

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2014 Nr. 122 HERDRUK

A. TITEL

*Protocol inzake het verbod of de beperking van het gebruik van mijnen, valstrikmijnen en andere mechanismen, zoals gewijzigd op 3 mei 1996 (Protocol II zoals gewijzigd op 3 mei 1996), gehecht aan het Verdrag inzake het verbod of de beperking van het gebruik van bepaalde conventionele wapens die geacht kunnen worden buitensporig leed te veroorzaken of een niet-onderscheidende werking te hebben;
Genève, 3 mei 1996*

B. TEKST

De Engelse en de Franse tekst van het Protocol zijn geplaatst in *Trb.* 1996, 260.

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

Op blz. 12, in artikel 5, tweede lid, onderdeel b, eerste regel, dient het woord „abandoned” te worden vervangen door „abandoned”.

C. VERTALING

Zie *Trb.* 1997, 24.

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

Op blz. 2, in artikel 1, tweede lid, tweede regel, dient de zinsnede „in de artikel 3” te worden vervangen door „in artikel 3”.

D. PARLEMENT

Zie *Trb.* 1999, 123.

E. PARTIJEGEREVENS

Zie *Trb.* 1999, 123. Voor overige bepalingen inzake bekrachtiging, aanvaarding, goedkeuring en toetreding, zie ook artikel 4, eerste, derde en vierde lid, van het in rubriek J genoemde Verdrag van 10 oktober 1980.

Partij	Onder-tekening	Ratificatie	Type ^o	In werking	Opzeg-ging	Buiten werking
Albanië		28-08-02	R	28-02-03		
Argentinië		21-10-98	R	21-04-99		
Australië		22-08-97	R	03-12-98		
Bangladesh		06-09-00	R	06-03-01		
Belarus		02-03-04	R	02-09-04		
België		10-03-99	R	10-09-99		
Bolivia		21-09-01	R	21-03-02		
Bosnië en Herzegovina		07-09-00	R	07-03-01		
Brazilië		04-10-99	R	04-04-00		
Bulgarije		03-12-98	R	03-06-99		
Burkina Faso		26-11-03	R	26-05-04		
Cambodja		25-03-97	R	03-12-98		
Canada		05-01-98	R	03-12-98		
Chili		15-10-03	R	15-04-04		
China		04-11-98	R	04-05-99		
Colombia		06-03-00	R	06-09-00		
Costa Rica		17-12-98	R	17-06-99		
Cyprus		22-07-03	R	22-01-04		
Denemarken		30-04-97	R	03-12-98		
Dominicaanse Republiek		21-06-10	R	21-12-10		
Duitsland		02-05-97	R	03-12-98		
Ecuador		14-08-00	R	14-02-01		
El Salvador		26-01-00	R	26-07-00		

Partij	Onder- tekening	Ratificatie	Type [*]	In werking	Opzeg- ging	Buiten werking
Estland		20-04-00	R	20-10-00		
Filipijnen		12-06-97	R	03-12-98		
Finland		03-04-98	R	03-12-98		
Frankrijk		23-07-98	R	23-01-99		
Gabon		22-09-10	R	22-03-11		
Georgië		08-06-09	R	08-12-09		
Griekenland		20-01-99	R	20-07-99		
Guatemala		29-10-01	R	29-04-02		
Guinee-Bissau		06-08-08	R	06-02-09		
Heilige Stoel		22-07-97	R	22-01-98		
Honduras		30-10-03	R	30-04-04		
Hongarije		30-01-98	R	03-12-98		
Ierland		27-03-97	R	03-12-98		
IJsland		22-08-08	R	22-02-09		
India		02-09-99	R	02-03-00		
Israël		30-10-00	R	30-04-01		
Italië		13-01-99	R	13-07-99		
Jamaica		25-09-08	R	25-03-09		
Japan		10-06-97	R	03-12-98		
Jordanië		06-09-00	R	06-03-01		
Kaapverdië		16-09-97	R	03-12-98		
Kameroen		07-12-06	R	07-06-07		
Koeweit		24-05-13	R	24-11-13		
Kroatië		25-04-02	R	25-10-02		
Letland		22-08-02	R	22-02-03		
Liberia		16-09-05	R	16-03-06		
Liechtenstein		19-11-97	R	03-12-98		
Litouwen		03-06-98	R	03-12-98		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Luxemburg		05-08-99	R	05-02-00		
Macedonië, de voormalige Joegoslavische Republiek		31-05-05	R	30-11-05		
Madagaskar		14-03-08	R	14-09-08		
Malediven		07-09-00	R	07-03-01		
Mali		24-10-01	R	24-04-02		
Malta		24-09-04	R	24-03-05		
Marokko		19-03-02	R	19-09-02		
Moldavië		16-07-01	R	16-01-02		
Monaco		12-08-97	R	03-12-98		
Montenegro		30-12-11	R	30-06-12		
Nauru		12-11-01	R	12-05-02		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten		25-03-99 28-04-14 28-04-14 28-04-14 – – –	R R R R – – –	25-09-99 28-04-14 28-04-14 28-04-14 – – –		
Nicaragua		05-12-00	R	05-06-01		
Nieuw-Zeeland		08-01-98	R	03-12-98		
Niger		18-09-07	R	18-03-08		
Noorwegen		20-04-98	R	03-12-98		
Oekraïne		15-12-99	R	15-06-00		
Oostenrijk		27-07-98	R	27-01-99		
Pakistan		09-03-99	R	09-09-99		
Panama		03-11-99	R	03-05-00		
Paraguay		22-09-04	R	22-03-05		

Partij	Onder- tekening	Ratificatie	Type ^a	In werking	Opzeg- ging	Buiten werking
Peru		03-07-97	R	03-12-98		
Polen		14-10-03	R	14-04-04		
Portugal		31-03-99	R	30-09-99		
Roemenië		25-08-03	R	25-02-04		
Russische Federatie		02-03-05	R	02-09-05		
Saint Vincent en de Grenadines		06-12-10	R	06-06-11		
Senegal		29-11-99	R	29-05-00		
Servië		14-02-11	R	14-08-11		
Seychellen		08-06-00	R	08-12-00		
Sierra Leone		30-09-04	R	30-03-05		
Slovenië		03-12-02	R	03-06-03		
Slowakije		30-11-99	R	30-05-00		
Spanje		27-01-98	R	03-12-98		
Sri Lanka		24-09-04	R	24-03-05		
Tadzjikistan		12-10-99	R	12-04-00		
Tsjechië		10-08-98	R	10-02-99		
Tunesië		23-03-06	R	23-09-06		
Turkije		02-03-05	R	02-09-05		
Turkmenistan		19-03-04	R	19-09-04		
Uruguay		18-08-98	R	18-02-99		
Venezuela		19-04-05	R	19-10-05		
Verenigd Koninkrijk		11-02-99	R	11-08-99		
Verenigde Staten van Amerika		24-05-99	R	24-11-99		
Zambia		25-09-13	R	25-03-14		
Zuid-Afrika		26-06-98	R	26-12-98		
Zuid-Korea		09-05-01	R	09-11-01		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Zweden		16-07-97	R	03-12-98		
Zwitserland		24-03-98	R	03-12-98		

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

Uitbreidingen

China

Uitgebreid tot	In werking	Buiten werking
Macao SAR	20-12-1999	

Denemarken

Uitgebreid tot	In werking	Buiten werking
Faeröer	03-12-1998	
Groenland	03-12-1998	

Nieuw-Zeeland

Uitgebreid tot	In werking	Buiten werking
Tokelau-eilanden	03-12-1998	

Verklaringen, voorbehouden en bezwaren

Belarus, 2 maart 2004

[...] according to paragraph 3 c) of the Technical annex of the Amended Protocol II the Republic of Belarus defers the implementation of paragraph 3 b) of the Amended Protocol II for a period of 9 years from the date on which the Amended Protocol II enters into force.

België, 10 maart 1999

Article 1:

It is the understanding of the Government of the Kingdom of Belgium that the provisions of Protocol II as amended which by their contents or nature may be applied also in peacetime, shall be observed at all times.

Article 2:

It is the understanding of the Government of the Kingdom of Belgium that the word “primarily” is included in article 2, paragraph 3 of amended Protocol II to clarify that mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

Canada, 19 oktober 1998

Reservation:

Canada reserves the right to transfer and use a small number of mines prohibited under this Protocol to be used exclusively for training and testing purposes. Canada will ensure that the number of such mines shall not exceed that absolutely necessary for such purposes.

Statements of Understanding:

1. It is understood that the provisions of Amended Protocol II shall, as the context requires, be observed at all times.
2. It is understood that the word “primarily” is included in Article 2, paragraph 3 of Amended Protocol II to clarify that mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.
3. It is understood that the maintenance of a minefield referred to in Article 10, in accordance with the standards on marking, monitoring and protection by fencing or other means set out in Amended Protocol II, would not be considered as a use of the mines contained therein.

China, 4 november 1998

- I. According to the provisions contained in Technical Annex 2 (c) and 3 (c) of the Amended Protocol II, China will defer compliance with 2 (b), 3 (a) and 3 (b);

Article 2 (3):

It is the understanding of China that the word “primarily” is included in article 2, paragraph 3 of the amended Protocol to clarify that mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

Denemarken, 30 april 1997

Article 1:

It is the understanding of Denmark that the provisions of the amended Protocol which by their contents or nature may be applied also in peacetime, shall be observed at all times.

Article 2 (3):

It is the understanding of Denmark that the word “primarily” is included in article 2, paragraph 3 of the amended Protocol to clarify that mines designed to be detonated by the presence, proximity or contact of a vehi-

cle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

Duitsland, 2 mei 1997

Article 1:

It is the understanding of Germany that the provisions of the amended Protocol which by their contents or nature may be applied also in peacetime, shall be observed at all times.

Article 2 (3):

It is the understanding of Germany that the word “primarily” is included in article 2, paragraph 3 of the amended Protocol to clarify that mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

Article 5 paragraph 2 (b):

It is understood that article 5, paragraph 2 (b) does not preclude agreement among the states concerned, in connection with peace treaties or similar arrangements, to allocate responsibilities under paragraph 2 (b) in another manner which nevertheless respects the essential spirit and purpose of the article.

Finland, 3 april 1998

Article 1:

It is the understanding of Finland that the provisions of the amended Protocol which by their contents or nature may be applied also in peacetime, shall be observed at all times.

Article 2 (3):

It is the understanding of Finland that the word “primarily” is included in article 2, paragraph 3 of the amended Protocol to clarify that mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

Frankrijk, 23 juli 1998

Article 1:

It is the understanding of France that the provisions of the amended Protocol which by their contents or nature may be applied also in peacetime, shall be observed at all times.

Article 2 (3):

It is the understanding of France that the word “primarily” is included in article 2, paragraph 3 of the amended Protocol to clarify that mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

Article 4:

France takes it that article 4 and Technical Annex to amended Protocol II do not require the removal or replacement of mines that have already been laid.

Declaration concerning standards on marking, monitoring and protection: The provisions of amended Protocol II such as those concerning the marking, monitoring and protection of zones which contain anti-personnel mines and are under the control of a party, are applicable to all zones containing mines, irrespective of the date on which those mines were laid.

Griekenland, 20 januari 1999

Article 1:

It is understood that the provisions of the protocol shall, as the context requires, be observed at all times.

Article 2 (3):

It is the understanding of Greece that the word “primarily” is included in article 2, paragraph 3 of the amended Protocol to clarify that mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

Article 5 paragraph 2 (b):

It is understood that article 5, paragraph 2 (b) does not preclude agreement among the states concerned, in connection with peace treaties or similar arrangements, to allocate responsibilities under paragraph 2 (b) in another manner which nevertheless respects the essential spirit and purpose of the article.

Hongarije, 30 januari 1998

Declaration:

The Republic of Hungary

1. declines to observe the 9 year period of deferral on compliance as allowed for in Paragraphs 2 (c) and 3 (c) of the Technical Annex to Amended Protocol II, and even prior to the entry into force of Amended Protocol II intends to be bound by its implementation measures as stipulated therein, as well as the rules of procedure regarding record keeping, detectability, self-destruction and self-deactivation and perimeter marking as stipulated in the Technical Annex;
2. intends to eliminate and eventually destroy its entire stockpile of anti-personnel landmines by December 31, 2000 the latest, in addition to the already undertaken destruction of stockpiled landmines, as initiated in August of 1996 and completed in 40%;
3. refrains from the emplacement of anti-personnel landmines and, for the duration of their complete destruction, intends to designate a central storage facility to pool the remainder stock of anti-personnel landmines as a way to facilitate inspection by international monitors;
4. announces a total ban on the development, production, acquisition, export and transfer of all types of anti-personnel landmines;

5. refrains from the operational use of anti-personnel landmines, unless a policy-revision becomes necessitated by a significant deterioration in the national security environment of the country, in which case due attention shall be paid to compliance with laws governing international warfare;
6. stands ready to engage in implementing appropriate confidence building measures, as a way to be enabled to present the implementation of the measures announced unilaterally by the Republic of Hungary in the course of joint military, educational, and training and other cooperational activities conducted with other armed forces;
7. offers appropriate technical and training assistance to international organizations engaged in de-mining activities;
8. urges her neighbours and other countries in the region to seek unilateral or coordinated measures designed to achieve the total elimination of all types of anti-personnel landmines from the weapons arsenal of the countries in the region, and expresses her readiness to engage in further negotiations to advance this cause;
9. reiterates her commitment to promote the early conclusion of and wide adherence to an international convention stipulating a total and comprehensive ban on anti-personnel landmines, by reaffirming her determination to contribute actively to the success of international efforts furthering this goal.

Ierland, 27 maart 1997

Article 1:

It is the understanding of Ireland that the provisions of the amended Protocol which by their contents or nature may be applied also in peacetime, shall be observed at all times.

Article 2 (3):

It is the understanding of Ireland that the word “primarily” is included in article 2, paragraph 3 of the amended Protocol to clarify that mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

Israël, 30 oktober 2000

Article 1:

The declaration made by Israel upon accession to the [Convention], shall be equally applicable regarding the Amended Protocol II.

Article 2 (3):

Israel understands that the word ‘primarily’ is included in article 2, paragraph 3 of the Amended Protocol II, to clarify that mines designed to be detonated by the presence, proximity or contact of vehicles as opposed to persons, that are equipped with anti-handling devices are not considered Anti-personnel mines as a result of being so equipped.

Article 3 (9):

Israel understands, regarding article 3, paragraph 9, that an area of land can itself be a legitimate military objective for the purpose of the use of landmines, if its neutralization or denial of its use, in the circumstances ruling at the time, offers a definite military advantage.

Article 4:

It is the understanding of the State of Israel, regarding article 4 of the Amended Protocol II and the Technical Annex, that article 4 of the Amended Protocol II shall not apply to mines already emplaced. However, provisions of the Amended Protocol II, such as those regarding marking, monitoring and protection of areas containing mines under the control of a high contracting party, shall apply to all areas containing mines, regardless of when the mines were emplaced.

Article 5 (2) (b):

Israel understands that article 5 paragraph 2 (b) does not apply to the transfer of areas pursuant to peace treaties, agreements on the cessation of hostilities, or as part of a peace process or steps leading thereto.

Article 7 (f) (1):

Israel reserves the right to use other devices (as defined in Article 2 (5) of the Amended Protocol II) to destroy any stock of food or drink that is judged likely to be used by an enemy military force, if due precautions are taken for the safety of the civilian population.

Article 11 (7):

a) Israel understands that the provision on technical assistance on article 11 paragraph 7, will be without prejudice to a High contracting Party's constitutional and other legal provisions.

b) No provision of the Amended Protocol II may be construed as affecting the discretion of the State of Israel to refuse assistance or to restrict or deny permission for the export equipment, material or scientific or technological information for any reason.

Article 14:

a) It is the understanding of the Government of the State of Israel that the compliance of commanders and others responsible for planning, deciding upon, or executing military actions to which the Convention on Conventional Weapons and its Protocols apply, cannot be judged on the basis of information which subsequently but comes to light, but must be assessed on the basis of the information available to them at the time that such actions were taken.

b) Article 14 of the Amended Protocol II (insofar as it relates to penal sanctions) shall apply only in a situation in which an individual-

1. Knew, or should have known, that his action was prohibited under the Amended Protocol II,
2. intended to kill or cause serious injury to a civilian; and
3. knew or should have known, that the person he intended to kill or cause serious injury to was a civilian.

c) Israel understands that the provisions of article 14 of the amended Protocol II relating to penal sanctions refer to measures by authorities of States Parties to the Protocol and do not authorize the trial of any per-

son before an international criminal tribunal. Israel shall not recognize the jurisdiction of any international tribunal to prosecute an Israel citizen for violation of the Protocol or the Convention on Conventional Weapons.

General:

Israel understands that nothing in the Amended Protocol II may be construed as restriction or affecting in any way non-lethal weapon technology that is designed to temporarily disable, stun, signal the presence of a person, or operate in any other fashion, but not to cause permanent incapacity.

Italië, 13 januari 1999

Article 1:

It is the understanding of Italy that the provisions of the amended Protocol which by their contents or nature may be applied also in peacetime, shall be observed at all times.

Article 2:

Under article 2 of the amended Protocol II, in order to fully address the humanitarian concerns raised by anti-personnel land-mines, the Italian Parliament has enacted and brought into force a legislation containing a far more stringent definition of those devices. In this regard, while reaffirming its commitment to promote the further development of international humanitarian law, the Italian Government confirms its understanding that the word "primarily" is included in article 2, paragraph 3 of the amended Protocol II to clarify that mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

Article 5, paragraph 2 (b):

Under article 5 of the amended Protocol II, it is the understanding of the Italian Government that article 5 (paragraph 2) does not preclude agreement in connection with peace treaties and related agreements among concerned states to allocate responsibilities under this paragraph in another manner which reflects the spirit and purpose of the article.

Liechtenstein, 19 november 1997

Article 1:

It is the understanding of Liechtenstein that the provisions of the amended Protocol which by their contents or nature may be applied also in peacetime shall be observed at all times.

Nederlanden, het Koninkrijk der, 25 maart 1999

With regard to Article 1, paragraph 2:

The Government of the Kingdom of the Netherlands takes the view that the provisions of the Protocol which, given their content or nature, can also be applied in peacetime, must be observed in all circumstances.

With regard to Article 2, paragraph 3:

The Government of the Kingdom of the Netherlands takes the view that the word “primarily” means only that mines that are designed to be exploded by the presence, proximity or contact of a vehicle and that are equipped with an anti-handling device are not regarded as anti-personnel mines because of that device.

With regard to Article 2, paragraph 6:

The Government of the Kingdom of the Netherlands takes the view that a specific area of land may also be a military objective if, because of its location or other reasons specified in paragraph six, its total or partial destruction, capture, or neutralization in the circumstances ruling at the time, offers a definitive military advantage.

With regard to Article 3, paragraph 8, under c:

The Government of the Kingdom of the Netherlands takes the view that military advantage refers to the advantage anticipated from the attack considered as a whole and not only from isolated or particular parts of the attack.

With regard to Article 12, paragraph 2, under b:

The Government of the Kingdom of the Netherlands takes the view that the words “as far as it is able” mean “as far as it is technically able”

Oekraïne, 15 december 1999

Ukraine declares that it shall defer implementation of the provisions of subparagraphs 3 (a) and (b) of the technical annex for a period of nine years from the date on which this Protocol enters into force.

Oostenrijk, 27 juli 1998

Article 1:

It is the understanding of Austria that the provisions of the amended Protocol which by their contents or nature may be applied also in peacetime, shall be observed at all times.

Article 2 (3):

It is the understanding of Austria that the word “primarily” is included in article 2, paragraph 3 of the amended Protocol to clarify that mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

Pakistan, 9 maart 1999

Article 1:

– It is understood that for the purposes of interpretation the provisions of article 1 take precedence over provisions or undertakings in any other article.

– The rights and obligations arising from situations described in article 1 are absolute and immutable and the observance of any other provision of the Protocol cannot be construed, either directly or indirectly, as affecting the right of peoples struggling against colonial or other forms of alien domination and foreign occupation in the exercise of their inal-

inable right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among states in accordance with the Charter of the United Nations.

– The provisions of the Protocol must be observed at all times, depending on the circumstances.

Article 2 (Paragraph 3):

– In the context of the word “primarily”, it is understood that such anti-tank mines which use anti-personnel mines as a fuse but do not explode on contact with a person are not anti-personnel mines.

Article 3 (Paragraph 9):

– It is understood that an area of land can itself be a legitimate military objective for the purposes of the use of landmines, if its neutralisation or denial, in the circumstances ruling at the time, offers a definite military advantage.

Sub-paras 2(c) and 3(c) of Technical Annex:

– It is declared that compliance with sub-paras 2(b) and 3(a) and (b) is deferred as provided for in sub-paras 2(c) and 3(c), respectively.

Russische Federatie, 2 maart 2005

1. For the purposes of interpreting subparagraph 10 (c) of article 3, of Protocol II, the Russian Federation understands alternatives as non-flying devices and technologies which are not anti-personnel mines and may temporarily disable, paralyse or indicate the presence of one or several persons without causing irreversible harm to them;

2. In implementing subparagraph 2 (a) of article 5, of Protocol II, the Russian Federation holds the position that anti-personnel mines which are not remotely-delivered will be placed within perimeter-marked areas which are monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from such areas. Such marking must be of a distinct and durable character and must at least be visible to a person who is about to enter the perimeter-marked area. The line of the State border designated in the locality may be considered as the marking (designation) of part of the perimeter of a mined area within the border zone when there are active and repeated attempts to traverse it by armed intruders or when military, economic, physical and geographic, or other conditions make it impossible to use armed forces. The civilian population will be informed in good time about the danger of the mines and will not be allowed into the mined area;

3. For the purposes of interpreting subparagraph 1 (i) of article 7, of Protocol II, the Russian Federation understands the cultural or spiritual heritage of peoples as cultural property in the terms of article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954;

4. The Russian Federation understands the commonly available technical mine detection equipment referred to in paragraph 2 (a) of the Tech-

nical Annex to Protocol II as the mine-searching equipment which is available in the Russian Federation and meets the requirements of the aforementioned paragraph;

5. In accordance with paragraph 2 (c) and paragraph 3 (c) of the Technical Annex to Protocol II, the Russian Federation will ensure the observance of paragraph 2 (b) and paragraphs 3 (a) and 3 (b) of the Technical Annex to Protocol II not later than nine years from the date of the entry into force of the said Protocol.

Verenigd Koninkrijk, 11 februari 1999

Declarations:

a) the [declaration conveying consent to be bound by Protocols I, II and III to the Convention on Prohibitions or Restrictions on the Use of Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, concluded at Geneva on 10 October 1980], in so far as it applies to Protocol II to the [1980] Convention, continues to apply to Protocol II as amended;

b) the [declaration dated 28 January 1998 accompanying the United Kingdom's ratification of Additional Protocol I to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Armed Conflicts, opened for signature at Geneva on 12 December 1977], in so far as it is relevant, also applies to the provisions of Protocol II as amended;

c) nothing in the present declaration or in Protocol II as amended shall be taken as limiting the obligations of the United Kingdom under the [Convention on the Prohibition and Transfer of Anti-Personnel Mines and on their Destruction concluded at Oslo on 18 September 1997 (the "Ottawa Convention")] nor its rights in relation to other Parties to that Convention;

d) Article 2 (14) is interpreted to have the same meaning as Article 2 (3) of the Ottawa Convention;

e) the references in Article 12 (2) to "force" and "mission" are interpreted as including forces and missions authorised by the United Nations Security Council under Chapter VII or Chapter VIII of the Charter of the United Nations which are deployed by a regional arrangement or agency. This applies to all such forces or missions, whether or not they include contingents contributed by non-member States of the regional arrangement or agency.

Verenigde Staten, 24 mei 1999

I. The senate's advice and consent is subject to the following reservation:

The United States reserves the right to use other devices (as defined in Article 2(5) of the Amended Mines Protocol) to destroy any stock of food or drink that is judged likely to be used by an enemy military force, if due precautions are taken for the safety of the civilian population.

II. The Senate's advice and consent is subject to the following understandings:

1. United States compliance, – The United States understands that

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A) any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken; and

B) Article 14 of the Amended Mines Protocol (insofar as it relates to penal sanctions) shall apply only in a situation in which an individual –

(i) knew, or should have known, that his action was prohibited under the Amended Mines Protocol;

(ii) intended to kill or cause serious injury to a civilian; and

(iii) knew or should have known, that the person he intended to kill or cause serious injury was a civilian.

2. Effective exclusion. – The United States understands that, for the purposes of Article 5(6)(b) of the Amended Mines Protocol, the maintenance of observation over avenues of approach where mines subject to that Article are deployed constitutes one acceptable form of monitoring to ensure the effective exclusion of civilians.

3. Historic monuments. – The United States understands that Article 7(1)(i) of the Amended Mines Protocol refers only to a limited class of objects that, because of their clearly recognizable characteristics and because of their widely recognized importance, constitute a part of the cultural or spiritual heritage of peoples.

4. Legitimate military objectives. – The United States understands that an area of land itself can be a legitimate military objective for the purpose of the use of landmines, if its neutralization or denial, in the circumstances applicable at the time, offers a military advantage.

5. Peace treaties. – The United States understands that the allocation of responsibilities for landmines in Article 5(2)(b) of the Amended Mines Protocol does not preclude agreement, in connection with peace treaties or similar arrangements, to allocate responsibilities under that Article in a manner that respects the essential spirit and purpose of the Article.

6. Booby-traps and other devices. – For the purposes of the Amended Mines Protocol, the United States understands that –

A) the prohibition contained in Article 7(2) of the Amended Mines Protocol does not preclude the expedient adaptation or adaptation in advance of other objects for use as booby-traps or other devices;

B) a trip-wired hand grenade shall be considered a “booby-trap” under Article 2(4) of the Amended Mines Protocol and shall not be considered a “mine” or an “anti-personnel mine” under Article 2(1) or Article 2(3), respectively; and

C) none of the provisions of the Amended Mines Protocol, including Article 2(5), applies to hand grenades other than trip-wired hand grenades.

7. Non-lethal capabilities. – The United States understands that nothing in the Amended Mines Protocol may be construed as restricting or affecting in any way non-lethal weapon technology that is designed to temporarily disable, stun, signal the presence of a person, or operate in any other fashion, but not to cause permanent incapacity.

8. International Tribunal jurisdiction. – The United States understands that the provisions of Article 14 of the Amended Mines Protocol relating to penal sanctions refer to measures by the authorities of States Parties to the Protocol and do not authorize the trial of any person before an international criminal tribunal. The United States shall not recognize the jurisdiction of any international tribunal to prosecute a United States citizen for a violation of the Protocol or the Convention on Conventional Weapons.

9. Technical Cooperation and Assistance. – The United States understands that –

A) no provision of the Protocol may be construed as affecting the discretion of the United States to refuse assistance or to restrict or deny permission for the export of equipment, material, or scientific or technological information for any reason; and

B) the Amended Mines Protocol may not be used as a pretext for the transfer of weapons technology or the provision of assistance to the military mining or military counter-mining capabilities of a State Party to the Protocol.

Zuid-Afrika, 26 juni 1998

Article 1:

It is the understanding of South Africa that the provisions of the amended Protocol which by their contents or nature may be applied also in peacetime, shall be observed at all times.

Article 2 (3):

It is the understanding of South Africa that the word “primarily” is included in article 2, paragraph 3 of the amended Protocol to clarify that mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

Article 5 paragraph 2 (b):

It is understood that Article 5 (2) (b) does not preclude agreement among the States concerned, in connection with peace treaties or similar arran-

gements, to allocate responsibilities under this paragraph in another manner which nevertheless respects the essential spirit and purpose of the Article.

Zuid-Korea, 9 mei 2001

I. Reservation

With respect to the application of Protocol II to the 1980 Convention, as amended on 3 May 1996 (“Amended Mines Protocol”), the Republic of Korea reserves the right to use a small number of mines prohibited under this Protocol exclusively for training and testing purposes.

II. Declarations

It is the understanding of the Republic of Korea that:

1. With respect to Article 3(8)(a) of the Amended Mines Protocol, in case there is an evident indication that an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be considered as a military object.

2. Article 4 and the Technical Annex of the Amended Mines Protocol do not require the removal or replacement of mines that have already been laid.

3. “Cessation of active hostilities” provided for in Articles 9(2) and 10(1) of the Amended Mines Protocol is interpreted as meaning the time when the present Armistice regime on the Korean peninsula has been transformed into a peace regime, establishing a stable peace on the Korean peninsula.

4. Any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action shall only be judged on the basis of that person’s assessment of the information reasonably available to the person at the time the person planned, authorized, or executed that action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

Zweden, 16 juli 1997

Articles 1 and 2:

Sweden intends to apply the Protocol also in time of peace.

Article 2 (3):

It is the understanding of Ireland that the word ‘primarily’ is included in article 2, paragraph 3 of the amended Protocol to clarify that mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.

Article 5, paragraph 2:

Sweden is of the opinion that the obligations ensuing from article 5, paragraph 2 shall not be interpreted to the effect that the High Contract-

ing Parties or parties in a conflict are prevented from entering into an agreement allowing another party to conduct mine clearance.

Zwitserland, 24 maart 1998

Article 2, paragraph 3:

Switzerland interprets the definition of “anti-personnel mine” as excluding any mine designed to explode in the presence or proximity of, or upon contact with, a vehicle, when such mine is equipped with an anti-handling device.

G. INWERKINGTREDING

Zie *Trb.* 1999, 123.

Wat betreft het Koninkrijk der Nederlanden, geldt het Protocol, dat voorheen alleen voor Nederland (het Europese deel) gold, vanaf 28 april 2014 voor Nederland (het Europese en het Caribische deel).

J. VERWIJZINGEN

Zie *Trb.* 1996, 260 en *Trb.* 1999, 123.

Verbanden

Titel : Verdrag inzake het verbod of de beperking van het gebruik van bepaalde conventionele wapens die geacht kunnen worden buitensporig leed te veroorzaken of een niet-onderscheidende werking te hebben;
Genève, 10 oktober 1980

Laatste *Trb.* : *Trb.* 2014, 124

Titel : Protocol inzake het verbod of de beperking van het gebruik van mijnen, valstrikmijnen en andere mechanismen (Protocol II);
Genève, 10 oktober 1980

Laatste *Trb.* : *Trb.* 2014, 124

Titel : Aanvullend Protocol bij het Verdrag inzake het verbod of de beperking van het gebruik van bepaalde conventionele wapens die geacht kunnen worden buitensporig leed te veroorzaken of een niet-onderscheidende werking te hebben;
Wenen, 13 oktober 1995

Laatste *Trb.* : *Trb.* 2014, 121

Overige verwijzingen

- Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945
- Laatste *Trb.* : *Trb.* 2014, 112

Uitgegeven de *negentiende* juni 2014.

De Minister van Buitenlandse Zaken,

F.C.G.M. TIMMERMANS