

The Kingdom of The Netherlands ratifies the Protocols

On 26 June 1987, the Kingdom of the Netherlands ratified (for the Kingdom in Europe, the Netherlands Antilles and Aruba) the Protocols additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and Non-international Armed Conflicts (Protocol II).

The ratification was accompanied by interpretative declarations and a declaration in accordance with Article 90 of Protocol I whereby the Kingdom of the Netherlands accepts the competence of the International Fact-Finding Commission.

The Kingdom of the Netherlands is the tenth State to make such a declaration. The International Fact-Finding Commission will be created when twenty States have declared that they accept its competence.

The following is the text of the aforesaid declarations:

1. *With regard to Protocol I as a whole:*

It is the understanding of the Government of the Kingdom of the Netherlands that the rules introduced by Protocol I relating to the use of weapons were intended to apply and consequently do apply solely to conventional weapons, without prejudice to any other rules of international law applicable to other types of weapons;

2. *With regard to Article 41, paragraph 3, Article 56, paragraph 2, Article 57, paragraph 2, Article 58, Article 78, paragraph 1, and Article 86, paragraph 2 of Protocol I:*

It is the understanding of the Government of the Kingdom of the Netherlands that 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. *With regard to Article 44, paragraph 3 of Protocol I:*

It is the understanding of the Government of the Kingdom of the Netherlands that the words "engaged in a military deployment" mean "any movement towards a place from which an attack may be launched";

4. *With regard to Article 47 of Protocol I:*

It is the understanding of the Government of the Kingdom of the Netherlands that Article 47 in no way prejudices the application of Articles 45 and 75 of Protocol I to mercenaries as defined in this Article;

5. *With regard to Article 51, paragraph 5 and Article 57, paragraphs 2 and 3 of Protocol I:*
It is the understanding of the Government of the Kingdom of the Netherlands 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 ;
6. *With regard to Articles 51 to 58 inclusive of Protocol I:*
It is the understanding of the Government of the Kingdom of the Netherlands that military commanders and others responsible for planning, deciding upon or executing attacks necessarily have to reach decisions on the basis of their assessment of the information from all sources which is available to them at the relevant time ;
7. *With regard to Article 52, paragraph 2 of Protocol I:*
It is the understanding of the Government of the Kingdom of the Netherlands that a specific area of land may also be a military objective if, because of its location or other reasons specified in paragraph 2, its total or partial destruction, capture, or neutralization in the circumstances ruling at the time, offers a definite military advantage ;
8. *With regard to Article 53 of Protocol I:*
It is the understanding of the Government of the Kingdom of the Netherlands that if and for so long as the objects and places protected by this Article, in violation of paragraph (b), are used in support of the military effort they will thereby lose such protection ;
9. *In accordance with Article 90, paragraph 2 of Protocol I:*
The Government of the Kingdom of the Netherlands recognizes ipso facto and without special agreement in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission to enquire into allegations by such other Party, as authorized by this Article.

In accordance with their provisions, the Protocols will come into force for the Kingdom of the Netherlands on 26 December 1987.

The Kingdom of the Netherlands thus becomes the 68th State party to Protocol I and the 62nd to Protocol II.
