do not imply any recognition of or mandatory subjection of any dispute to the jurisdiction of the International Court of Justice, but instead the purely discretionary power of each State party to submit to such a jurisdiction if it should so agree, given that the Republic of El Salvador does not recognize the jurisdiction of the International Court of Justice.

Heilige Stoel, 3 december 2008

In ratifying the Convention on Cluster Munitions the Holy See desires to encourage the entire International Community to be resolute in promoting effective disarmament and arms control negotiations and in strengthening international humanitarian law by reaffirming the preeminent and inherent value of human dignity, the centrality of the human person, and the “elementary considerations of humanity”, all of which are elements that constitute the basis of international humanitarian law. The Holy See considers the Convention on Cluster Munitions an important step in the protection of civilians during and after conflicts from the indiscriminate effects of this inhumane type of weapons. The new Convention is a remarkable achievement for multilateralism in disarmament, based on constructive cooperation between governmental and non governmental actors, and on the link between humanitarian law and human rights.

The Holy See would like to underline the following points:

1. The Convention adopts a broad definition of cluster munitions victims, including persons directly impacted, their families and communities, and requests States Parties to provide them with assistance. The Holy See is mindful that this broader assistance must be respectful of the right to life from the moment of conception to natural death, in order to conform to the fundamental principles of respect for human life, and ensure the recognition of human dignity. Preserving life and creating the conditions of an existence worthy of the human person should be at the core of humanitarian assistance.
2. States Parties, in designating a focal point within government (art.5.2(g)), will have to guarantee that the coordination of national disability, development and human rights frameworks and mechanisms ensures effective assistance to all victims. In this regard, the Holy See also wishes to restate its understanding and interpretation of article 5.2 (c), where the Convention recognizes “the specific role and contribution of relevant actors”: when a State Party develops a national plan and budget to carry out assistance activities according to the Convention “with a view to incorporating them within the existing national disability, development and human rights frameworks and mechanisms”, it shall guarantee the pluralism that is inherent in any democratic society and the diversity of relevant non governmental actors. This respectful

form of coordination of the various activities of governmental and non governmental actors is in line with the Preamble (PP 10) (see also Dublin Diplomatic Conference for the adoption of a Convention on Cluster Munitions, Summary Record, CCM/SR/4, 18 June 2008).

3. The Holy See, by ratifying the Convention on Cluster Munitions, understands the term “gender”, used in the Preamble (PP 8) and in articles 5.1, 6.7 and 7.1 (k) of the Convention, in accordance with its Interpretative Statement to the Beijing Declaration and Platform for Action, made in Beijing at the Fourth World Conference on Women.

4. Article 4.4 highlights moral responsibility in cases where cluster munitions have been used or abandoned and have become cluster munitions remnants prior to the entry into force of the Convention. State responsibility should be given effective expression in the area of cooperation and assistance.

5. In relation to Article 21, joint military operations do not imply, in any way, a suspension of the obligations under the Convention. “States Parties, their military personnel or nationals” shall never engage in activities prohibited by the Convention. On the contrary, joint military operations should be opportunities for States Parties to promote the standards introduced by the new instrument with the objective to protect civilians during and after armed conflicts.

The Holy See recognizes the spirit of partnership between States, United Nations bodies, International Organizations, the International Committee of the Red Cross and civil society which, through collective action, has sustained the process which has led to the adoption of the Convention. The Holy See considers the implementation of the Convention as a legal and humanitarian challenge for the near future. An effective implementation should be based on constructive cooperation of all governmental and non governmental actors and should reinforce the link between disarmament and development. This can be done by directing human and material resources towards development, justice and peace, which are the most effective means to promote international security and a peaceful international order.

In conformity with its proper nature, with its particular mission, and with the particular condition of Vatican City State, and according to its international practice, the Holy See, by means of the solemn act of ratification, expresses its pledge to work towards a peaceful international order in which human dignity and fundamental rights are fully respected.

Nieuw-Zeeland, 22 december 2009

... 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...

G. INWERKINGTREDING

De bepalingen van het Verdrag zijn ingevolge artikel 17, eerste lid, op 1 augustus 2010 in werking getreden.

Het Verdrag zal ingevolge artikel 17, tweede lid, voor het Koninkrijk der Nederlanden op 1 augustus 2011 in werking treden.

Wat betreft het Koninkrijk der Nederlanden, zal het Verdrag voor Nederland (het Europese deel en het Caribische deel) gelden.

J. VERWIJZINGEN

Zie *Trb.* 2009, 45.

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945
Tekst : *Stb.* 1945, 253 (Engels)
Stb. 1945, 321 (vertaling)
Laatste *Trb.* : *Trb.* 2011, 57

Uitgegeven de *dertiende* april 2011.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL