INTERNATIONAL HUMANITARIAN LAW
JUDGE KEVIN RIORDAN

Outline

Required readings (printed format)

Legal instruments and documents

1. Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight, Saint Petersburg, 1868

2. Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949
   For text, see The Geneva Conventions of August 12, 1949, International Committee of the Red Cross, p. 23

3. Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949
   For text, see The Geneva Conventions of August 12, 1949, International Committee of the Red Cross, p. 51

4. Geneva Convention (III) relative to the Treatment of Prisoners of War, 1949
   For text, see The Geneva Conventions of August 12, 1949, International Committee of the Red Cross, p. 75

5. Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949
   For text, see The Geneva Conventions of August 12, 1949, International Committee of the Red Cross, p. 153

6. Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977
   For text, see the Protocols Additional to the Geneva Conventions of 12 August 1949, p. 9

7. Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977
   For text, see the Protocols Additional to the Geneva Conventions of 12 August 1949, p. 83

8. Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), 2005
   For text, see the Protocols Additional to the Geneva Conventions of 12 August 1949, p. 113

9. Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, 1980


15. Amendment to Article I of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, 2001

Recommended further readings (electronic format)

Legal instruments and documents
1. Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, The Hague, 1907
2. Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, Geneva, 1925
10. List of Customary Rules of International Humanitarian Law, International Committee of Red Cross, 2005

11. The Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict, 2008

12. Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law, International Committee of Red Cross, 2009
COURSE OUTLINE - INTERNATIONAL HUMANITARIAN LAW

Course description

The course will examine the content and application of International Humanitarian Law (IHL), also known as the “law of armed conflict” or the “law of war”.

This course will provide a basic knowledge of IHL in the context of past and present wars and conflicts.

It will focus on the protection of people and objects in international and non-international armed conflicts.

Objectives

At the conclusion of the course, students should be able to:

- Display an understanding of the system of international humanitarian law, the interpretation of IHL treaties and the identification of customary IHL.
- Apply the principles of IHL to contemporary issues of concern to the international community.

Course content

The course will focus on:

1. Definition and elements of IHL
2. Sources and principles of IHL
3. Beginning and end of armed conflicts and their geographical limits
4. International and non-international armed conflicts
5. Principle of distinction: combatants and civilians, military objectives and civilian objects
6. Protection of persons: wounded and sick, POWs, civilians and children
7. Situations resulting in the loss of protection including direct participation in hostilities
8. The challenges of relating IHL to terrorism, targeted killings, and robotic and cyber warfare
International Humanitarian Law (IHL) is also known as the “law of armed conflict” (LOAC) and “the law of war”. IHL overlaps with arms control and international human rights law and forms the basis of a large part of international criminal law.

What IHL does:

The purpose of IHL is to:

• limit as much as possible the suffering, loss and damage caused by armed conflict;
• protect persons who do not take a direct part in the conflict, in particular:
  • the wounded, sick and shipwrecked;
  • persons deprived of their liberty, i.e. prisoners of war (PW), retained personnel, internees and detainees; and
  • civilians;
• facilitate the restoration of peace.

What IHL does not do:

What IHL cannot do is:

• stop people fighting each other;
• stop people suffering in war.

Not every bad thing that happens in war is a breach of IHL

IHL is sometimes criticised as “the legitimization of violence”. Not everything that shocks the conscience of mankind is banned by IHL. This is a law which prohibits unnecessary suffering – not suffering per se. It outlaws incidental civilian casualties if they are disproportionate, but permits them otherwise. It allows combatants to kill enemy combatants even in circumstances that don’t seem fair. It allows states at war to interfere with many rights and freedoms that people enjoy in peacetime when this is demanded by military necessity.

The briefest possible history of IHL

Although legal, spiritual and philosophical rules constraining the use of armed force have existed since ancient times, the practise of warfare was historically brutal and often merciless. In the middle of the 19th century humane individuals in different parts of the world set out to constrain the means and methods of warfare and to impose rules protecting the victims of war. Those people include Henri Dunant, Tsar Alexander II and Francis Lieber. After each major war that followed, further treaties were developed in the hope that the atrocities just witnessed could be prevented in the event of further conflict. Whereas once the laws and custom of war were sparse and simply
expressed, now there is a very large and detailed body of law indeed. Why (and how) did this happen?

We should also consider whether the complexity of IHL is, itself, a challenge to compliance.

The world of IHL is divided into three types of people...

As far as IHL is concerned the world is divided into three types of people:

- **Combatants** i.e. members of the armed forces of states involved in armed conflict. They have the complete legal right to participate in hostilities - they may attack opposing forces and military objectives; but they also face the liability to be attacked by enemy combatants.

- **Non-combatant members of the armed forces** i.e. medical and religious personnel. They have a limited right to defend themselves and their patients against unlawful attack, but no general right to attack opposing forces. They may not be attacked if and for so long as they do not directly participate in hostilities.

- **Civilians** i.e. people who are not combatants. They do not have a legal right to directly participate in hostilities. They may not attack opposing forces or military objectives; and they may not be attacked if and for so long as they do not directly participate in hostilities.

Aside from the class of non-combatant members of the armed forces every person affected by armed conflict is either a combatant or a civilian. There is no gap between the two which allows inhumane treatment.

If only the modern battlefield was that simple.

The modern battlefield, however, is seldom a contest between two armies of combatants.

Civilians taking a direct part in hostilities are the major players in modern conflict. Of the twenty-two conflicts active in the world right now all involve civilians against combatants, or civilians against civilians.

Insurgents, freedom fighters, terrorists, saboteurs, mujahedeen, mercenaries, PMSC, jihadis, volunteers, unlawful combatants, unprivileged belligerents, very bad people, etc. These terms whether pejorative or laudatory do not define the legal status of civilians who take a direct part in hostilities.

By taking a direct part in hostilities, civilians lose their immunity from attack, but they do not become combatants as a result. They can be tried for their actions. The distinction cannot be used to deny humane treatment to any person regardless of status. Being an “unlawful combatant” does not deprive a person of protection under IHL.

The world of IHL is divided into two types of conflict...

The formulation of LOAC is still to a large degree divided between:

a. international armed conflicts; and

b. non-international armed conflict.

The specific rules governing the rights and obligations of person affected by armed conflict must be decided in accordance with IHL applicable to either an international armed conflict or to non-
international armed conflict. There is no intermediate ground between these two situations by which protected persons can be deprived of their rights.

If only the modern battlefield was that simple (again).

Non-international conflicts are not only more common than international ones but also bloodier. It is no longer appropriate to treat such conflicts as an issue of minor interest. While obligations applicable to international conflict are more numerous and detailed, provisions applicable to non-international conflict are written in broader terms. Distinguishing between the two types of conflict is of diminishing practical value. “What is inhumane, and consequently proscribed, in international wars, cannot but be inhumane and inadmissible in civil strife.” A non-international conflict may become internationalised because of the actions of outside states. An international armed conflict may become non-international when insurrections arise after the conflict is thought to have ended. Because of the difficulty of differentiation between the two types of warfare it is now common to refer to a “spectrum of conflict”.

The world of IHL is divided into two areas of application... but not really

Some authorities still insist that the rules protecting the victims of war are called “Geneva Law” and that those governing weapons and methods of warfare are called “Hague Law” and that the two are quite separate. Since at least 1977 these two areas of law have merged and intermingled and many treaties now cover both aspects.

The Basic Principles

- **Military necessity** - a State involved in armed conflict is justified in using such lawful force as is necessary to bring about the submission of the enemy at the earliest possible moment and with the least possible cost to itself in terms of lives and resources. A State also has the right to defend its unity and territorial integrity by all legitimate means.

- **Humanity** - not even armed conflict releases mankind from the most basic of obligations in respect of fellow human beings. The principle forbids the infliction of suffering or destruction not necessary for the accomplishment of legitimate military purposes.

- **Proportionality** - a balance must be struck between military necessity and humanity. This principle works in two related but distinct ways:
  - as a consideration in the formulation of rules of IHL (for example in drafting a treaty seeking to ban or restrict the use of a particular weapon).
  - as an element of how some rules of IHL are applied (for example those rules requiring precautions in favour of civilians when launching attacks).

The fact that some civilian casualties or damage will occur from an attack on a military objective, although always regrettable in humanitarian terms, does not render an attack unlawful. Only when likely cost in civilian lives and civilian property damage outweighs the genuinely anticipated overall military advantage from the attack, is IHL breached. Proportionality in this sense protects civilians it does not protect combatants.

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1 This fundamental obligation is expressed in **UN Charter** Preamble which reaffirms faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.
This “balancing act” does not permit the breach of rules that are absolute. For example torture is banned absolutely even if the value of the information which might be gained is very great.

- **Distinction** – IHL requires all parties to distinguish between:
  - **Objects and People open to attack** – i.e. Military objectives, combatants, persons taking a direct part in hostilities; and
  - **Objects and People immune from attack** – i.e. civilians, the civilian population and civilian objects, persons *hors de combat* (i.e. wounded, sick, shipwrecked or deprived of liberty); cultural property, schools, mosques, churches, monuments; medical personnel, facilities, vehicles ships and aircraft; journalists; civil defence workers; peacekeepers.

- **Non-discrimination.** The rights, obligations, and protections of IHL apply to all persons affected by armed conflict regardless of who they may be. IHL binds all parties to a conflict - that one side may be an aggressor, invader or occupier does not entitle the aggrieved state or its people not to apply the law. IHL is binding even if the opposing force engages in breaches. It must be applied in favour of all victims of armed conflict without adverse distinction based on race, colour, religion or faith, sex, birth, ethnic origin, political opinion or wealth or any similar criteria.

**Twenty nine rules of IHL that should never be far from our minds:**

We should all understand and respect the rules of IHL derived from customary and / or conventional law which:

1. prohibit the use of chemical weapons, bacteriological weapons, poison, expanding bullets, exploding bullets, anti-personnel mines;\(^2\) blinding laser weapons, non-detectable fragments, and cluster munitions;\(^1\);
2. restrict the use of anti-vehicle mines, sea-mines, torpedoes, booby-traps / other devices, and incendiary weapons;
3. prohibit treachery (perfidy) and false truces;
4. prohibit means and methods of warfare which are inherently indiscriminate or are of a nature to cause superfluous injury or unnecessary suffering, or widespread, long term and severe damage to the natural environment;
5. prohibit environmental modification as a method of warfare;
6. require distinction between combatants and civilians, and between military objectives and civilian objects;
7. require avoidance and minimisation of incidental loss of civilian life, injury to civilians or damage to civilian property;
8. relate to the placement of military objectives to protect the civilians and civilian objects against the dangers resulting from military operations;
9. prohibit indiscriminate attacks;
10. prohibit reprisals against protected persons and objects;
11. prohibit the conduct of operations on the basis that there shall be no survivors (no quarter);
12. protect cultural property;
13. prohibit starvation of civilians as a method of warfare;

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\(^1\) For parties to that treaty

\(^2\) For parties to that treaty
14. restrict attacks on installations containing dangerous forces;
15. require humane treatment of all persons not taking part in military operations, including civilians and persons placed hors de combat by reason of surrender, sickness, wounds or detention;
16. prohibit violence to life, murder, cruel treatment, torture, mutilation, corporal punishment, collective punishment, reprisals, taking of hostages, rape, enforced prostitution, sexual assault, humiliation and degrading treatment, enslavement and pillage of protected persons;
17. protect women and children from unlawful attack, in particular against rape, enforced prostitution or any other form of indecent assault;
18. require humane treatment of any person detained by a force, whether they are members of the armed forces of a party to the conflict or any other person detained for any reason;
19. require respect, protection and treatment of the wounded, sick or shipwrecked of both sides without discrimination, and those from the civilian population wherever practicable;
20. relate to the search for and identification of the wounded, sick, shipwrecked, and the dead;
21. prohibit attacks on medical establishments or mobile medical units;
22. require respect and protection of medical personnel and religious personnel;
23. protect the transportation of the wounded and sick and medical equipment;
24. protect the Red Cross, Red Crescent and Red Crystal emblems;
25. relate to the right of the families to know about the fate of their sick, wounded and deceased relatives and facilitate the work of the ICRC Central Tracing Agency; and
26. protect to the work of humanitarian relief;
27. prohibit the use of child soldiers;
28. prohibit mercenary activity;
29. require measures for the protection of civilians from the effects of explosive remnants of war and cluster munition remnants.
Declaration Renouncing the Use, in Time of War, of Explosive
Projectiles Under 400 Grammes Weight, 1868

Saint Petersburg, 11 December 1868
Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight. Saint Petersburg, 29 November / 11 December 1868.

Full text

On the proposition of the Imperial Cabinet of Russia, an International Military Commission having assembled at St. Petersburg in order to examine the expediency of forbidding the use of certain projectiles in time of war between civilized nations, and that Commission having by common agreement fixed the technical limits at which the necessities of war ought to yield to the requirements of humanity, the Undersigned are authorized by the orders of their Governments to declare as follows:

Considering:

That the progress of civilization should have the effect of alleviating as much as possible the calamities of war;

That the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy;

That for this purpose it is sufficient to disable the greatest possible number of men;

That this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable;

That the employment of such arms would, therefore, be contrary to the laws of humanity;

The Contracting Parties engage mutually to renounce, in case of war among themselves, the employment by their military or naval troops of any projectile of a weight below 400 grammes, which is either explosive or charged with fulminating or inflammable substances.

They will invite all the States which have not taken part in the deliberations of the International Military Commission assembled at St. Petersburg by sending Delegates thereto, to accede to the present engagement.

This engagement is compulsory only upon the Contracting or Acceding Parties thereto in case of war between two or more of themselves; it is not applicable to non-Contracting Parties, or Parties who shall not have acceded to it.

It will also cease to be compulsory from the moment when, in a war between Contracting or Acceding Parties, a non-Contracting Party or a non-Acceding Party shall join one of the belligerents.

The Contracting or Acceding Parties reserve to themselves to come hereafter to an understanding whenever a precise proposition shall be drawn up in view of future improvements which science may effect in the armament of troops, in order to maintain the principles which they have established, and to conciliate the necessities of war with the laws of humanity.

Done at St. Petersburg, 29 November (11 December) 1868.

(Here follow signatures)
Constitution on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, 1980

UNTS, vol. 1342, p. 163

Protocol on Non-Detectable Fragments (Protocol I), 1980

UNTS, vol. 1342, p. 168


UNTS, vol. 1342, p. 168

Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), 1980

UNTS, vol. 1342, p. 171
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au Secrétariat de l'Organisation des Nations Unies

No. 22495

MULTILATERAL

Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects (with protocols). Concluded at Geneva on 10 October 1980

Authentic texts: Arabic, Chinese, English, French, Russian and Spanish.
Registered ex officio on 2 December 1983.

MULTILATÉRAL

Convention sur l'interdiction ou la limitation de l'emploi de certaines armes classiques qui peuvent être considérées comme produisant des effets traumatiques excessifs ou comme frappant sans discrimination (avec protocoles). Conclue à Genève le 10 octobre 1980

Textes authentiques : arabe, chinois, anglais, français, russe et espagnol.
Enregistrée d'office le 2 décembre 1983.
CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

The High Contracting Parties,

Recalling that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Further recalling the general principle of the protection of the civilian population against the effects of hostilities,

Basing themselves on the principle of international law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, and on the principle that prohibits the employment in armed conflicts of weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering,

Also recalling that it is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment,

Date of deposit of the instrument of ratification, acceptance, approval or accession:

<table>
<thead>
<tr>
<th>State</th>
<th>Date of deposit</th>
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<tbody>
<tr>
<td>Austria</td>
<td>14 March 1983</td>
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<tr>
<td>Bulgaria</td>
<td>15 October 1982</td>
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<tr>
<td>Byelorussian Soviet Socialist Republic</td>
<td>23 June 1982</td>
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<tr>
<td>China</td>
<td>7 April 1982</td>
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<td>Czechoslovakia</td>
<td>31 August 1982</td>
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<td>Denmark</td>
<td>7 July 1982</td>
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<td>Ecuador</td>
<td>4 May 1982</td>
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<td>Finland</td>
<td>8 April 1982</td>
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<td>German Democratic Republic</td>
<td>20 July 1982</td>
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<td>Hungary</td>
<td>14 June 1982</td>
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<td>Switzerland</td>
<td>28 May 1982</td>
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<td>Yugoslavia</td>
<td>9 June 1982</td>
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<tr>
<td>People's Democratic Republic</td>
<td>3 January 1983</td>
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<td>Mexico</td>
<td>11 February 1982</td>
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<tr>
<td>Mongolia</td>
<td>6 June 1982</td>
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<td>Poland</td>
<td>2 June 1983</td>
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<td>Sweden</td>
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<td>Swiss</td>
<td>20 August 1982</td>
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<td>Ukrainian Soviet Socialist Republic</td>
<td>23 June 1982</td>
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<td>Union of Soviet Socialist Republic</td>
<td>10 June 1982</td>
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<tr>
<td>Yugoslavia</td>
<td>24 May 1983</td>
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</table>

Further recalling the Convention came into force for the following States six months after the date on which it deposited its instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations, in accordance with article 5 (2):

<table>
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<tr>
<th>State</th>
<th>Date of deposit</th>
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</thead>
<tbody>
<tr>
<td>Norway</td>
<td>7 June 1983</td>
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</tbody>
</table>

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Confirming their determination that in cases not covered by this Convention and its annexed Protocols or by other international agreements, the civilian population and the combatants shall at all times remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience,

Desiring to contribute to international détente, the ending of the arms race and the building of confidence among States, and hence to the realization of the aspiration of all peoples to live in peace,

Recognizing the importance of pursuing every effort which may contribute to progress towards general and complete disarmament under strict and effective international control,

Reaffirming the need to continue the codification and progressive development of the rules of international law applicable in armed conflict,

Wishing to prohibit or restrict further the use of certain conventional weapons and believing that the positive results achieved in this area may facilitate the main talks on disarmament with a view to putting an end to the production, stockpiling and proliferation of such weapons,

Emphasizing the desirability that all States become parties to this Convention and its annexed Protocols, especially the militarily significant States,

Bearing in mind that the General Assembly of the United Nations and the United Nations Disarmament Commission may decide to examine the question of a possible broadening of the scope of the prohibitions and restrictions contained in this Convention and its annexed Protocols,

Further bearing in mind that the Committee on Disarmament may decide to consider the question of adopting further measures to prohibit or restrict the use of certain conventional weapons,

Have agreed as follows:

**Article 1. Scope of Application**

This Convention and its annexed Protocols shall apply in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article 1 of Additional Protocol I to these Conventions.

**Article 2. Relations with Other International Agreements**

Nothing in this Convention or its annexed Protocols shall be interpreted as detracting from other obligations imposed upon the High Contracting Parties by international humanitarian law applicable in armed conflict.

**Article 3. Signature**

This Convention shall be open for signature by all States at United Nations Headquarters in New York for a period of twelve months from 10 April 1981.

**Article 4. Ratification, Acceptance, Approval or Accession**

1. This Convention is subject to ratification, acceptance or approval by the Signatories. Any State which has not signed this Convention may accede to it.

2. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

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2. Ibid., vol. 1125, p. 3.
3. Expressions of consent to be bound by any of the Protocols annexed to this Convention shall be optional for each State, provided that at the time of the deposit of its instrument of ratification, acceptance or approval of this Convention or of accession thereto, that State shall notify the Depositary of its consent to be bound by any two or more of these Protocols.

4. At any time after the deposit of its instrument of ratification, acceptance or approval of this Convention or of accession thereto, a State may notify the Depositary of its consent to be bound by any annexed Protocol by which it is not already bound.

5. Any Protocol by which a High Contracting Party is bound shall form an integral part of this Convention.

Article 5. ENTRY INTO FORCE

1. This Convention shall enter into force six months after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.

2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the twentieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force six months after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

3. Each of the Protocols annexed to this Convention shall enter into force six months after the date by which twenty States have notified their consent to be bound by it in accordance with paragraph 3 or 4 of Article 4 of this Convention.

4. For any State which notifies its consent to be bound by a Protocol annexed to this Convention after the date by which twenty States have notified their consent to be bound by it, the Protocol shall enter into force six months after the date on which that State has notified its consent to be bound.

Article 6. DISSEMINATION

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate this Convention and those of its annexed Protocols by which they are bound as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction, so that those instruments may become known to their armed forces.

Article 7. TREATY RELATIONS UPON ENTRY INTO FORCE OF THIS CONVENTION

1. When one of the parties to a conflict is not bound by an annexed Protocol, the parties bound by this Convention and that annexed Protocol shall remain bound by them in their mutual relations.

2. Any High Contracting Party shall be bound by this Convention and any Protocol annexed thereto which is in force for it, in any situation contemplated by Article 1, in relation to any State which is not a party to this Convention or bound by the relevant annexed Protocol, if the latter accepts and applies this Convention or the relevant Protocol, and so notifies the Depositary.

3. The Depositary shall immediately inform the High Contracting Parties concerned of any notification received under paragraph 2 of this Article.

4. This Convention, and the annexed Protocols by which a High Contracting Party is bound, shall apply with respect to an armed conflict against that High Contracting Party of the type referred to in Article 1, paragraph 4, of Additional Protocol I to the Geneva Convention of 12 August 1949 for the Protection of War Victims.
3. (a) If, after a period of ten years following the entry into force of this Convention, no conference has been convened in accordance with subparagraph 1(a) or 2(a) of this Article, any High Contracting Party may request the Depositary to convene a conference to which all High Contracting Parties shall be invited to review the scope and operation of this Convention and the Protocols annexed thereto and to consider any proposal for amendments of this Convention or of the existing Protocols. States not parties to this Convention shall be invited as observers to the conference. The conference may agree upon amendments which shall be adopted and enter into force in accordance with subparagraph 1(b) above.

(b) At such conference consideration may also be given to any proposal for additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols. All States represented at the conference may participate fully in such consideration. Any additional protocols shall be adopted in the same manner as this Convention, shall be annexed thereto and shall enter into force as provided in paragraphs 3 and 4 of Article 5 of this Convention.

(c) Such a conference may consider whether provision should be made for the convening of a further conference at the request of any High Contracting Party if, after a similar period to that referred to in subparagraph 3(a) of this Article, no conference has been convened in accordance with subparagraph 1(a) or 2(a) of this Article.

Article 9. DENUNCIATION

1. Any High Contracting Party may denounce this Convention or any of its annexed Protocols by so notifying the Depositary.

2. Any such denunciation shall only take effect one year after receipt by the Depositary of the notification of denunciation. If, however, on the expiry of that year the denouncing High Contracting Party is engaged in one of the situations referred to in Article 1, the Party shall continue to be bound by the obligations of this Convention and of the relevant annexed Protocols until the end of the armed conflict or occupation and, in any case, until the termination of operations connected with the final release, repatriation or re-establishment of the persons protected by the rules of international law applicable in armed conflict, and in the case of any annexed Protocol containing provisions concerning situations in which peace-keeping, observation or similar functions are performed by United Nations forces or missions in the area concerned, until the termination of those functions.

3. Any denunciation of this Convention shall be considered as also applying to all annexed Protocols by which the denouncing High Contracting Party is bound.

4. Any denunciation shall have effect only in respect of the denouncing High Contracting Party.

5. Any denunciation shall not affect the obligations already incurred, by reason of an armed conflict, under this Convention and its annexed Protocols by such denouncing High Contracting Party in respect of any act committed before this denunciation becomes effective.

Article 10. DEPOSITARY

1. The Secretary-General of the United Nations shall be the Depositary of this Convention and of its annexed Protocols.

2. In addition to his usual functions, the Depositary shall inform all States of:

(a) Signatures affixed to this Convention under Article 3;

(b) Deposits of instruments of ratification, acceptance or approval of or accession to this Convention deposited under Article 4;

(c) Notifications of consent to be bound by annexed Protocols under Article 4;

(d) The dates of entry into force of this Convention and of each of its annexed Protocols under Article 5; and

(e) Notifications of denunciation received under Article 9 and their effective date.

Article 11. AUTHENTIC TEXTS

The original of this Convention with the annexed Protocols, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary, who shall transmit certified true copies thereof to all States.

PROTOCOL ON NON-DETECTABLE FRAGMENTS

(PROTOCOL I)

It is prohibited to use any weapon the primary effect of which is to injure by fragments which in the human body escape detection by X-rays.

PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF MINES, BOOBY-TRAPS AND OTHER DEVICES

(PROTOCOL II)

Article 1. MATERIAL SCOPE OF APPLICATION

This Protocol relates to the use on land of the mines, booby-traps and other devices defined herein, including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.

Article 2. DEFINITIONS

For the purpose of this Protocol:

1. "Mine" means any munition placed under, on or near the ground or other surface area and designed to be detonated or exploded by the presence, proximity or contact of a person or vehicle, and "remotely delivered mine" means any mine so defined delivered by artillery, rocket, mortar or similar means or dropped from an aircraft.

2. "Booby-trap" means any device or material which is designed, constructed or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.

3. "Other devices" means manually-emplaced munitions and devices designed to kill, injure or damage and which are actuated by remote control or automatically after a lapse of time.

4. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

5. "Civilian objects" are all objects which are not military objectives as defined in paragraph 4.

6. "Recording" means a physical, administrative and technical operation designed to obtain, for the purpose of registration in the official records, all available information facilitating the location of minefields, mines and booby-traps.
Article 3. General restrictions on the use of mines, booby-traps and other devices

1. This Article applies to:
(a) Mines;
(b) Booby-traps; and
(c) Other devices.

2. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians.

3. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:
(a) Which is not on, or directed against, a military objective; or
(b) Which employs a method or means of delivery which cannot be directed at a specific military objective; or
(c) Which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

4. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations.

Article 4. Restrictions on the use of mines other than remotely delivered mines, booby-traps and other devices in populated areas

1. This Article applies to:
(a) Mines other than remotely delivered mines;
(b) Booby-traps; and
(c) Other devices.

2. It is prohibited to use weapons to which this Article applies in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent, unless either:
(a) They are placed on or in the close vicinity of a military objective belonging to or under the control of an adverse party; or
(b) Measures are taken to protect civilians from their effects, for example, the posting of warning signs, the posting of sentries, the issue of warnings or the provision of fences.

Article 5. Restrictions on the use of remotely delivered mines

1. The use of remotely delivered mines is prohibited unless such mines are only used within an area which is itself a military objective or which contains military objectives, and unless:
(a) Their location can be accurately recorded in accordance with Article 7 (1) (a); or
(b) An effective neutralizing mechanism is used on each such mine, that is to say, a self-actuating mechanism which is designed to render a mine harmless or cause it to destroy itself when it is anticipated that the mine will no longer serve the military purpose for which it was placed in position, or a remotely-controlled mechanism which is designed to render harmless or destroy a mine when the mine no longer serves the military purpose for which it was placed in position.

2. Effective advance warning shall be given of any delivery or dropping of remotely delivered mines which may affect the civilian population, unless circumstances do not permit.

Article 6. Prohibition on the use of certain booby-traps

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perjury, it is prohibited in all circumstances to use:
(a) Any booby-trap in the form of an apparently harmless portable object which is specifically designed and constructed to contain explosive material and to detonate when it is disturbed or approached, or
(b) Booby-traps which are in any way attached to or associated with:
(i) Internationally recognized protective emblems, signs or signals;
(ii) Sick, wounded or dead persons;
(iii) Burial or cremation sites or graves;
(iv) Medical facilities, medical equipment, medical supplies or medical transportations;
(v) Children’s toys or other portable objects or products specially designed for the feeding, health, hygiene, clothing or education of children;
(vi) Food or drink;
(vii) Kitchen utensils or appliances except in military establishments, military locations or military supply depots;
(viii) Objects clearly of a religious nature;
(ix) Historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;
(x) Animals or their carcasses.

2. It is prohibited in all circumstances to use any booby-trap which is designed to cause superfluous injury or unnecessary suffering.

Article 7. Recording and publication of the location of minefields, mines and booby-traps

1. The parties to a conflict shall record the location of:
(a) All pre-planned minefields laid by them; and
(b) All areas in which they have made large-scale and pre-planned use of booby-traps.

2. The parties shall endeavour to ensure the recording of the location of all other minefields, mines and booby-traps which they have laid or placed in position.

3. All such records shall be retained by the parties who shall:
(a) Immediately after the cessation of active hostilities:
(i) Take all necessary and appropriate measures, including the use of such records, to protect civilians from the effects of minefields, mines and booby-traps; and either
(ii) In cases where the forces of neither party are in the territory of the adverse party, make available to each other and to the Secretary-General of the United Nations all information in their possession concerning the location of minefields, mines and booby-traps in the territory of the adverse party;
(iii) Once complete withdrawal of the forces of the parties from the territory of the adverse party has taken place, make available to the adverse party and to the Secretary-General of the United Nations all information in their possession concerning the location of minefields, mines and booby-traps in the territory of the adverse party;
(b) When a United Nations force or mission performs functions in any area, make available to the authority mentioned in Article 8 such information as is required by that Article;
(c) Whenever possible, by mutual agreement, provide for the release of information concerning the location of minefields, mines and booby-traps, particularly in agreements governing the cessation of hostilities.
Article 8. PROTECTION OF UNITED NATIONS FORCES AND MISSIONS
FROM THE EFFECTS OF MINEFIELDS, MINES AND BOOBY-TRAPS

1. When a United Nations force or mission performs functions of peace-keeping, observation or similar functions in any area, each party to the conflict shall, if requested by the head of the United Nations force or mission in that area, as far as it is able:
   (e) Remove or render harmless all mines or booby-traps in that area;
   (f) Take such measures as may be necessary to protect the force or mission from the effects of minefields, mines and booby-traps while carrying out its duties; and
   (g) Make available to the head of the United Nations force or mission in that area, all information in the party’s possession concerning the location of minefields, mines and booby-traps in that area.

2. When a United Nations fact-finding mission performs functions in any area, any party to the conflict concerned shall provide protection to that mission except where, because of the size of such mission, it cannot adequately provide such protection. In that case it shall make available to the head of the mission the information in its possession concerning the location of minefields, mines and booby-traps in that area.

Article 9. INTERNATIONAL CO-OPERATION IN THE REMOVAL OF MINEFIELDS, MINES AND BOOBY-TRAPS

After the cessation of active hostilities, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations, on the provision of information and technical and material assistance—including, in appropriate circumstances, joint operations—necessary to remove or otherwise render ineffective minefields, mines and booby-traps placed in position during the conflict.

TECHNICAL ANNEX TO THE PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF MINES, BOOBY-TRAPS AND OTHER DEVICES (PROTOCOL II)

Guidelines on Recording

Whenever an obligation for the recording of the location of minefields, mines and booby-traps arises under the Protocol, the following guidelines shall be taken into account:

1. With regard to pre-planned minefields and large-scale and pre-planned use of booby-traps:
   (a) Maps, diagrams or other records should be made in such a way as to indicate the extent of the minefield or booby-trapped area; and
   (b) The location of the minefield or booby-trapped area should be specified by relation to the co-ordinates of a single reference point and by the estimated dimensions of the area containing mines and booby-traps in relation to that single reference point.

2. With regard to other minefields, mines and booby-traps laid or placed in position:
   In so far as possible, the relevant information specified in paragraph 1 above should be recorded so as to enable the areas containing minefields, mines and booby-traps to be identified.

PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF INCENDIARY WEAPONS

(PROTOCOL III)

Article 1. DEFINITIONS

For the purpose of this Protocol:

1. "Incendiary weapon" means any weapon or munition which is primarily designed to set fire to objects or to cause burn injury to persons through the action of flame, heat, or a combination thereof, produced by a chemical reaction of a substance delivered on the target.

   (a) Incendiary weapons can take the form of, for example, flame throwers, fougasses, shells, rockets, grenades, mines, bombs and other containers of incendiary substances.

   (b) Incendiary weapons do not include:

   (i) Munitions which may have incidental incendiary effects, such as illumination, smoke or signalling systems;

   (ii) Munitions designed to combine penetration, blast or fragmentation effects with an additional incendiary effect, such as armour-piercing projectiles, fragmentation shells, explosive bombs and similar combined-effects munitions in which the incendiary effect is not specifically designed to cause burn injury to persons, but to be used against military objectives, such as armoured vehicles, aircraft and installations or facilities.

2. “Concentration of civilians” means any concentration of civilians, be it permanent or temporary, such as in inhabited parts of cities, inhabited towns or villages, or as in camps or columns of refugees or evacuees, or groups of nomads.

3. “Military objective” means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

4. “Civilian objects” are all objects which are not military objectives as defined in paragraph 3.

5. “Feasible precautions” are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations.

Article 2. PROTECTION OF CIVILIANS AND CIVILIAN OBJECTS

1. It is prohibited in all circumstances to make the civilian population as such, individual civilians or civilian objects the object of attack by incendiary weapons.

2. It is prohibited in all circumstances to make any military objective located within a concentration of civilians the object of attack by air-delivered incendiary weapons.

3. It is further prohibited to make any military objective located within a concentration of civilians the object of attack by means of incendiary weapons other than air-delivered incendiary weapons, except when such military objective is clearly separated from the concentration of civilians and all feasible precautions are taken with a view to limiting the incendiary effects to the military objective and to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.

4. It is prohibited to make forests or other kinds of plant cover the object of attack by incendiary weapons except when such natural elements are used to cover, conceal or camouflage combatants or other military objectives, or are themselves military objectives.
Protocol on Blinding Laser Weapons (Protocol IV), 1995

UNTS, vol. 2024, p. 167
For the Spanish text of the Protocol, See Corrigenda at the back of the volume

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No. 22495. Multilateral

CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS (WITH PROTOCOLS I, II AND III). GENEVA, 10 OCTOBER 1980

ADDITIONAL PROTOCOL TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS (PROTOCOL IV, ENTITLED PROTOCOL ON BLINDING LASER WEAPONS). VIENNA, 13 OCTOBER 1995

Entry into force: 30 July 1998, in accordance with article 2 of the Additional Protocol

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No. 22495. Multilatéral

CONVENTION SUR L’INTERDICTION OU LA LIMITATION DE L’EMPLOI DE CERTAINES ARMES CLASSIQUES QUI PEUVENT ÊTRE CONSIDÉRÉES COMME PRODUISANT DES EFFETS TRAUMATIQUES EXCESSIFS OU COMME FRAPPANT SANS DISCRIMINATION (AVEC PROTOCOLES I, II ET III). GENÈVE, 10 OCTOBRE 1980

PROTOCOLE ADDITIONNEL À LA CONVENTION SUR L’INTERDICTION OU LA LIMITATION DE L’EMPLOI DE CERTAINES ARMES CLASSIQUES QUI PEUVENT ÊTRE CONSIDÉRÉES COMME PRODUISANT DES EFFETS TRAUMATIQUES EXCESSIFS OU COMME FRAPPANT SANS DISCRIMINATION (PROTOCOLE IV INTITULÉ PROTOCOLE RELATIF AUX ARMES À LASER AVEUGLANTES). VIEILLE, 13 OCTOBRE 1995

Entrée en vigueur: 30 juillet 1998, conformément à l’article 2 du Protocole additionnel

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Authentic texts: Arabic, Chinese, English, French, Russian and Spanish *

Textes authentiques : arabe, chinois, anglais, français, russe et espagnol

Registration with the Secretariat of the United Nations: ex officio, 30 July 1998

Article 1.

ADDITIONAL PROTOCOL

The following protocol shall be annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects ("the Convention") as Protocol IV:

"PROTOCOL ON BLINDING LASER WEAPONS

(PROTOCOL IV)

Article 1

It is prohibited to employ laser weapons specifically designed, as their sole combat function or as one of their combat functions, to cause permanent blindness to unenhanced vision, that is to the naked eye or to the eye with corrective eyesight devices. The High Contracting Parties shall not transfer such weapons to any State or non-State entity.

Article 2.

In the employment of laser systems, the High Contracting Parties shall take all feasible precautions to avoid the incidence of permanent blindness to unenhanced vision. Such precautions shall include training of their armed forces and other practical measures.

Article 3.

Blinding as an incidental or collateral effect of the legitimate military employment of laser systems, including laser systems used against optical equipment, is not covered by the prohibition of this Protocol.

Article 4.

For the purpose of this Protocol "permanent blindness" means irreversible and uncorrectable loss of vision which is seriously disabling with no prospect of recovery. Serious disability is equivalent to visual acuity of less than 20/200 Snellen measured using both eyes."
Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as Amended on 3 May 1996
(Protocol II as amended on 3 May 1996)

UNTS, vol. 2048, p. 133
Treaty Series

Treaties and international agreements registered or filed and recorded with the Secretariat of the United Nations

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New York, 2001


Entry into force: 3 December 1998, in accordance with article 2 of the Protocol
Authentic texts: Arabic, Chinese, English, French, Russian and Spanish
Registration with the Secretariat of the United Nations: ex officio, 3 December 1998

PROTOCOLE SUR L'INTERDICTION OU LA LIMITATION DE L'EMPLOI DES MINES, PIÈCES ET AUTRES DISPOSITIFS, TEL QU'IL A ÉTÉ MODIFIÉ LE 3 MAI 1996 (PROTOCOLE II, TEL QU'IL A ÉTÉ MODIFIÉ LE 3 MAI 1996) ANNEXÉ À LA CONVENTION SUR L'INTERDICTION OU LA LIMITATION DE L'EMPLOI DE CERTAINES ARMES CLAS-SIQUES QUI PEUVENT ÊTRE CONSIDÉRÉES COMME PRODUISANT DES EFFETS TRAUMATIQUES EXCESSIFS OU COMME FRAPPANT SANS DISCRIMINATION. GENÈVE, 3 MAI 1996

Entrée en vigueur: 3 décembre 1998, conformément à l'article 2 du Protocole
Textes authentiques: arabe, chinois, anglais, français, russe et espagnol
PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF MINES, BOOBY-TRAPS AND OTHER DEVICES AS AMENDED ON 3 MAY 1996 (PROTOCOL II AS AMENDED ON 3 MAY 1996) ANNEXED TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDICRIMINATE EFFECTS

ARTICLE 1. AMENDED PROTOCOL

The Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices (Protocol II), annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or To Have Indiscriminate Effects ("the Convention") is hereby amended. The text of the Protocol as amended will read as follows:

"Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices as Amended on 3 May 1996
(Protocol II as amended on 3 May 1996)

Article 1. Scope of application

1. This Protocol relates to the use on land of the mines, booby-traps and other devices, defined herein, including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.

2. This Protocol shall apply, in addition to situations referred to in Article 1 of this Convention, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Protocol.

4. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

6. The application of the provisions of this Protocol to parties to a conflict, which are not High Contracting Parties that have accepted this Protocol, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

Article 2. Definitions

For the purpose of this Protocol:

1. "Mine" means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.

2. "Remotely-delivered mine" means a mine not directly emplaced but delivered by artillery, missile, rocket, mortar, or similar means, or dropped from an aircraft. Mines delivered from a land-based system from less than 500 metres are not considered to be "remotely delivered", provided that they are used in accordance with Article 5 and other relevant Articles of this Protocol.

3. "Anti-personnel mine" means a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.

4. "Booby-trap" means any device or material which is designed, constructed, or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.

5. "Other devices" means manually-emplaced munitions and devices including improvised explosive devices designed to kill, injure or damage and which are activated manually, by remote control or automatically after a lapse of time.

6. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

7. "Civilian objects" are all objects which are not military objectives as defined in paragraph 6 of this Article.

8. "Minefield" is a defined area in which mines have been emplaced and "mined area" is an area which is dangerous due to the presence of mines. "Phoney minefield" means an area free of mines that simulates a minefield. The term "minefield" includes phoney mine fields.

9. "Recording" means a physical, administrative and technical operation designed to obtain, for the purpose of registration in official records, all available information facilitating the location of minefields, mined areas, mines, booby-traps and other devices.

10. "Self-destruction mechanism" means an incorporated or externally attached automatically-functioning mechanism which secures the destruction of the munition into which it is incorporated or to which it is attached.

11. "Self-neutralization mechanism" means an incorporated automatically-functioning mechanism which renders inoperable the munition into which it is incorporated.
12. "Self-deactivating" means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example, a battery, that is essential to the operation of the munition.


14. "Anti-handling device" means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with the mine.

15. "Transfer" involves, in addition to the physical movement of mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced mines.

**Article 3. General restrictions on the use of mines, booby-traps and other devices**

1. This Article applies to:
   (a) Mines; 
   (b) Booby-traps; and
   (c) Other devices.

2. Each High Contracting Party or party to a conflict is, in accordance with the provisions of this Protocol, responsible for all mines, booby-traps, and other devices employed by it and undertakes to clear, remove, destroy or maintain them as specified in Article 10 of this Protocol.

3. It is prohibited in all circumstances to use any mine, booby-trap or other device which is designed or of a nature to cause superfluous injury or unnecessary suffering.

4. Weapons to which this Article applies shall strictly comply with the standards and limitations specified in the Technical Annex with respect to each particular category.

5. It is prohibited to use mines, booby-traps or other devices which employ a mechanism or device specifically designed to detonate the munition by the presence of commonly available mine detectors as a result of their magnetic or other non-contact influence during normal use in detection operations.

6. It is prohibited to use a self-deactivating mine equipped with an anti-handling device that is designed in such a manner that the anti-handling device is capable of functioning after the mine has ceased to be capable of functioning.

7. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians or civilian objects.

8. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:
   (a) Which is not on, or directed against, a military objective. In case of doubt as to whether 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 presumed not to be so used;
   (b) Which employs a method or means of delivery which cannot be directed at a specific military objective; or
   (c) Which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

9. Several clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects are not to be treated as a single military objective.

10. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations. These circumstances include, but are not limited to:
   (a) The short- and long-term effect of mines upon the local civilian population, for the duration of the mine field;
   (b) Possible measures to protect civilians (for example, fencing, signs, warning and monitoring);
   (c) The availability and feasibility of using alternatives; and
   (d) The short- and long-term military requirements for a minefield.

11. Effective advance warning shall be given of any emplacement of mines, booby-traps and other devices which may affect the civilian population, unless circumstances do not permit.

**Article 4. Restrictions on the use of anti-personnel mines**

It is prohibited to use anti-personnel mines which are not detectable, as specified in paragraph 2 of the Technical Annex.

**Article 5. Restrictions on the use of anti-personnel mines other than remotely-delivered mines**

1. This Article applies to anti-personnel mines other than remotely-delivered mines.

2. It is prohibited to use weapons to which this Article applies which are not in compliance with the provisions on self-destruction and self-deactivation in the Technical Annex, unless:
   (a) Such weapons are placed within a perimeter-marked area which is monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area. The 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; and
   (b) Such weapons are cleared before the area is abandoned, unless the area is turned over to the forces of another State which accept responsibility for the maintenance of the protections required by this Article and the subsequent clearance of those weapons.
3. A party to a conflict is relieved from further compliance with the provisions of subparagraphs 2 (a) and 2 (b) of this Article only if such compliance is not feasible due to forcible loss of control of the area as a result of enemy military action, including situations where direct enemy military action makes it impossible to comply. If that party regains control of the area, it shall resume compliance with the provisions of subparagraphs 2 (a) and 2 (b) of this Article.

4. If the forces of a party to a conflict gain control of an area in which weapons to which this Article applies have been laid, such forces shall, to the maximum extent feasible, maintain and, if necessary, establish the protections required by this Article until such weapons have been cleared.

5. All feasible measures shall be taken to prevent the unauthorized removal, defacement, destruction or concealment of any device, system or material used to establish the perimeter of a perimeter-marked area.

6. Weapons to which this Article applies which propel fragments in a horizontal arc of less than 90 degrees and which are placed on or above the ground may be used without the measures provided for in sub-paragraph 2 (a) of this Article for a maximum period of 72 hours, if:

(a) They are located in immediate proximity to the military unit that placed them; and
(b) The area is monitored by military personnel to ensure the effective exclusion of civilians.

Article 6. Restrictions on the use of remotely-delivered mines

1. It is prohibited to use remotely-delivered mines unless they are recorded in accordance with sub-paragraph 1(b) of the Technical Annex.

2. It is prohibited to use remotely-delivered anti-personnel mines which are not in compliance with the provisions on self-destruction and self-deactivation in the Technical Annex.

3. It is prohibited to use remotely-delivered mines other than anti-personnel mines, unless, to the extent feasible, they are equipped with an effective self-destruction or self-neutralization mechanism and have a back-up self-deactivation feature, which is designed so that the mine will no longer function as a mine when the mine no longer serves the military purpose for which it was placed in position.

4. Effective advance warning shall be given of any delivery or dropping of remotely delivered mines which may affect the civilian population, unless circumstances do not permit.

Article 7. Prohibitions on the use of booby-traps and other devices

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use booby-traps and other devices which are in any way attached to or associated with:

(a) Internationally recognized protective emblems, signs or signals;

(b) Sick, wounded or dead persons;

(c) Burial or cremation sites or graves;

(d) Medical facilities, medical equipment, medical supplies or medical transportation;

(e) Children's toys or other portable objects or products specially designed for the feeding, health, hygiene, clothing or education of children;

(f) Food or drink;

(g) Kitchen utensils or appliances except in military establishments, military locations or military supply depots;

(h) Objects clearly of a religious nature;

(i) Historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; or

(j) Animals or their carcasses.

2. It is prohibited to use booby-traps or other devices in the form of apparently harmless portable objects which are specifically designed and constructed to contain explosive material.

3. Without prejudice to the provisions of Article 3, it is prohibited to use weapons to which this Article applies in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent, unless either:

(a) They are placed on or in the close vicinity of a military objective; or

(b) Measures are taken to protect civilians from their effects, for example, the posting of warning sentries, the issuing of warnings or the provision of fences.

Article 8. Transfers

1. In order to promote the purposes of this Protocol, each High Contracting Party:

(a) Undertakes not to transfer any mine the use of which is prohibited by this Protocol;

(b) Undertakes not to transfer any mine to any recipient other than a State or a State agency authorized to receive such transfers;

(c) Undertakes to exercise restraint in the transfer of any mine the use of which is restricted by this Protocol. In particular, each High Contracting Party undertakes not to transfer any anti-personnel mines to States which are not bound by this Protocol, unless the recipient State agrees to apply this Protocol; and

(d) Undertakes to ensure that any transfer in accordance with this Article takes place in full compliance, by both the transferring and the recipient State, with the relevant provisions of this Protocol and the applicable norms of international humanitarian law.

2. In the event that a High Contracting Party declares that it will defer compliance with specific provisions on the use of certain mines, as provided for in the Technical Annex, subparagraph 1 (a) of this Article shall however apply to such mines.

3. All High Contracting Parties, pending the entry into force of this Protocol, will refrain from any actions which would be inconsistent with sub-paragraph 1 (a) of this Article.
Article 9. Recording and use of information on minefields, mined areas, mines, booby-traps and other devices

1. All information concerning minefields, mined areas, mines, booby-traps and other devices shall be recorded in accordance with the provisions of the Technical Annex.

2. All such records shall be retained by the parties to a conflict, who shall, without delay after the cessation of active hostilities, take all necessary and appropriate measures, including the use of such information, to protect civilians from the effects of minefields, mined areas, mines, booby-traps and other devices in areas under their control.

At the same time, they shall also make available to the other party or parties to the conflict and to the Secretary-General of the United Nations all such information in their possession concerning minefields, mined areas, mines, booby-traps and other devices laid by them in areas no longer under their control; provided, however, subject to reciprocity, where the forces of a party to a conflict are in the territory of an adverse party, either party may withhold such information from the Secretary-General and the other party, to the extent that security interests require such withholding, until neither party is in the territory of the other. In the latter case, the information withheld shall be disclosed as soon as those security interests permit. Wherever possible, the parties to the conflict shall seek, by mutual agreement, to provide for the release of such information at the earliest possible time in a manner consistent with the security interests of each party.

3. This Article is without prejudice to the provisions of Articles 10 and 12 of this Protocol.

Article 10. Removal of minefields, mined areas, mines, booby-traps and other devices and international cooperation

1. Without delay after the cessation of active hostilities, all minefields, mined areas, mines, booby-traps and other devices shall be cleared, removed, destroyed or maintained in accordance with Article 3 and paragraph 2 of Article 5 of this Protocol.

2. High Contracting Parties and parties to a conflict bear such responsibility with respect to minefields, mined areas, mines, booby-traps and other devices in areas under their control.

3. With respect to minefields, mined areas, mines, booby-traps and other devices laid by a party in areas over which it no longer exercises control, such party shall provide to the party in control of the area pursuant to paragraph 2 of this Article, to the extent permitted by such party, technical and material assistance necessary to fulfill such responsibility.

4. At all times necessary, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations, on the provision of technical and material assistance, including, in appropriate circumstances, the undertaking of joint operations necessary to fulfill such responsibilities.

Article 11. Technological cooperation and assistance

1. Each High Contracting Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Protocol and means of mine clearance. In particular, High Contracting Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.

2. Each High Contracting Party undertakes to provide information to the database on mine clearance established within the United Nations System, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.

3. Each High Contracting Party in a position to do so shall provide assistance for mine clearance through the United Nations System, other international organizations or on a bilateral basis, or contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.

4. Requests by High Contracting Parties for assistance, substantiated by relevant information, may be submitted to the United Nations, to other appropriate bodies or to other States. These requests may be submitted to the Secretary-General of the United Nations, who shall transmit them to all High Contracting Parties and to relevant international organizations.

5. In the case of requests to the United Nations, the Secretary-General of the United Nations, within the resources available to the Secretary-General of the United Nations, may take appropriate steps to assess the situation and, in cooperation with the requesting High Contracting Party, determine the appropriate provision of assistance in mine clearance or implementation of the Protocol. The Secretary-General may also report to High Contracting Parties on any such assessment as well as on the type and scope of assistance required.

6. Without prejudice to their constitutional and other legal provisions, the High Contracting Parties undertake to cooperate and transfer technology to facilitate the implementation of the relevant prohibitions and restrictions set out in this Protocol.

7. Each High Contracting Party has the right to seek and receive technical assistance, where appropriate, from another High Contracting Party on specific relevant technology, other than weapons technology, as necessary and feasible, with a view to reducing any period of deferral for which provision is made in the Technical Annex.

Article 12. Protection from the effects of minefields, mined areas, mines, booby-traps and other devices

1. Application

(a) With the exception of the forces and missions referred to in sub-paragraph 2(a)(i) of this Article, this Article applies only to missions which are performing functions in an area with the consent of the High Contracting Party on whose territory the functions are performed.
(b) The application of the provisions of this Article to parties to a conflict which are not High Contracting Parties shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

(c) The provisions of this Article are without prejudice to existing international humanitarian law, or other international instruments as applicable, or decisions by the Security Council of the United Nations, which provide for a higher level of protection to personnel functioning in accordance with this Article.

2. Peace-keeping and certain other forces and mission

(a) This paragraph applies to:

(i) Any United Nations force or mission performing peace-keeping, observation or similar functions in any area in accordance with the Charter of the United Nations; and

(ii) Any mission established pursuant to Chapter VIII of the Charter of the United Nations and performing its functions in the area of a conflict.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a force or mission to which this paragraph applies, shall:

(i) So far as it is able, take such measures as are necessary to protect the force or mission from the effects of mines, booby-traps and other devices in any area under its control;

(ii) If necessary in order effectively to protect such personnel, remove or render harmless, so far as it is able, all mines, booby-traps and other devices in that area; and

(iii) Inform the head of the force or mission of the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the force or mission is performing its functions and, so far as is feasible, make available to the head of the force or mission all information in its possession concerning such minefields, mined areas, mines, booby-traps and other devices.

3. Humanitarian and fact-finding missions of the United Nations System

(a) This paragraph applies to any humanitarian or fact-finding mission of the United Nations System.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) Provide the personnel of the mission with the protections set out in sub-paragraph 2(b)(i) of this Article; and

(ii) If access to or through any place under its control is necessary for the performance of the mission's functions and in order to provide the personnel of the mission with safe passage to or through that place:

(aa) Unless on-going hostilities prevent, inform the head of the mission of a safe route to that place if such information is available; or

(bb) If information identifying a safe route is not provided in accordance with sub-paragraph (aa), so far as is necessary and feasible, clear a lane through minefields.

4. Missions of the International Committee of the Red Cross

(a) This paragraph applies to any mission of the International Committee of the Red Cross performing functions with the consent of the host State or States as provided for by the Geneva Conventions of 12 August 1949 and, where applicable, their Additional Protocols.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) Provide the personnel of the mission with the protections set out in sub-paragraph 2(b)(i) of this Article; and

(ii) Take the measures set out in sub-paragraph 3(b)(ii) of this Article.

5. Other humanitarian missions and missions of enquiry

(a) In so far as paragraphs 2, 3 and 4 of this Article do not apply to them, this paragraph applies to the following missions when they are performing functions in the area of a conflict or to assist the victims of a conflict:

(i) Any humanitarian mission of a national Red Cross or Red Crescent society or of their International Federation;

(ii) Any mission of an impartial humanitarian organization, including any impartial humanitarian demining mission; and

(iii) Any mission of enquiry established pursuant to the provisions of the Geneva Conventions of 12 August 1949 and, where applicable, their Additional Protocols.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall, so far as is feasible:

(i) Provide the personnel of the mission with the protections set out in sub-paragraph 2(b)(i) of this Article; and

(ii) Take the measures set out in sub-paragraph 3(b)(ii) of this Article.

6. Confidentiality

All information provided in confidence pursuant to this Article shall be treated by the recipient in strict confidence and shall not be released outside the force or mission concerned without the express authorization of the provider of the information.

7. Respect for laws and regulations

Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, personnel participating in the forces and missions referred to in this Article shall:

(a) Respect the laws and regulations of the host State; and

Article 13. Consultations of High Contracting Parties

(b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

1. The High Contracting Parties undertake to consult and cooperate with each other on all issues related to the operation of this Protocol. For this purpose, a conference of High Contracting Parties shall be held annually.

2. Participation in the annual conferences shall be determined by their agreed Rules of Procedure.
3. The work of the conference shall include:
   (a) Review of the operation and status of this Protocol;
   (b) Consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of this Article;
   (c) Preparation for review conferences; and
   (d) Consideration of the development of technologies to protect civilians against indiscriminate effects of mines.
4. The High Contracting Parties shall provide annual reports to the Depositary, who shall circulate them to all High Contracting Parties in advance of the conference, on any of the following matters:
   (a) Dissemination of information on this Protocol to their armed forces and to the civilian population;
   (b) Mine clearance and rehabilitation programmes;
   (c) Steps taken to meet technical requirements of this Protocol and any other relevant information pertaining thereto;
   (d) Legislation related to this Protocol;
   (e) Measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance; and
   (f) Other relevant matters.
5. The cost of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the work of the conference, in accordance with the United Nations scale of assessment adjusted appropriately.

Article 14. Compliance

1. Each High Contracting Party shall take all appropriate steps, including legislative and other measures, to prevent and suppress violations of this Protocol by persons or on territory under its jurisdiction or control.
2. The measures envisaged in paragraph 1 of this Article include appropriate measures to ensure the imposition of penal sanctions against persons who, in relation to an armed conflict and contrary to the provisions of this Protocol, wilfully kill or cause serious injury to civilians and to bring such persons to justice.
3. Each High Contracting Party shall also require that its armed forces issue relevant military instructions and operating procedures and that armed forces personnel receive training commensurate with their duties and responsibilities to comply with the provisions of this Protocol.
4. The High Contracting Parties undertake to consult each other and to cooperate with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

TECHNICAL ANNEX

1. Recording
   (a) Recording of the location of mines other than remotely-delivered mines, minefields, mined areas, booby-traps and other devices shall be carried out in accordance with the following provisions:
      (i) The location of the minefields, mined areas and areas of booby-traps and other devices shall be specified accurately by relation to the coordinates of at least two reference points and the estimated dimensions of the area containing these weapons in relation to those reference points;
      (ii) Maps, diagrams or other records shall be made in such a way as to indicate the location of minefields, mined areas, booby-traps and other devices in relation to reference points, and these records shall also indicate their perimeters and extent; and
      (iii) For purposes of detection and clearance of mines, booby-traps and other devices, maps, diagrams or other records shall contain complete information on the type, number, emplacing method, type of fuse and life time, date and time of laying, anti-handling devices (if any) and other relevant information on all these weapons laid. Whenever feasible the minefield record shall show the exact location of every mine, except in row minefields where the row location is sufficient. The precise location and operating mechanism of each booby-trap laid shall be individually recorded.
   (b) The estimated location and area of remotely-delivered mines shall be specified by coordinates of reference points (normally corner points) and shall be ascertained and when feasible marked on the ground at the earliest opportunity. The total number and type of mines laid, the date and time of laying and the self-destruction time periods shall also be recorded.
   (c) Copies of records shall be held at a level of command sufficient to guarantee their safety as far as possible.
   (d) The use of mines produced after the entry into force of this Protocol is prohibited unless they are marked in English or in the respective national language or languages with the following information:
      (i) Name of the country of origin;
      (ii) Month and year of production; and
      (iii) Serial number or lot number.
      The marking should be visible, legible, durable and resistant to environmental effects, as far as possible.
2. Specifications on detectability
   (a) With respect to anti-personnel mines produced after 1 January 1997, such mines shall incorporate in their construction a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grammes or more of iron in a single coherent mass.
(b) With respect to anti-personnel mines produced before 1 January 1997, such mines shall either incorporate in their construction, or have attached prior to their emplacement, in a manner not easily removable, a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grammes or more of iron in a single coherent mass.

(c) In the event that a High Contracting Party determines that it cannot immediately comply with sub-paragraph (b), it may declare at the time of its notification of consent to be bound by this Protocol that it will defer compliance with sub-paragraph (b) for a period not to exceed 9 years from the entry into force of this Protocol. In the meantime it shall, to the extent feasible, minimize the use of anti-personnel mines that do not so comply.

3. Specifications on self-destruction and self-deactivation

(a) All remotely-delivered anti-personnel mines shall be designed and constructed so that no more than 10% of activated mines will fail to self-destruct within 30 days after emplacement, and each mine shall have a back-up self-deactivation feature designed and constructed so that, in combination with the self-destruction mechanism, no more than one in one thousand activated mines will function as a mine 120 days after emplacement.

(b) All non-remotely delivered anti-personnel mines, used outside marked areas, as defined in Article 5 of this Protocol, shall comply with the requirements for self-destruction and self-deactivation stated in sub-paragraph (a).

(c) In the event that a High Contracting Party determines that it cannot immediately comply with sub-paragraphs (a) and/or (b), it may declare at the time of its notification of consent to be bound by this Protocol, that it will, with respect to mines produced prior to the entry into force of this Protocol, defer compliance with sub-paragraphs (a) and/or (b) for a period not to exceed 9 years from the entry into force of this Protocol.

During this period of deferral, the High Contracting Party shall:

(i) Undertake to minimize, to the extent feasible, the use of anti-personnel mines that do not so comply; and

(ii) With respect to remotely-delivered anti-personnel mines, comply with either the requirements for self-destruction or the requirements for self-deactivation and, with respect to other anti-personnel mines comply with at least the requirements for self-deactivation.

4. International signs for minefields and mined areas

Signs similar to the example attached and as specified below shall be utilized in the marking of minefields and mined areas to ensure their visibility and recognition by the civilian population:

(a) Size and shape: a triangle or square no smaller than 28 centimetres (11 inches) by 20 centimetres (7.9 inches) for a triangle, and 15 centimetres (6 inches) per side for a square;

(b) Colour: red or orange with a yellow reflecting border;

(c) Symbol: the symbol illustrated in the Attachment, or an alternative readily recognizable in the area in which the sign is to be displayed as identifying a dangerous area;

(d) Language: the sign should contain the word "mines" in one of the six official languages of the Convention (Arabic, Chinese, English, French, Russian and Spanish) and the language or languages prevalent in that area; and

(e) Spacing: signs should be placed around the minefield or mined area at a distance sufficient to ensure their visibility at any point by a civilian approaching the area."
Attachment

ARTICLE 2. ENTRY INTO FORCE

This amended Protocol shall enter into force as provided for in paragraph 1 (b) of Article 8 of the Convention.
Amendment to Article I of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW), 2001

UNTS, vol. 2260, p. 89
No. 22495. Multilateral

CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS (WITH PROTOCOLS I, II AND III). GENEVA, 10 OCTOBER 1980

AMENDMENT TO THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS. GENEVA, 21 DECEMBER 2001

Entry into force: 18 May 2004, in accordance with article 8, paragraph 1 (b) of the Convention which reads, in part, as follows: “amendments ... shall enter into force in the same manner as the Convention and the annexed Protocols (i.e., six months after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.” (see following page)

Authentic texts: Arabic, Chinese, English, French, Russian and Spanish
Registration with the Secretariat of the United Nations: ex officio, 18 May 2004

AMENDMENT TO ARTICLE I OF THE CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS (CCW)

The following decision to amend Article I of the Convention in order to expand the scope of its application to non-international armed conflicts was made by the States Parties at the Second Review Conference held from 11 to 21 December 2001. This decision appears in the Final Declaration of the Second Review Conference, as contained in document CCW/CONF.II/2.

"DECIDE to amend Article I of the Convention to read as follows:

1. This Convention and its annexed Protocols shall apply in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article I of Additional Protocol I to these Conventions.

2. This Convention and its annexed Protocols shall also apply, in addition to situations referred to in paragraph 1 of this Article, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Convention and its annexed Protocols shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature, as not being armed conflicts.

3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Convention and its annexed Protocols.

4. Nothing in this Convention or its annexed Protocols shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

5. Nothing in this Convention or its annexed Protocols shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

6. The application of the provisions of this Convention and its annexed Protocols to parties to a conflict which are not High Contracting Parties that have accepted this Convention or its annexed Protocols, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

7. The provisions of Paragraphs 2-6 of this Article shall not prejudice additional Protocols adopted after 1 January 2002, which may apply, exclude or modify the scope of their application in relation to this Article."

UNTS, vol. 2399, p. 126

Entry into force: 12 November 2006, in accordance with article 5 (3) and (4) of the Convention

Authentic texts: Arabic, Chinese, English, French, Russian and Spanish

Registration with the Secretariat of the United Nations: ex officio, 12 November 2006

Protocol relating to the RESTES EXPLOSIFS DE GUERRE à la Convention sur l’interdiction ou la limitation de l’emploi de certaines armes classiques qui peuvent être considérées comme produisant des effets traumatiques excessifs ou comme frappant sans discrimination (Protocole V). Genève, 28 novembre 2003

Entrée en vigueur: 12 novembre 2006, conformément à l’article 5 3) et 4) de la Convention

Textes authentiques: arabe, chinois, anglais, français, russe et espagnol


Recueil des Traités

Traités et accords internationaux enregistrés
ou classés et inscrits au répertoire au Secrétariat de l’Organisation des Nations Unies
PROTOCOL ON EXPLOSIVE REMNANTS OF WAR

The High Contracting Parties,

Recognising the serious post-conflict humanitarian problems caused by explosive remnants of war,

Conscious of the need to conclude a Protocol on post-conflict remedial measures of a generic nature in order to minimise the risks and effects of explosive remnants of war,

And willing to address generic preventive measures, through voluntary best practices specified in a Technical Annex for improving the reliability of munitions, and therefore minimising the occurrence of explosive remnants of war,

Have agreed as follows:

Article 1. General provision and scope of application

1. In conformity with the Charter of the United Nations and of the rules of the international law of armed conflict applicable to them, High Contracting Parties agree to comply with the obligations specified in this Protocol, both individually and in co-operation with other High Contracting Parties, to minimise the risks and effects of explosive remnants of war in post-conflict situations.

2. This Protocol shall apply to explosive remnants of war on the land territory including internal waters of High Contracting Parties.

3. This Protocol shall apply to situations resulting from conflicts referred to in Article 1, paragraphs 1 to 6, of the Convention, as amended on 21 December 2001.

4. Articles 3, 4, 5 and 8 of this Protocol apply to explosive remnants of war other than existing explosive remnants of war as defined in Article 2, paragraph 5 of this Protocol.

Article 2. Definitions

For the purpose of this Protocol,

1. Explosive ordnance means conventional munitions containing explosives, with the exception of mines, booby traps and other devices as defined in Protocol II of this Convention as amended on 3 May 1996.

2. Unexploded ordnance means explosive ordnance that has been primed, fused, armed, or otherwise prepared for use and used in an armed conflict. It may have been fired, dropped, launched or projected and should have exploded but failed to do so.

3. Abandoned explosive ordnance means explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fused, armed or otherwise prepared for use.

4. Explosive remnants of war means unexploded ordnance and abandoned explosive ordnance.

5. Existing explosive remnants of war means unexploded ordnance and abandoned explosive ordnance that existed prior to the entry into force of this Protocol for the High Contracting Party on whose territory it exists.

Article 3. Clearance, removal or destruction of explosive remnants of war

1. Each High Contracting Party and party to an armed conflict shall bear the responsibilities set out in this Article with respect to all explosive remnants of war in territory under its control. In cases where a user of explosive ordnance which has become explosive remnants of war, does not exercise control of the territory, the user shall, after the cessation of active hostilities, provide where feasible, inter alia technical, financial, material or human resources assistance, bilaterally or through a mutually agreed third party, including inter alia through the United Nations system or other relevant organisations, to facilitate the marking and clearance, removal or destruction of such explosive remnants of war.

2. After the cessation of active hostilities and as soon as feasible, each High Contracting Party and party to an armed conflict shall mark and clear, remove or destroy explosive remnants of war in affected territories under its control. Areas affected by explosive remnants of war which are assessed pursuant to paragraph 3 of this Article as posing a serious humanitarian risk shall be accorded priority status for clearance, removal or destruction.

3. After the cessation of active hostilities and as soon as feasible, each High Contracting Party and party to an armed conflict shall take the following measures in affected territories under its control, to reduce the risks posed by explosive remnants of war:
   (a) survey and assess the threat posed by explosive remnants of war;
   (b) assess and prioritise needs and practicability in terms of marking and clearance, removal or destruction;
   (c) mark and clear, remove or destroy explosive remnants of war;
   (d) take steps to mobilise resources to carry out these activities.

4. In conducting the above activities High Contracting Parties and parties to an armed conflict shall take into account international standards, including the International Mine Action Standards.

5. High Contracting Parties shall co-operate, where appropriate, both among themselves and with other states, relevant regional and international organisations and non-governmental organisations on the provision of inter alia technical, financial, material and human resources assistance including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil the provisions of this Article.

Article 4. Recording, retaining and transmission of information

1. High Contracting Parties and parties to an armed conflict shall to the maximum extent possible and as far as practicable record and retain information on the use of explo-
sive ordnance or abandonment of explosive ordnance, to facilitate the rapid marking and clearance, removal or destruction of explosive remnants of war, risk education and the provision of relevant information to the party in control of the territory and to civilian populations in that territory.

2. High Contracting Parties and parties to an armed conflict which have used or abandoned explosive ordnance which may have become explosive remnants of war shall, without delay after the cessation of active hostilities and as far as practicable, subject to these parties' legitimate security interests, make available such information to the party or parties in control of the affected area, bilaterally or through a mutually agreed third party including inter alia the United Nations or, upon request, to other relevant organisations which the party providing the information is satisfied are or will be undertaking risk education and the marking and clearance, removal or destruction of explosive remnants of war in the affected area.

3. In recording, retaining and transmitting such information, the High Contracting Parties should have regard to Part 1 of the Technical Annex.

Article 5. Other precautions for the protection of the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war

1. High Contracting Parties and parties to an armed conflict shall take all feasible precautions in the territory under their control affected by explosive remnants of war to protect the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war. Feasible precautions are those precautions which are practicable or practicably possible, taking into account all circumstances ruling at the time, including humanitarian and military considerations. These precautions may include warnings, risk education to the civilian population, marking, fencing and monitoring of territory affected by explosive remnants of war, as set out in Part 2 of the Technical Annex.

Article 6. Provisions for the protection of humanitarian missions and organisations from the effects of explosive remnants of war

1. Each High Contracting Party and party to an armed conflict shall:

(a) Protect, as far as feasible, from the effects of explosive remnants of war, humanitarian missions and organisations that are or will be operating in the area under the control of the High Contracting Party or party to an armed conflict and with that party's consent.

(b) Upon request by such a humanitarian mission or organisation, provide, as far as feasible, information on the location of all explosive remnants of war that it is aware of in territory where the requesting humanitarian mission or organisation will operate or is operating.

2. The provisions of this Article are without prejudice to existing International Humanitarian Law or other international instruments as applicable or decisions by the Security Council of the United Nations which provide for a higher level of protection.

Article 7. Assistance with respect to existing explosive remnants of war

1. Each High Contracting Party has the right to seek and receive assistance, where appropriate, from other High Contracting Parties, from states non-party and relevant international organisations and institutions in dealing with the problems posed by existing explosive remnants of war.

2. Each High Contracting Party in a position to do so shall provide assistance in dealing with the problems posed by existing explosive remnants of war, as necessary and feasible. In so doing, High Contracting Parties shall also take into account the humanitarian objectives of this Protocol, as well as international standards including the International Mine Action Standards.

Article 8. Co-operation and assistance

1. Each High Contracting Party in a position to do so shall provide assistance for the marking and clearance, removal or destruction of explosive remnants of war, and for risk education to civilian populations and related activities inter alia through the United Nations system, other relevant international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organisations, or on a bilateral basis.

2. Each High Contracting Party in a position to do so shall provide assistance for the care and rehabilitation and social and economic reintegration of victims of explosive remnants of war. Such assistance may be provided inter alia through the United Nations system, relevant international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organisations, or on a bilateral basis.

3. Each High Contracting Party in a position to do so shall contribute to trust funds within the United Nations system, as well as other relevant trust funds, to facilitate the provision of assistance under this Protocol.

4. Each High Contracting Party shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information other than weapons related technology, necessary for the implementation of this Protocol. High Contracting Parties undertake to facilitate such exchanges in accordance with national legislation and shall not impose undue restrictions on the provision of clearance equipment and related technological information for humanitarian purposes.

5. Each High Contracting Party undertakes to provide information to the relevant databases on mine action established within the United Nations system, especially information concerning various means and technologies of clearance of explosive remnants of war, lists of experts, expert agencies or national points of contact on clearance of explosive remnants of war and, on a voluntary basis, technical information on relevant types of explosive ordnance.

6. High Contracting Parties may submit requests for assistance substantiated by relevant information to the United Nations, to other appropriate bodies or to other states. These requests may be submitted to the Secretary-General of the United Nations, who shall
transmit them to all High Contracting Parties and to relevant international organisations and non-governmental organisations.

7. In the case of requests to the United Nations, the Secretary-General of the United Nations, within the resources available to the Secretary-General of the United Nations, may take appropriate steps to assess the situation and in co-operation with the requesting High Contracting Party and other High Contracting Parties with responsibility as set out in Article 3 above, recommend the appropriate provision of assistance. The Secretary-General may also report to High Contracting Parties on any such assessment as well as on the type and scope of assistance required, including possible contributions from the trust funds established within the United Nations system.

Article 9. Generic preventive measures

1. Bearing in mind the different situations and capacities, each High Contracting Party is encouraged to take generic preventive measures aimed at minimising the occurrence of explosive remnants of war, including but not limited to, those referred to in part 3 of the Technical Annex.

2. Each High Contracting Party may, on a voluntary basis, exchange information related to efforts to promote and establish best practices in respect of paragraph 1 of this Article.

Article 10. Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and co-operate with each other on all issues related to the operation of this Protocol. For this purpose, a Conference of High Contracting Parties shall be held as agreed to by a majority, but no less than eighteen High Contracting Parties.

2. The work of the conferences of High Contracting Parties shall include:
   (a) review of the status and operation of this Protocol;
   (b) consideration of matters pertaining to national implementation of this Protocol, including national reporting or updating on an annual basis.
   (c) preparation for review conferences.

3. The costs of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the Conference, in accordance with the United Nations scale of assessment adjusted appropriately.

Article 11. Compliance

1. Each High Contracting Party shall require that its armed forces and relevant agencies or departments issue appropriate instructions and operating procedures and that its personnel receive training consistent with the relevant provisions of this Protocol.

2. The High Contracting Parties undertake to consult each other and to co-operate with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.
TECHNICAL ANNEX

This Technical Annex contains suggested best practice for achieving the objectives contained in Articles 4, 5 and 9 of this Protocol. This Technical Annex will be implemented by High Contracting Parties on a voluntary basis.

1. Recording, storage and release of information for Unexploded Ordnance (UXO) and Abandoned Explosive Ordnance (AXO)

(a) Recording of information: Regarding explosive ordnance which may have become UXO a State should endeavour to record the following information as accurately as possible:

(i) the location of areas targeted using explosive ordnance;
(ii) the approximate number of explosive ordnance used in the areas under (i);
(iii) the type and nature of explosive ordnance used in areas under (i);
(iv) the general location of known and probable UXO;

Where a State has been obliged to abandon explosive ordnance in the course of operations, it should endeavour to leave AXO in a safe and secure manner and record information on this ordnance as follows:

(v) the location of AXO;
(vi) the approximate amount of AXO at each specific site;
(vii) the types of AXO at each specific site.

(b) Storage of information: Where a State has recorded information in accordance with paragraph (a), it should be stored in such a manner as to allow for its retrieval and subsequent release in accordance with paragraph (c).

(c) Release of information: Information recorded and stored by a State in accordance with paragraphs (a) and (b) should, taking into account the security interests and other obligations of the State providing the information, be released in accordance with the following provisions:

(i) Content:
On UXO the released information should contain details on:

(1) the general location of known and probable UXO;
(2) the types and approximate number of explosive ordnance used in the targeted areas;
(3) the method of identifying the explosive ordnance including colour, size and shape and other relevant markings;
(4) the method for safe disposal of the explosive ordnance.

On AXO the released information should contain details on:

(5) the location of the AXO;
(6) the approximate number of AXO at each specific site;
(7) the types of AXO at each specific site;

(8) the method of identifying the AXO, including colour, size and shape;
(9) information on type and methods of packing for AXO;
(10) state of readiness;
(11) the location and nature of any booby traps known to be present in the area of AXO.

(ii) Recipient: The information should be released to the party or parties in control of the affected territory and to those persons or institutions that the releasing State is satisfied are, or will be, involved in UXO or AXO clearance in the affected area, in the education of the civilian population on the risks of UXO or AXO.

(iii) Mechanism: A State should, where feasible, make use of those mechanisms established internationally or locally for the release of information, such as through UNMAS, IMSMA, and other expert agencies, as considered appropriate by the releasing State.

(iv) Timing: The information should be released as soon as possible, taking into account such matters as any ongoing military and humanitarian operations in the affected areas, the availability and reliability of information and relevant security issues.

2. Warnings, risk education, marking, fencing and monitoring

Key terms

(a) Warnings are the punctual provision of cautionary information to the civilian population, intended to minimise risks caused by explosive remnants of war in affected territories.

(b) Risk education to the civilian population should consist of risk education programmes to facilitate information exchange between affected communities, government authorities and humanitarian organisations so that affected communities are informed about the threat from explosive remnants of war. Risk education programmes are usually a long-term activity.

Best practice elements of warnings and risk education

(c) All programmes of warnings and risk education should, where possible, take into account prevailing national and international standards, including the International Mine Action Standards.

(d) Warnings and risk education should be provided to the affected civilian population which comprises civilians living in or around areas containing explosive remnants of war and civilians who transit such areas.

(e) Warnings should be given, as soon as possible, depending on the context and the information available. A risk education programme should replace a warnings programme as soon as possible. Warnings and risk education always should be provided to the affected communities at the earliest possible time.

(f) Parties to a conflict should employ third parties such as international organisations and non-governmental organisations when they do not have the resources and skills to deliver efficient risk education.
(g) Parties to a conflict should, if possible, provide additional resources for warnings and risk education. Such items might include: provision of logistical support, production of risk education materials, financial support and general cartographic information.

Marking, fencing, and monitoring of an explosive remnants of war affected area

(h) When possible, at any time during the course of a conflict and thereafter, where explosive remnants of war exist the parties to a conflict should, at the earliest possible time and to the maximum extent possible, ensure that areas containing explosive remnants of war are marked, fenced and monitored so as to ensure the effective exclusion of civilians, in accordance with the following provisions.

(i) Warning signs based on methods of marking recognised by the affected community should be utilised in the marking of suspected hazardous areas. Signs and other hazardous area boundary markers should as far as possible be visible, legible, durable and resistant to environmental effects and should clearly identify which side of the marked boundary is considered to be within the explosive remnants of war affected area and which side is considered to be safe.

(j) An appropriate structure should be put in place with responsibility for the monitoring and maintenance of permanent and temporary marking systems, integrated with national and local risk education programmes.

3. Generic preventive measures

States producing or procuring explosive ordnance should to the extent possible and as appropriate endeavour to ensure that the following measures are implemented and respected during the life-cycle of explosive ordnance.

(a) Munitions manufacturing management

(i) Production processes should be designed to achieve the greatest reliability of munitions.

(ii) Production processes should be subject to certified quality control measures.

(iii) During the production of explosive ordnance, certified quality assurance standards that are internationally recognised should be applied.

(iv) Acceptance testing should be conducted through live-fire testing over a range of conditions or through other validated procedures.

(v) High reliability standards should be required in the course of explosive ordnance transactions and transfers.

(b) Munitions management

In order to ensure the best possible long-term reliability of explosive ordnance, States are encouraged to apply best practice norms and operating procedures with respect to its storage, transport, field storage, and handling in accordance with the following guidance.

(i) Explosive ordnance, where necessary, should be stored in secure facilities or appropriate containers that protect the explosive ordnance and its components in a controlled atmosphere, if necessary.

(ii) A State should transport explosive ordnance to and from production facilities, storage facilities and the field in a manner that minimises damage to the explosive ordnance.

(iii) Appropriate containers and controlled environments, where necessary, should be used by a State when stockpiling and transporting explosive ordnance.

(iv) The risk of explosions in stockpiles should be minimised by the use of appropriate stockpile arrangements.

(v) States should apply appropriate explosive ordnance logging, tracking and testing procedures, which should include information on the date of manufacture of each number, lot or batch of explosive ordnance, and information on where the explosive ordnance has been, under what conditions it has been stored, and to what environmental factors it has been exposed.

(vi) Periodically, stockpiled explosive ordnance should undergo, where appropriate, live-firing testing to ensure that munitions function as desired.

(vii) Sub-assemblies of stockpiled explosive ordnance should, where appropriate, undergo laboratory testing to ensure that munitions function as desired.

(viii) Where necessary, appropriate action, including adjustment to the expected shelf-life of ordnance, should be taken as a result of information acquired by logging, tracking and testing procedures, in order to maintain the reliability of stockpiled explosive ordnance.

(c) Training

The proper training of all personnel involved in the handling, transporting and use of explosive ordnance is an important factor in seeking to ensure its reliable operation as intended. States should therefore adopt and maintain suitable training programmes to ensure that personnel are properly trained with regard to the munitions with which they will be required to deal.

(d) Transfer

A State planning to transfer explosive ordnance to another State that did not previously possess that type of explosive ordnance should endeavour to ensure that the receiving State has the capability to store, maintain and use that explosive ordnance correctly.

(e) Future production

A State should examine ways and means of improving the reliability of explosive ordnance that it intends to produce or procure, with a view to achieving the highest possible reliability.

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Multilatéral


Entrée en vigueur : 15 janvier 1999, conformément au paragraphe 1 de l'article 27 (voir la page suivante)

Textes authentiques : arabe, chinois, anglais, français, russe et espagnol

CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL

The States Parties to this Convention,

Deeply concerned over the growing number of deaths and injuries resulting from deliberate attacks against United Nations and associated personnel,

Bearing in mind that attacks against, or other mistreatment of, personnel who act on behalf of the United Nations are unjustifiable and unacceptable, by whomsoever committed,

Recognizing that United Nations operations are conducted in the common interest of the international community and in accordance with the principles and purposes of the Charter of the United Nations,

Acknowledging the important contribution that United Nations and associated personnel make in respect of United Nations efforts in the fields of preventive diplomacy, peace-making, peace-keeping, peace-building and humanitarian and other operations,

Conscious of the existing arrangements for ensuring the safety of United Nations and associated personnel, including the steps taken by the principal organs of the United Nations, in this regard,

Recognizing none the less that existing measures of protection for United Nations and associated personnel are inadequate,

Acknowledging that the effectiveness and safety of United Nations operations are enhanced where such operations are conducted with the consent and cooperation of the host State,

Appealing to all States in which United Nations and associated personnel are deployed and to all others on whom such personnel may rely, to provide comprehensive support aimed at facilitating the conduct and fulfilling the mandate of United Nations operations,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention of attacks committed against United Nations and associated personnel and for the punishment of those who have committed such attacks,

Have agreed as follows:

Article 1. Definitions

For the purposes of this Convention:

(a) "United Nations personnel" means:

(i) Persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation;

(ii) Other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted;

(b) "Associated personnel" means:

(i) Persons assigned by a Government or an intergovernmental organization with the agreement of the competent organ of the United Nations;

(ii) Persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency;

(iii) Persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency,

to carry out activities in support of the fulfilment of the mandate of a United Nations operation;

(c) "United Nations operation" means an operation established by the competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control:

(i) Where the operation is for the purpose of maintaining or restoring international peace and security; or

(ii) Where the Security Council or the General Assembly has declared, for the purposes of this Convention, that there exists an exceptional risk to the safety of the personnel participating in the operation;

(d) "Host State" means a State in whose territory a United Nations operation is conducted;

(e) "Transit State" means a State, other than the host State, in whose territory United Nations and associated personnel or their equipment are in transit or temporarily present in connection with a United Nations operation.

Article 2. Scope of Application

1. This Convention applies in respect of United Nations and associated personnel and United Nations operations, as defined in article 1.

2. This Convention shall not apply to a United Nations operation authorized by the Security Council as an enforcement action under Chapter VII of the Charter of the United Nations in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies.

Article 3. Identification

1. The military and police components of a United Nations operation and their vehicles, vessels and aircraft shall bear distinctive identification. Other personnel, vehicles, vessels and aircraft involved in the United Nations operation shall be appropriately identified unless otherwise decided by the Secretary-General of the United Nations.
2. All United Nations and associated personnel shall carry appropriate identification documents.

Article 4. Agreements on the Status of the Operation

The host State and the United Nations shall conclude as soon as possible an agreement on the status of the United Nations operation and all personnel engaged in the operation including, inter alia, provisions on privileges and immunities for military and police components of the operation.

Article 5. Transit

A transit State shall facilitate the unimpeded transit of United Nations and associated personnel and their equipment to and from the host State.

Article 6. Respect for Laws and Regulations

1. Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, United Nations and associated personnel shall:
   (a) Respect the laws and regulations of the host State and the transit State; and
   (b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

2. The Secretary-General of the United Nations shall take all appropriate measures to ensure the observance of these obligations.


1. United Nations and associated personnel, their equipment and premises shall not be made the object of attack or of any action that prevents them from discharging their mandate.

2. States Parties shall take all appropriate measures to ensure the safety and security of United Nations and associated personnel. In particular, States Parties shall take all appropriate steps to protect United Nations and associated personnel who are deployed in their territory from the crimes set out in article 9.

3. States Parties shall cooperate with the United Nations and other States Parties, as appropriate, in the implementation of this Convention, particularly in any case where the host State is unable itself to take the required measures.

Article 8. Duty to Release or Return United Nations and Associated Personnel Captured or Detained

Except as otherwise provided in an applicable status-of-forces agreement, if United Nations or associated personnel are captured or detained in the course of the performance of their duties and their identification has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other appropriate authorities. Pending their release such personnel shall be treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Conventions of 1949.

Article 9. Crimes against United Nations and Associated Personnel

1. The intentional commission of:
   (a) A murder, kidnapping or other attack upon the person or liberty of any United Nations or associated personnel;
   (b) A violent attack upon the official premises, the private accommodation or the means of transportation of any United Nations or associated personnel likely to endanger his or her person or liberty;
   (c) A threat to commit any such attack with the objective of compelling a physical or juridical person to do or to refrain from doing any act;
   (d) An attempt to commit any such attack; and
   (e) An act constituting participation as an accomplice in any such attack, or in an attempt to commit such attack, or in organizing or ordering others to commit such attack, shall be made by each State Party a crime under its national law.

2. Each State Party shall make the crimes set out in paragraph 1 punishable by appropriate penalties which shall take into account their grave nature.

Article 10. Establishment of Jurisdiction

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in the following cases:
   (a) When the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;
   (b) When the alleged offender is a national of that State.

2. A State Party may also establish its jurisdiction over any such crime when it is committed:
   (a) By a stateless person whose habitual residence is in that State; or
   (b) With respect to a national of that State; or
   (c) In an attempt to compel that State to do or to abstain from doing any act.

3. Any State Party which has established jurisdiction as mentioned in paragraph 2 shall notify the Secretary-General of the United Nations. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General of the United Nations.

4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in cases where the alleged offender is present in its territory and it does not extradite such person pursuant to article 15 to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2.
5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.


States Parties shall cooperate in the prevention of the crimes set out in article 9, particularly by:
(a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories; and
(b) Exchanging information in accordance with their national law and coordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

Article 12. Communication of Information

1. Under the conditions provided for in its national law, the State Party in whose territory a crime set out in article 9 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to the Secretary-General of the United Nations and, directly or through the Secretary-General, to the State or States concerned all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.

2. Whenever a crime set out in article 9 has been committed, any State Party which has information concerning the victim and circumstances of the crime shall endeavour to transmit such information, under the conditions provided for in its national law, fully and promptly to the Secretary-General of the United Nations and the State or States concerned.

Article 13. Measures to Ensure Prosecution or Extradition

1. Where the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its national law to ensure that person’s presence for the purpose of prosecution or extradition.

2. Measures taken in accordance with paragraph 1 shall be notified, in conformity with national law and without delay, to the Secretary-General of the United Nations and, either directly or through the Secretary-General, to:
(a) The State where the crime was committed;
(b) The State or States of which the alleged offender is a national or, if such person is a stateless person, in whose territory that person has his or her habitual residence;
(c) The State or States of which the victim is a national; and
(d) Other interested States.

Article 14. Prosecution of Alleged Offenders

The State Party in whose territory the alleged offender is present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the law of that State. Those authorities shall take their decision in the same manner as in the case of an ordinary offence of a grave nature under the law of that State.

Article 15. Extradition of Alleged Offenders

1. To the extent that the crimes set out in article 9 are not extraditable offences in any extradition treaty existing between States Parties, they shall be deemed to be included as such therein. States Parties undertake to include those crimes as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the conditions provided in the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those crimes as extraditable offences between themselves subject to the conditions provided in the law of the requested State.

4. Each of those crimes shall be treated, for the purposes of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of article 10.

Article 16. Mutual Assistance in Criminal Matters

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the crimes set out in article 9, including assistance in obtaining evidence at their disposal necessary for the proceedings. The law of the requested State shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations concerning mutual assistance embodied in any other treaty.

Article 17. Fair Treatment

1. Any person regarding whom investigations or proceedings are being carried out in connection with any of the crimes set out in article 9 shall be guaranteed fair treatment, a fair trial and full protection of his or her rights at all stages of the investigations or proceedings.

2. Any alleged offender shall be entitled:
(a) To communicate without delay with the nearest appropriate representative of the State or States of which such person is a national or which is otherwise entitled to protect that person's rights or, if such person is a stateless person, of the State which, at that person's request, is willing to protect that person's rights; and
(b) To be visited by a representative of that State or those States.

**Article 18. Notification of Outcome of Proceedings**

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to other States Parties.

**Article 19. Dissemination**

The States Parties undertake to disseminate this Convention as widely as possible and, in particular, to include the study thereof, as well as relevant provisions of international humanitarian law, in their programmes of military instruction.

**Article 20. Savings Clauses**

Nothing in this Convention shall affect:

(a) The applicability of international humanitarian law and universally recognized standards of human rights as contained in international instruments in relation to the protection of United Nations operations and United Nations and associated personnel or the responsibility of such personnel to respect such law and standards;
(b) The rights and obligations of States, consistent with the Charter of the United Nations, regarding the consent to entry of persons into their territories;
(c) The obligation of United Nations and associated personnel to act in accordance with the terms of the mandate of a United Nations operation;
(d) The right of States which voluntarily contribute personnel to a United Nations operation to withdraw their personnel from participation in such operation; or
(e) The entitlement to appropriate compensation payable in the event of death, disability, injury or illness attributable to peace-keeping service by persons voluntarily contributed by States to United Nations operations.

**Article 21. Right of Self-Defence**

Nothing in this Convention shall be construed so as to derogate from the right to act in self-defence.

**Article 22. Dispute Settlement**

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by application in conformity with the Statute of the Court.

2. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by all or part of paragraph 1. The other States Parties shall not be bound by paragraph 1 or the relevant part thereof with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

**Article 23. Review Meetings**

At the request of one or more States Parties, and if approved by a majority of States Parties, the Secretary-General of the United Nations shall convene a meeting of the States Parties to review the implementation of the Convention, and any problems encountered with regard to its application.

**Article 24. Signature**

This Convention shall be open for signature by all States, until 31 December 1995, at United Nations Headquarters in New York.

**Article 25. Ratification, Acceptance or Approval**

This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

**Article 26. Accession**

This Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

**Article 27. Entry into Force**

1. This Convention shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.
Article 28. Denunciation

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 29. Authentic Texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

done at New York this ninth day of December one thousand nine hundred and ninety-four.
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997

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No. 35597

Multilateral

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of
Anti-Personnel Mines and on their Destruction. Oslo, 18 September 1997
Entry into force: 1 March 1999, in accordance with article 17 (1) (see following page)
Authentic texts: Arabic, Chinese, English, French, Russian and Spanish
Registration with the Secretariat of the United Nations: ex officio, 1 March 1999

Multilatéral

Convention sur l’interdiction de l’emploi, du stockage, de la production et du
transfert des mines antipersonnel et sur leur destruction. Oslo, 18 septembre 1997
Entrée en vigueur : 1er mars 1999, conformément au paragraphe 1 de l’article 17 (voir
la page suivante)
Textes authentiques : arabe, chinois, anglais, français, russe et espagnol
Enregistrement auprès du Secrétariat des Nations Unies : d’office, 1er mars 1999
CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

Preamble

The States Parties,

Determined to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

Believing it necessary to do their utmost to contribute in an efficient and coordinated manner to face the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction,

Wishing to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims,

Recognizing that a total ban on anti-personnel mines would also be an important confidence-building measure,

Welcoming the adoption of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and calling for the early ratification of this Protocol by all States which have not yet done so,

Welcoming also United Nations General Assembly Resolution 51/45 S of 10 December 1996 urging all States to pursue vigorously an effective, legally-binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines,

Welcoming furthermore the measures taken over the past years, both unilaterally and multilaterally, aiming at prohibiting, restricting or suspending the use, stockpiling, production and transfer of anti-personnel mines,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban on anti-personnel mines and recognizing the efforts to that end undertaken by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines and numerous other non-governmental organizations around the world,

Recalling the Ottawa Declaration of 5 October 1996 and the Brussels Declaration of 27 June 1997 urging the international community to negotiate an international and legally binding agreement prohibiting the use, stockpiling, production and transfer of anti-personnel mines,

Emphasizing the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalization in all relevant fora including, inter alia, the United Nations, the Conference on Disarmament, regional organizations, and groupings, and review conferences of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

Basing themselves on the principle of international humanitarian law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, on the principle that prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering and on the principle that a distinction must be made between civilians and combatants,

Have agreed as follows:

Article 1. General Obligations

1. Each State Party undertakes never under any circumstances:
   (a) To use anti-personnel mines;
   (b) To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
   (c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

Article 2. Definitions

1. "Anti-personnel mine" means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. 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.

2. "Mines" means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.

3. "Anti-handling device" means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine.

4. "Transfer" involves, in addition to the physical movement of anti-personnel mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced anti-personnel mines.

5. "Mined area" means an area which is dangerous due to the presence or suspected presence of mines.
Article 3. Exceptions

1. Notwithstanding the general obligations under Article 1, the retention or transfer of a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques is permitted. The amount of such mines shall not exceed the minimum number absolutely necessary for the above-mentioned purposes.

2. The transfer of anti-personnel mines for the purpose of destruction is permitted.

Article 4. Destruction of Stockpiled Anti-Personnel Mines

Except as provided for in Article 3, each State Party undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party.

Article 5. Destruction of Anti-Personnel Mines in Mined Areas

1. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.

2. Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced and shall ensure as soon as possible that all anti-personnel mines in mined areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed. The marking shall at least be to the standards set out in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

3. If a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines referred to in paragraph 1 within that time period, it may submit a request to a Meeting of the States Parties or a Review Conference for an extension of the deadline for completing the destruction of such anti-personnel mines, for a period of up to ten years.

4. Each request shall contain:
   (a) The duration of the proposed extension;
   (b) A detailed explanation of the reasons for the proposed extension, including:
      (i) The preparation and status of work conducted under national demining programs;
      (ii) The financial and technical means available to the State Party for the destruction of all the anti-personnel mines; and
   (iii) Circumstances which impede the ability of the State Party to destroy all the anti-personnel mines in mined areas;
   (c) The humanitarian, social, economic, and environmental implications of the extension; and
   (d) Any other information relevant to the request for the proposed extension.

5. The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.

6. Such an extension may be renewed upon the submission of a new request in accordance with paragraphs 3, 4 and 5 of this Article. In requesting a further extension period a State Party shall submit relevant additional information on what has been undertaken in the previous extension period pursuant to this Article.

Article 6. International Cooperation and Assistance

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.

2. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.

3. Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programmes. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.

4. Each State Party in a position to do so shall provide assistance for mine clearance and related activities. Such assistance may be provided, inter alia, through the United Nations system, international or regional organizations or institutions, non-governmental organizations or institutions, or on a bilateral basis, or by contributing to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, or other regional funds that deal with demining.

5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled anti-personnel mines.

6. Each State Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.
7. States Parties may request the United Nations, regional organizations, other States Parties or other competent intergovernmental or non-governmental fora to assist its authorities in the elaboration of a national demining program to determine, inter alia:

(a) The extent and scope of the anti-personnel mine problem;
(b) The financial, technological and human resources that are required for the implementation of the programme;
(c) The estimated number of years necessary to destroy all anti-personnel mines in mined areas under the jurisdiction or control of the concerned State Party;
(d) Mine awareness activities to reduce the incidence of mine-related injuries or deaths;
(e) Assistance to mine victims;
(f) The relationship between the Government of the concerned State Party and the relevant governmental, intergovernmental or non-governmental entities that will work in the implementation of the program.

8. Each State Party giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programs.

Article 7. Transparency Measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party on:

(a) The national implementation measures referred to in Article 9;
(b) The total of all stockpiled anti-personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
(c) To the extent possible, the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each anti-personnel mine in each mined area and when they were emplaced;
(d) The types, quantities and, if possible, lot numbers of all anti-personnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine destruction techniques, or transferred for the purpose of destruction, as well as the institutions authorized by a State Party to retain or transfer anti-personnel mines, in accordance with Article 3;
(e) The status of programmes for the conversion or de-commissioning of anti-personnel mine production facilities;
(f) The status of programmes for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;

(g) The types and quantities of all anti-personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each type of anti-personnel mine in the case of destruction in accordance with Article 4;

(h) The technical characteristics of each type of anti-personnel mine produced, to the extent known, and those currently owned or possessed by a State Party, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of anti-personnel mines; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information which may facilitate mine clearance; and

(i) The measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5.

2. The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.

3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

Article 8. Facilitation and Clarification of Compliance

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention, and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.

2. If one or more States Parties wish to clarify and seek to resolve questions relating to compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information which would assist in clarifying this matter.

3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of the States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.

4. Pending the convening of any meeting of the States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.
5. The requesting State Party may propose through the Secretary-General of the United Nations the convening of a Special Meeting of the States Parties to consider the matter. The Secretary-General of the United Nations shall thereupon communicate this proposal and all information submitted by the States Parties concerned, to all States Parties with a request that they indicate whether they favour a Special Meeting of the States Parties, for the purpose of considering the matter. In the event that within 14 days from the date of such communication, at least one third of the States Parties favours such a Special Meeting, the Secretary-General of the United Nations shall convene this Special Meeting of the States Parties within a further 14 days. A quorum for this Meeting shall consist of a majority of States Parties.

6. The Meeting of the States Parties or the Special Meeting of the States Parties, as the case may be, shall first determine whether to consider the matter further, taking into account all information submitted by the States Parties concerned. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach a decision by consensus. If despite all efforts to that end no agreement has been reached, it shall take this decision by a majority of States Parties present and voting.

7. All States Parties shall cooperate fully with the Meeting of the States Parties or the Special Meeting of the States Parties in the fulfillment of its review of the matter, including any fact-finding missions that are authorized in accordance with paragraph 8.

8. If further clarification is required, the Meeting of the States Parties or the Special Meeting of the States Parties shall authorize a fact-finding mission and decide on its mandate by a majority of States Parties present and voting. At any time the requested State Party may invite a fact-finding mission to its territory. Such a mission shall take place without a decision by a Meeting of the States Parties or a Special Meeting of the States Parties to authorize such a mission. The mission, consisting of up to 9 experts, designated and approved in accordance with paragraphs 9 and 10, may collect additional information on the spot or in other places directly related to the alleged compliance issue under the jurisdiction or control of the requested State Party.

9. The Secretary-General of the United Nations shall prepare and update a list of the names, nationalities and other relevant data of qualified experts provided by States Parties and communicate it to all States Parties. Any expert included on this list shall be regarded as designated for all fact-finding missions unless a State Party declares its non-acceptance in writing. In the event of non-acceptance, the expert shall not participate in fact-finding missions on the territory or any other place under the jurisdiction or control of the objecting State Party, if the non-acceptance was declared prior to the appointment of the expert to such missions.

10. Upon receiving a request from the Meeting of the States Parties or a Special Meeting of the States Parties, the Secretary-General of the United Nations shall, after consultations with the requested State Party, appoint the members of the mission, including its leader. Nationals of States Parties requesting the fact-finding mission or directly affected by it shall not be appointed to the mission. The members of the fact-finding mission shall enjoy privileges and immunities under Article VI of the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946.

11. Upon at least 72 hours notice, the members of the fact-finding mission shall arrive in the territory of the requested State Party at the earliest opportunity. The requested State Party shall take the necessary administrative measures to receive, transport and accommodate the mission, and shall be responsible for ensuring the security of the mission to the maximum extent possible while they are on territory under its control.

12. Without prejudice to the sovereignty of the requested State Party, the fact-finding mission may bring into the territory of the requested State Party the necessary equipment which shall be used exclusively for gathering information on the alleged compliance issue. Prior to its arrival, the mission will advise the requested State Party of the equipment that it intends to utilize in the course of its fact-finding mission.

13. The requested State Party shall make all efforts to ensure that the fact-finding mission is given the opportunity to speak with all relevant persons who may be able to provide information related to the alleged compliance issue.

14. The requested State Party shall grant access for the fact-finding mission to all areas and installations under its control where facts relevant to the compliance issue could be expected to be collected. This shall be subject to any arrangements that the requested State Party considers necessary for:

(a) The protection of sensitive equipment, information and areas;
(b) The protection of any constitutional obligations the requested State Party may have with regard to proprietary rights, searches and seizures, or other constitutional rights; or
(c) The physical protection and safety of the members of the fact-finding mission.

In the event that the requested State Party makes such arrangements, it shall make every reasonable effort to demonstrate through alternative means its compliance with this Convention.

15. The fact-finding mission may remain in the territory of the State Party concerned for no more than 14 days, and at any particular site no more than 7 days, unless otherwise agreed.

16. All information provided in confidence and not related to the subject matter of the fact-finding mission shall be treated on a confidential basis.

17. The fact-finding mission shall report, through the Secretary-General of the United Nations, to the Meeting of the States Parties or the Special Meeting of the States Parties the results of its findings.

18. The Meeting of the States Parties or the Special Meeting of the States Parties shall consider all relevant information, including the report submitted by the fact-finding mission, and may request the requested State Party to take measures to address the compliance issue within a specified period of time. The requested State Party shall report on all measures taken in response to this request.

19. The Meeting of the States Parties or the Special Meeting of the States Parties may suggest to the States Parties concerned ways and means to further clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of the States
Parties or the Special Meeting of the States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6.

20. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach its decisions referred to in paragraphs 18 and 19 by consensus, otherwise by a two-thirds majority of States Parties present and voting.

Article 9. National Implementation Measures

Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

Article 10. Settlement of Disputes

1. The States Parties shall consult and cooperate with each other to settle any dispute that may arise with regard to the application or the interpretation of this Convention. Each State Party may bring any such dispute before the Meeting of the States Parties.

2. The Meeting of the States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.

3. This Article is without prejudice to the provisions of this Convention on facilitation and clarification of compliance.

Article 11. Meetings of the States Parties

1. The States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention, including:
   (a) The operation and status of this Convention;
   (b) Matters arising from the reports submitted under the provisions of this Convention;
   (c) International cooperation and assistance in accordance with Article 6;
   (d) The development of technologies to clear anti-personnel mines;
   (e) Submissions of States Parties under Article 8; and
   (f) Decisions relating to submissions of States Parties as provided for in Article 5.

2. The First Meeting of the States Parties shall be convened by the Secretary-General of the United Nations within one year after the entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.

3. Under the conditions set out in Article 8, the Secretary-General of the United Nations shall convene a Special Meeting of the States Parties.

4. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend these meetings as observers in accordance with the agreed Rules of Procedure.

Article 12. Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.

2. The purpose of the Review Conference shall be:
   (a) To review the operation and status of this Convention;
   (b) To consider the need for and the interval between further Meetings of the States Parties referred to in paragraph 2 of Article 11;
   (c) To take decisions on submissions of States Parties as provided for in Article 5; and
   (d) To adopt, if necessary, in its final report conclusions related to the implementation of this Convention.

3. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Review Conference as observers in accordance with the agreed Rules of Procedure.

Article 13. Amendments

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depositary no later than 30 days after its circulation that they support further consideration of the proposal, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.

2. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.

3. The Amendment Conference shall be held immediately following a Meeting of the States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.
4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depository shall communicate any amendment so adopted to the States Parties.

5. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depository of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article 14. Costs

1. The costs of the Meetings of the States Parties, the Special Meetings of the States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not parties to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.

2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 and the costs of any fact-finding mission shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

Article 15. Signature

This Convention, done at Oslo, Norway, on 18 September 1997, shall be open for signature at Ottawa, Canada, by all States from 3 December 1997 until 4 December 1997, and at the United Nations Headquarters in New York from 5 December 1997 until its entry into force.

Article 16. Ratification, Acceptance, Approval or Accession

1. This Convention is subject to ratification, acceptance or approval of the Signatories.

2. It shall be open for accession by any State which has not signed the Convention.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depository.

Article 17. Entry into Force

1. This Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession has been deposited.

2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the 40th instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

Article 18. Provisional Application

Any State may at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally paragraph 1 of Article 1 of this Convention pending its entry into force.

Article 19. Reservations

The Articles of this Convention shall not be subject to reservations.

Article 20. Duration and Withdrawal

1. This Convention shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depository and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating this withdrawal.

3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depository. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.

4. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law.

Article 21. Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

Article 22. Authentic Texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict

S/1999/957, 8 September 1999
Security Council

REPORT OF THE SECRETARY-GENERAL TO THE SECURITY COUNCIL ON THE PROTECTION OF CIVILIANS IN ARMED CONFLICT

I. INTRODUCTION

1. On 12 February 1999 the Security Council held an open meeting on the matter of the protection of civilians in armed conflict. The Council noted with concern that civilians continued to be targeted in instances of armed conflict, in flagrant violation of international humanitarian and human rights law (S/PRST/1999/6). The Council requested that I submit a report with recommendations on how it could act to improve both the physical and legal protection of civilians in situations of armed conflict. I hereby submit the present report to the Security Council in response to that request.

2. Despite the adoption of the various conventions on international humanitarian and human rights law over the past 50 years, hardly a day goes by where we are not presented with evidence of the intimidation, brutalization, torture and killing of helpless civilians in situations of armed conflict. Whether it is mutilations in Sierra Leone, genocide in Rwanda, ethnic cleansing in the Balkans or disappearances in Latin America, the parties to conflicts have acted with deliberate indifference to those conventions. Rebel factions, opposition fighters and Government forces continue to target innocent civilians with alarming frequency.

3. International humanitarian and human rights law set out the rights of civilians and the obligations of combatants during time of conflict. Yet, belligerents throughout the world refuse to respect these statutes, relying instead on terror as a means of control over populations. Terrible hardships are borne by those who are targeted and tremendous stresses are placed on those who attempt to cope with each crisis.

4. On 12 August 1999, on the fiftieth anniversary of the signature of the Geneva Conventions, I signed, with others, a solemn appeal to all peoples, nations and Governments to reject the idea that war is inevitable and to work tirelessly to eradicate its underlying causes; to demand of all those involved in armed conflicts that they respect the essential humanitarian principles and the rules of international law; to spare civilians the agony of war; and to foster relations between individuals, peoples and nations on the basis of respect for human dignity, compassion and solidarity.

S/1999/957
8 September 1999

II. THREATS AND VIOLENCE AGAINST CIVILIANS IN ARMED CONFLICT

6. International humanitarian law sets standards for parties to an armed conflict on the treatment of civilians and other protected persons. Virtually all Member States have ratified the Geneva Conventions of 1949, with a majority having signed or ratified the 1977 Protocols. There are also legal norms in international human rights law from which there can be no derogation or suspension in time of public emergency.

7. However, the failure of parties to armed conflict to comply with the law on the one hand, and the lack of effective enforcement mechanisms on the other, have led to a situation in which civilians suffer disproportionately, and which the international community appears powerless to prevent.

A. Attacks against civilians

8. In many of today’s armed conflicts, civilian casualties and the destruction of civilian infrastructure are not simply byproducts of war, but the consequence of the deliberate targeting of non-combatants. The violence is frequently perpetrated by non-state actors, including irregular forces and privately financed militias. In many conflicts, belligerents target civilians in order to expel or eradicate segments of the population, or for the purpose of hastening military surrender.

9. One feature of internal conflicts today is that the dividing line between civilians and combatants is frequently blurred. Combatants often live or seek shelter in villages, and sometimes use innocent civilians, even children, as human shields. In some cases, communities provide logistic support to armed groups, either voluntarily or under compulsion, and become targeted as a consequence.

10. In some cases, civilians have been systematically tortured and killed. During the 1994 genocide in Rwanda, entire families were executed in their homes.

To date, 188 countries have ratified the Geneva Conventions.

Protocol I additional to the four Geneva Conventions of 1949 extends the definition of ‘international armed conflicts’ to armed conflicts in which people are fighting against colonial domination, alien occupation and against racist regimes in the exercise of their right to self-determination. Protocol II additional to the Geneva Conventions develops and supplements article 3 common to the four Geneva Conventions concerning armed conflicts ‘not of an international character’ occurring in the territory of one of the ‘High Contracting Parties’.
and entire villages brutalized in an orchestrated campaign of mass extermination that claimed more than 500,000 lives. In Sierra Leone, since 1997, more than 5,000 civilians have suffered mutilations. In Burundi, over a quarter of a million people have been killed and hundreds of thousands repeatedly displaced.

B. Forced displacement

11. Today, there are over 30 million displaced people, half of them children. Often exposed to systematic atrocities and without adequate physical protection, they are forced to flee, leaving behind their possessions, their homes and family members. Since this report was commissioned, large segments of the population of Kosovo in the Federal Republic of Yugoslavia were displaced, as well as hundreds of thousands of Angolans affected by the resumption of civil war there, to name just two places.

12. Forced displacement takes place both across and within national boundaries. People forced to leave their country of nationality or permanent residence should enjoy the protection of international refugee law, yet many do not. Internally displaced persons are in principle covered by the laws of their own country as well as by international humanitarian law applicable to victims of non-governmental conflicts and international human rights law. Nevertheless, guarantees found in international human rights and humanitarian law are often disregarded by the country of origin or by the Government of the receiving State. Non-state actors are often unwilling or unable to meet the protection needs of displaced persons and refugees. This has led to many instances of containment and refoulement of refugees. In other cases, national authorities have been unwilling to acknowledge the existence of internally displaced persons and have obstructed international efforts to assist and protect them.

13. Furthermore, in many recent and current internal armed conflicts, combatants deliberately intimidate, attack and displace local populations to further their pursuit of economic control over natural resources. In such cases combatants rely on, and indeed profit from, civilian displacement.

C. Combatants and armed elements mixed with civilians in camps for refugees and internally displaced persons

14. Despite the promise of temporary refuge, camps do not always guarantee civilians protection. Failure to maintain the purely civilian and humanitarian character of camps means that civilians can find themselves living side by side with combatants or other armed elements. In such circumstances, relief supplies may be diverted to members of warring factions who do not qualify for international protection or assistance. Moreover, warring factions frequently control the movement of refugees, impeding return or other sustainable solutions.

15. The presence of combatants in internally displaced person and refugee camps can destabilize the situation in an entire region. The most striking example was the infiltration of refugee camps in Zaire (now the Democratic Republic of the Congo) and Rwanda following the end of the civil war in 1994 by the Interahamwe and Impuzamugambi militia and remnants of the former Rwandan Army. Such elements also jeopardize the safety and protection of civilians, especially children, who may be forcibly recruited. Camps in States neighbouring the refugees’ home country are often too close to the border and become militarized. They therefore become susceptible to cross-border attacks, military incursions and infiltration.

D. Specific problems faced by children

16. The United Nations Children’s Fund estimates that two million children have been killed as a direct result of armed conflict in the course of the last decade. Three times that many have been seriously injured or permanently disabled. Even greater numbers die of malnutrition and disease and more than 300,000 children under 18 years of age have been ruthlessly exploited as soldiers in government armed forces or armed opposition groups in ongoing conflicts. Inevitably, many of the children recruited into the military are deprived of their basic rights, including those to family unity and education. Countless numbers of children experience grave emotional wounds as a result of their experiences and the events they witness.

17. The Machel report on the impact of armed conflict on children (A/51/306 and Add.1) drew attention to aspects of children’s protection in armed conflict that require new policy, programme and operational responses. It drew particular attention to the gross violations of children’s rights when they, as soldiers, are made to participate in mutilation campaigns, rape, gender-based violence and sexual abuse.

E. Specific problems faced by women

18. Complex emergencies have a different impact on women and men. While men account for the largest numbers of combatants, women and children are disproportionately represented among civilians affected by conflict. This usually leads to dramatic increases in the number of children and women heads of households, leading to abrupt changes in their roles and increases in their workloads. The breakdown of the social fabric and the disintegration of families during times of armed conflict often leave women and girls especially vulnerable to gender-based violence and sexual exploitation, including rape and forced prostitution. Women also constitute the majority of refugees and


The rights of internally displaced persons have been outlined in the “Guiding Principles on Internal Displacement”, presented to the Commission on Human Rights in 1998 by the Representative of the Secretary-General on internally displaced persons (E/CN.4/1998/53/Add.2, annex).

See report of the Special Representative of the Secretary-General for Children and Armed Conflict of 12 October 1998 (A/53/482, paras. 18-22).
24. Millions of unexploded low-cost anti-personnel landmines and other ordnance constitute the deadly legacy of more than two dozen wars. They kill and maim thousands of civilians every year. Landmines also deny the use of land for agriculture, impede the delivery of humanitarian assistance and development aid and disrupt and delay the resettlement and reintegration of returning internally displaced persons and refugees.

F. Denial of humanitarian assistance and humanitarian access

19. Combatants target civilians in conflict by, among other things, attempting to restrict their access to food and/or other forms of life-saving assistance, or, indeed, deliberately starving them. In 1992 in Somalia, for instance, the parties to the conflict deliberately impeded the delivery of essential food and medical supplies, while during the siege of the enclaves in Bosnia and Herzegovina, civilians were systematically deprived of assistance necessary for their survival.

20. In this year alone, restrictions on the access of humanitarian organizations to those in need have put hundreds of thousands at risk in Angola, Kosovo (Federal Republic of Yugoslavia) and Sierra Leone. In the absence of any international presence, civilians affected by the conflicts in these areas are at the mercy of the warring parties and are dependent on them for the supplies they need.

G. Targeting of humanitarian and peacekeeping personnel

21. Humanitarian and peacekeeping personnel have increasingly become targets of organized violence. The protective emblem of the International Red Cross as well as the Red Crescent, and the United Nations flag, which represent the impartiality of relief workers, appear to offer less protection than ever. Threats against relief workers and peacekeeping personnel further restrict the ability of humanitarian organizations to ensure the delivery of assistance to vulnerable populations.

22. In recent years, United Nations staff and other humanitarian workers have lost their lives in Afghanistan, Angola, Bosnia and Herzegovina, Burundi, El Salvador, Ethiopia, Georgia, Haiti, Iraq, the Russian Federation (Chechnya), Rwanda, Sierra Leone, Somalia, the Sudan, Tajikistan and Uganda, while others have been abducted in Bosnia and Herzegovina, Georgia, Guatemala, Liberia, Peru, the Russian Federation (Chechnya), Somalia, the Sudan and Tajikistan. Death, injury or harassment of humanitarian personnel have become almost daily occurrences.

H. Widespread availability of small arms and continued use of anti-personnel landmines

23. The widespread use of small arms, light weapons and anti-personnel landmines has had a significant impact on the scope and level of the violence that affects civilian populations in armed conflict. The absence of effective controls on the transfer of small arms along with their low cost make them popular weapons in today’s conflicts. These light and easy-to-use weapons have made it much easier to turn children into soldiers. Their easy availability to untrained combatants has also greatly increased the risks of delivering humanitarian assistance in affected areas.
and diplomatic initiatives intended to influence the behaviour of parties to conflicts, to measures of enforcement under Chapter VII of the Charter.

30. In a series of resolutions adopted since 1991, the Security Council has recognized that massive and systematic breaches of human rights law and humanitarian law have occurred in conflicts, to measures of enforcement under Chapter VII of the Charter.

31. In its resolution 688 (1991), of 5 April 1991, on Iraq, the Security Council recognized that the repression of the civilian population led to massive and systematic breaches of human rights law and humanitarian law constituted a threat to international peace and security. In resolution 1176 (1998), of 24 October 1998, on Kosovo, Federal Republic of Yugoslavia, the Security Council recognized that the repression of the civilian population led to massive and systematic breaches of human rights law and humanitarian law constituted a threat to international peace and security.

32. The Security Council's increased concern for the plight of civilians in armed conflict has been reinforced by the frequent briefings it has received on the humanitarian situation in countries affected by conflict, and is further illustrated by the establishment by the Council of international ad hoc criminal tribunals for the former Yugoslavia and Rwanda.

33. Prevention, peace-making, peacekeeping and peace-building are mutually reinforcing processes. In its presidential statement of 12 February 1999, the Council requested the present report containing concrete recommendations on ways in which the Security Council could usefully exchange information about best practices with respect to the implementation of the major instruments of international humanitarian, human rights and refugee law.
I recommend that the Security Council:

1. Urge Member States to ratify the major instruments of international humanitarian law, human rights law and refugee law, to withdraw reservations and to take all appropriate legislative, judicial and administrative measures to implement these instruments, including dissemination among all sectors of society, and to report to the Council on action taken in this regard.

2. Call on Member States and non-state actors, as appropriate, to adhere to international humanitarian, human rights and refugee law, particularly the non-derogable rights enumerated in article 4 of the International Covenant on Civil and Political Rights.\(^7\)

B. Accountability for war crimes

37. Widespread and systematic violations of international humanitarian and human rights law have too frequently not been prosecuted by domestic authorities. The Security Council’s establishment of the ad hoc tribunals for the former Yugoslavia and Rwanda constituted a major step forward in addressing this failing and in combating the culture of impunity. The adoption of the Statute of the International Criminal Court in 1998 provides for the establishment of a global enforcement mechanism to address impunity, which may also serve as a potential deterrent to future violators. The apprehension and trial of indicted war crimes suspects is an indispensable component in the enforcement of international law and justice.

38. In this context, I also recall the recommendation, which I made to the Security Council in my report on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/52/871), that combatants be held financially liable for their victims under international law where civilians are made the deliberate target of aggression, and that international legal machinery be developed to facilitate efforts to find, attach and seize the assets of transgressing parties and their leaders.

I recommend that the Security Council:

3. In cases of non-compliance, consider using the enforcement measures contained in the Charter of the United Nations under Chapter VII, to induce compliance with orders and requests of the two existing ad hoc tribunals for the former Yugoslavia and Rwanda, respectively, for the arrest and surrender of accused persons.

4. Urge Member States to ratify the Statute of the International Criminal Court as a concrete measure aimed at enforcing respect for international humanitarian law and human rights law.\(^7\)

5. Pending the establishment of the International Criminal Court, encourage the development of judicial and investigative mechanisms with national and international components, which may be used when the prosecution of those responsible for genocide, crimes against humanity and war crimes in either national or international tribunals appears unlikely given the unwillingness or inability of the parties involved.

6. Urge Member States to adopt national legislation for the prosecution of individuals responsible for genocide, crimes against humanity and war crimes. Member States should initiate prosecution of persons under their authority or on their territory for grave breaches of international humanitarian law on the basis of the principle of universal jurisdiction and report thereon to the Security Council.

C. Gaps in existing international law

1. Internal displacement

39. In 1992, in response to a request by the Commission on Human Rights, the then Secretary-General appointed a Representative on Internally Displaced Persons, whose objective was to examine the protection of internally displaced persons. In the absence of an international legal framework spelling out the rights and the freedoms of internally displaced persons specifically, the Representative compiled the Guiding Principles on Internal Displacement, which are based on existing instruments in international humanitarian and human rights law, and which were presented to the Commission on Human Rights in 1998 (E/CN.4/1998/53/Add.2, annex).

I recommend that the Security Council:

7. In cases of massive internal displacement, encourage States to follow the legal guidance provided in the Guiding Principles on Internal Displacement.

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\(^7\) Article 4 of the International Covenant on Civil and Political Rights declares non-derogable the right against discrimination on grounds of race, colour, sex, language, religion or social origin under international humanitarian law in times of armed conflict. The most frequent violations of non-derogable rights are summary and arbitrary executions, torture, cruel and degrading treatments and slavery (forced labour).

\(^8\) As of June 1999, only three of the 82 signatory States to the Statute of the International Criminal Court have presented their ratification instrument. An additional 57 ratifications are required for the Statute to enter into force.
2. Minimum age of recruitment in the armed forces and other armed groups

40. The internationally accepted minimum age for recruitment and participation in hostilities is currently 15 years. The Statute of the International Criminal Court (1998) classifies the conscription, enlistment or use of children under the age of 15 as a war crime. The International Labour Organization Worst Forms of Child Labour Convention (1999) prohibits the forced or compulsory recruitment of children under 18 for war in armed conflict, but permits voluntary enlistment as well as recruitment for purposes other than combat. The African Charter on the Rights and Welfare of the Child (1990) prohibits the recruitment or use of children under age 18. None of these three Conventions are in force at present and the efforts of the Commission on Human Rights to introduce and adopt an optional protocol to the Convention on the Rights of the Child, aimed at raising the minimum age for recruitment and participation in hostilities to 18, have yet to succeed.

41. Though national legislation in most Member States codifies 18 as the age of obligatory military service, unfortunately this is seldom observed in time of armed conflict. An additional complication derives from the fact that most child soldiers participating in armed conflict do so within the ranks of non-state armed groups, where the line of command and responsibility is often unclear.

42. In October 1998, I announced a minimum age requirement for United Nations peacekeepers being made available to the United Nations by Member States and asked contributing Governments to send in their national contingent's troops preferably not younger than 21 years of age, and in no case less than 18. In addition, Member States were also requested not to send civilian police and military observers younger than 25 years of age to peacekeeping operations. This decision was taken to ensure that the use of uniformed personnel by the United Nations is an example for police and military forces worldwide.

I recommend that the Security Council:

8. Urge Member States to support the proposal to raise the minimum age for recruitment and participation in hostilities to 18, and accelerate the drafting of an optional protocol on the situation of children in armed conflict to the Convention on the Rights of the Child for consideration by the General Assembly.

9. Demand that non-state actors involved in conflict not use children below the age of 18 in hostilities, or face the imposition of targeted sanctions if they do not comply.

3. Safety of humanitarian personnel

43. The Convention on the Safety of United Nations and Associated Personnel of 1994, which entered into force on 15 January 1999, covers those United Nations and associated personnel engaged in operations specifically authorized by the Security Council or the General Assembly. I believe that there is an emerging consensus that the scope of the Convention of 1994 should be extended to cover other categories of United Nations and associated personnel not at present covered under the Convention, including locally recruited staff. States should also consider adopting appropriate national legislation on this matter.

I recommend that the Security Council:

10. Urge Member States which have not yet done so to ratify the 1994 Convention on the Safety of United Nations and Associated Personnel, and encourage States which have already ratified it to implement it fully.

11. Invite the General Assembly to urgently pursue the development of a protocol to the 1994 Convention, which would extend the scope of legal protection to all United Nations and associated personnel.

V. RECOMMENDED MEASURES TO STRENGTHEN PHYSICAL PROTECTION

44. In addition to the application of legal measures, the Security Council can promote the protection of civilians in conflict both by political and diplomatic measures as well as by peacekeeping or enforcement measures under Chapters VI, VII or VIII of the Charter. The recommendations in this chapter therefore seek to identify ways in which the Council can strengthen the physical protection of civilians through a wide range of measures, which may be introduced at different stages of a conflict.

A. Conflict prevention

45. The primary purpose of the United Nations, as stated in Article 1.1 of the Charter, is "to maintain peace and security by the prevention and removal of threats to the peace". Given that the Security Council is the primary organ responsible for the maintenance of international peace and security, it is vital that it devote greater attention to conflict prevention and give effective leadership and strong backing to efforts in this field. In this context, my July 1997 report on United Nations reform stressed that greater emphasis should be placed on timely and adequate prevention. The United Nations of the twenty-first century must increasingly become a focus of preventive measures.

46. While the causes of conflict are complex and need to be addressed in a comprehensive manner, there are a number of steps which the Council could take, acting within its sphere of responsibility, to identify potential conflict situations much sooner than is now the case and to forestall the outbreak of
effort to explore appropriate responses to ‘hate media’ that seek to incite violence against civilians.

I recommend that the Security Council:

16. In situations of ongoing conflict, ensure that, whenever required, appropriate measures are adopted to control or close down hate media assets.

17. Ensure that United Nations missions aimed at peace-making, peacekeeping and peace-building include a mass media component that can disseminate information about international humanitarian law and human rights law, including peace education and children’s protection, while also giving objective information about the activities of the United Nations, and encourage authorized regional missions to include such a capacity.

2. Other mechanisms

49. In recent years a number of different types of confidence-building measures have been tried in the immediate post-conflict peace-building phase. These have included, inter alia, measures to encourage visits and exchanges between members of different groups previously at war; cultural and sporting events; adjustments to regulations relating to the issuance of official documents such as passports, identification cards and vehicle license plates and conferences and symposia of professional and technical personnel from different regions of the affected country. Some of these activities are also relevant in the early stages of hostility before conflict becomes entrenched, or as a means of breaking through an impasse during conflict resolution negotiations. I have therefore decided to develop a field manual of good practice, giving details of successful confidence-building measures in peace-building operations, for use in future such operations.

50. In the field of confidence-building the Council may find value in collaboration with non-governmental organizations and other civil society actors, which offer expertise and added value in these fields.

C. Humanitarian access

51. It is the obligation of States to ensure that affected populations have access to the assistance they require for their survival. If a State is unable to fulfil its obligation, the international community has a responsibility to ensure that humanitarian aid is provided. The rapid deployment of humanitarian assistance operations is critical when responding to the needs of civilians affected by armed conflict. Effective and timely humanitarian action requires unhindered access to those in need. Thus, humanitarian organizations are involved on a daily basis in negotiations with the parties to conflicts to obtain and maintain safe access to civilians in need, as well as guarantees of security for humanitarian personnel. In order to fulfill this task, humanitarian actors must be able to maintain a dialogue with relevant non-state actors without thereby lending them any political legitimacy.
I recommend that the Security Council:

18. Underscore in its resolutions, at the onset of a conflict, the imperative for civilian populations to have unimpeded access to humanitarian assistance and for concerned parties, including non-state actors, to cooperate fully with the United Nations humanitarian coordinator in providing such access, as well as to guarantee the security of humanitarian organizations, in accordance with the principles of humanity, neutrality and impartiality, and insist that failure to comply will result in the imposition of targeted sanctions.

19. Urge neighbouring Member States to ensure access for humanitarian assistance and call on them to bring any issues that might threaten the right of civilians to assistance to the attention of the Security Council as a matter affecting peace and security.

D. Special measures for children and women

52. In the Council’s comprehensive resolution of 25 August 1999 on the item children and armed conflict, the Council noted, inter alia, recent efforts to bring to an end the use of children as child soldiers, in particular International Labour Organization Convention No. 182, which prohibits forced or compulsory labour. The Council also noted the Rome Statute of the International Criminal Court, in which conscripting or enlisting children under the age of 15 or using them to participate actively in hostilities is characterized as a war crime. The Council strongly condemned the targeting of children in situations of armed conflict and called upon all parties to comply strictly with their obligations under the United Nations Convention on the Rights of the Child, and stressed the responsibility of all States to bring an end to impunity. The Council’s recognition of the importance of child protection has created a favourable environment for the consideration of new concrete measures in this field.

53. The particular vulnerability of women in modern armed conflict has already been described. Measures to address this vulnerability need to be taken at all stages of the conflict. I would ask the agencies concerned to establish monitoring and reporting systems that include the documentation of violations against women and children in conflict situations.

I recommend that the Security Council:

20. Ensure, as appropriate, that the special protection and assistance requirements of children and women are fully addressed in all peacekeeping and peace-building operations.

21. Systematically require parties to conflicts to make special arrangements to meet the protection and assistance requirements of children and women. These could include the promotion of “days of immunization” or similar initiatives.

8. Targeted sanctions

54. The continued efforts by Member States to develop more targeted sanctions regimes are welcome. The concept of targeted sanctions, including financial sanctions, such as freezing of overseas assets, trade embargoes on arms and luxury goods and travel bans constitutes a potentially valuable means for pressuring targeted elites, while minimizing the negative humanitarian impact on vulnerable civilian populations that has been a characteristic of comprehensive economic sanctions.

In collaboration with a number of Member States and civil society organizations, I am committed to continuing a number of ongoing efforts to improve the efficacy of targeted sanctions.

I recommend that the Security Council:

22. Make greater use of targeted sanctions to deter and contain those who commit egregious violations of international humanitarian and human rights law, as well as those parties to conflicts which continually defy the resolutions of the Security Council, thereby flouting its authority.

23. Establish a permanent technical review mechanism of United Nations and regional sanctions regimes which can use information provided by Council members, relevant financial institutions, the Secretariat, agencies and other humanitarian actors to ascertain the probable impact of sanctions on civilians.

11 Targeted sanctions, also referred to as smart sanctions, include: the freezing of financial assets of regime members or elites who support them; suspension of credits and grant aid; denial and limitation of access to overseas financial markets; trade embargoes on arms and luxury goods; flight bans; political sanctions such as diplomatic isolation and withdrawal of accreditation; denial of overseas travel, visas and educational opportunities to regime members and their families. Targeted sanctions are a less blunt instrument than comprehensive sanctions, thereby minimizing humanitarian costs, the disruption of non-military trade, the likelihood of a black market emerging, additional humanitarian aid requirements and a negative impact on social infrastructures.

12 I am encouraged that recent resolutions of the Security Council establishing or modifying existing sanctions regimes (e.g. the Sudan, Angola, Sierra Leone), and, most recently, the arms embargo in the case of the Federal Republic of Yugoslavia, have been designed to include measures with little or no humanitarian impact. I also welcome recent efforts of the Council to address the humanitarian aspect of sanctions in Iraq pursuant to Council resolution 986 (1995). Moreover, the members of the Security Council recently agreed on a series of practical proposals to improve the work of the Sanctions Committee in this area, reported in the note by the President of the Security Council of 29 January 1999 (S/1999/92). I look forward to further progress on this matter.

13 The most vulnerable groups are defined as children, pregnant or nursing mothers, the elderly and the sick and infirm.
24. Further develop standards and rules to minimize the humanitarian impact of sanctions on the basis of proposals made by the President of the Council to the sanctions committees, and ensure especially that sanctions are not imposed without provision for obligatory, immediate and enforceable humanitarian exemptions.

25. Request regional organizations or groups of countries to submit complete information regarding the establishment of proper humanitarian exemption mechanisms and clearance procedures prior to authorizing the imposition of regional sanctions. The Council may also wish to monitor the ability of regional sanctions authorities to implement the exemptions and clear shipments of humanitarian goods and to establish procedures for exercising its authority to address inadequacies.

F. Small arms and anti-personnel landmines

55. The proliferation and abuse of light weapons and small arms fuel conflicts, exacerbate the suffering of civilian victims and contribute to the breakdown of societies. A number of international and regional initiatives are seeking to address this difficult problem. I fully endorse these initiatives. Controlling the availability of arms is an essential prerequisite for a successful peace-building process. It requires a multi-dimensional approach involving demobilization, rehabilitation of combatants, law enforcement, measures to stop illegal trafficking and regulations for the legal registration and use of arms.

56. Landmines continue to maim and kill thousands of civilians each year. Unexploded ordnance, particularly cluster bombs, also kill and maim civilians long after they are used. Although a large number of States have ratified the Ottawa Convention on landmines, many States have not and some require assistance from the United Nations to meet their treaty obligations.

I recommend that the Security Council:

26. Impose arms embargoes in situations where civilians and protected persons are targeted by the parties to the conflict, or where the parties are known to commit systematic and widespread violations of international humanitarian and human rights law, including the recruitment of child soldiers; and urge Member States to enforce these embargoes in their own national jurisdictions.

27. Encourage Member States to give political and financial support and assistance to other States to facilitate compliance with the Ottawa Convention.

G. Peacekeeping

57. In the past, United Nations peacekeeping operations have performed a wide range of tasks related to the protection of civilians, including: discouraging abuses of civilian populations; providing stability and fostering a political process of reconciliation; supporting institution-building efforts, including in such areas as human rights and law enforcement; protecting humanitarian workers and delivering humanitarian assistance; maintaining the security and neutrality of refugee camps, including separation of combatants and non-combatants; maintaining “safe zones” for the protection of civilian populations; deterring and addressing abuses including through the arrest of war criminals.

58. In the past, difficulties have arisen where it has been foreseen that elements of a peacekeeping mandate would be combined with a coercive or enforcement role, where mandates were insufficiently clear or inadequate resources were assigned to the task. It is therefore important to make a clear distinction between those tasks which can be accomplished with a modest presence, those which require a credible deterrent capacity, and those which require enforcement action.

59. The Security Council’s increasing emphasis on the integration of human rights and humanitarian concerns in its actions to promote peace and resolve conflicts is a recognition of the need for a comprehensive approach to peacekeeping, which also helps to strengthen the protection of civilians. In its most recent report, the Special Committee on Peacekeeping Operations noted that the scope of peacekeeping has to be multi-disciplinary in nature, not solely restricted to military tasks, but also include civilian police activities, humanitarian assistance, disarmament and demobilization measures, actions against the proliferation of small arms and light weapons and human rights monitoring.

1. Provision of resources and support

60. As a general rule, the effectiveness of any operation bears a strong relation to its capacity to deploy swiftly the resources necessary to fulfil a given mandate. If an operation arrives in the field without the necessary capacity, this not only limits its practical effectiveness, but also undermines its political viability. A mission that is perceived as strong from the beginning of its deployment is far less likely to be tested than one which is perceived as initially vulnerable or ineffective.

I recommend that the Security Council:

28. Take steps to strengthen the Organization’s capacity to plan and deploy rapidly. This includes enhancing the participation in the United Nations Stand-by Arrangements System, including by increasing the numbers of civilian police and specialized civil administration and humanitarian personnel. Rapidly deployable units of military and police are also required. Also essential is the capacity to quickly deploy a Mission headquarters.

29. Ensure that these units are trained in humanitarian law, including child and gender related provisions, civilian-military coordination and communications and negotiation skills.

2. Compliance with international standards in United Nations operations

61. The presence and activities of United Nations peacekeepers in volatile areas throughout the world have contributed significantly to the protection of civilians in armed conflict. Countless young men and women have done so selflessly, some having given their lives. In order to protect civilians in armed conflict, as well as to protect the legitimacy and respect of peacekeeping...
same time, the Security Council identified a number of measures which could help address some of the concerns noted above (S/PV.3957/35). The Security Council stressed the need for regional operations to ensure that their personnel respect and observe international law, including humanitarian, human rights and refugee law. In this context, the Security Council underlined its support for the inclusion of civilian elements, for instance in dealing with political and human rights issues; and recognized the importance of the contribution that can be made by co-deployment of a United Nations peacekeeping force.

I recommend that the Security Council:

34. Confirm that regional organizations have the capacity to carry out an operation according to international norms and standards before authorizing their deployment, and put in place mechanisms whereby the Council can effectively monitor such operations.

H. Separation of combatants and armed elements from civilians in camps

64. When the national law enforcement system of a host-State is unable to separate combatants or armed elements from civilians in camps designated for internally displaced persons or refugees, it is essential that international efforts are made to restore the humanitarian nature of such camps. This issue was considered by the Council during its debate of the Secretary-General’s report on the protection of humanitarian assistance for refugees and others in conflict situations (S/1998/883). As a result of these consultations, a number of possible options have been proposed to the Council, depending on the specific circumstances in each situation. The modalities for the implementation of the following recommendations will require further consultations between the Department of Peacekeeping Operations, the Office of the United Nations High Commissioner for Refugees and troop-contributing countries.

I recommend that the Security Council:

35. Deploy international military observers to monitor the situation in camps for internally displaced persons and refugees when the presence of arms, combatants and armed elements is suspected. If such elements are found and national forces are unable or unwilling to intervene, consider the range of options I have outlined in S/1998/883. This could involve deploying regional or international military forces that are prepared to take effective measures to protect civilians. Such measures could include compelling disarmament of the combatants or armed elements.

36. Mobilize international support for national security forces, from logistical and operational assistance to technical advice, training and supervision where necessary.

37. Mobilize international support for the relocation of camps too close to the border with refugees’ countries of origin, to a safe distance away from the border.
I. Disarmament and demobilization

65. The abundance of armaments available to conflicting parties, especially small arms and light weapons, is a major contributing factor to the number and intensity of armed conflicts around the globe, as well as to violations of signed peace settlements. The disarming and demobilizing of combatants must be a top priority in any United Nations peacekeeping/peace-building operation. I refer to the Security Council presidential statement of 8 July 1999 for valuable guidelines (S/PRST/1998/21).

I recommend that the Security Council:

40. In the face of massive and ongoing abuses, consider the imposition of appropriate enforcement action. Before acting in such cases, either with a United Nations, regional or multinational arrangement, and in order to reinforce political support for such efforts, enhance confidence in their legitimacy and deter perceptions of selectivity or bias toward one region or another, the Council should consider the following factors:

(a) The scope of the breaches of human rights and international humanitarian law including the numbers of people affected and the nature of the violations;

(b) The inability of local authorities to uphold legal order, or identification of a pattern of complicity by local authorities;

(c) The exhaustion of peaceful or consent-based efforts to address the situation;

(d) The ability of the Security Council to monitor actions that are undertaken;

(e) The limited and proportionate use of force, with attention to repercussions upon civilian populations and the environment.

VI. OBSERVATIONS

68. In the present report I have painted a stark picture of the realities faced by civilians in armed conflict and the challenges these situations present to the international community. I have recommended clear action on the part of the Security Council to compel parties to conflict to respect the rights guaranteed to civilians by international law and convention. The plight of civilians is no longer something which can be neglected, or made secondary because it complicates political negotiations or interests. It is fundamental to the central mandate of the Organization. The responsibility for the protection of civilians cannot be transferred to others. The United Nations is the only international organization with the reach and authority to end these practices. I urge the Security Council to commit itself to this task.

I recommend that the Security Council:

39. Establish, as a measure of last resort, temporary security zones and safe corridors for the protection of civilians and the delivery of assistance in situations characterized by the threat of genocide, crimes against humanity and war crimes against the civilian population, subject to a clear understanding that such arrangements require the availability, prior to their establishment, of sufficient and credible force to guarantee the safety of civilian populations making use of them, and ensure the demilitarization of these zones and the availability of a safe-exit option.

K. Intervention in cases of systematic and widespread violations of international law

67. Protection mechanisms rely first and foremost on the willingness of State and non-state actors to comply with applicable international law. In situations where the parties to the conflict commit systematic and widespread breaches of international humanitarian and human rights law, causing threats of genocide, crimes against humanity and war crimes, the Security Council should be prepared to intervene under Chapter VII of the Charter. The use of coercive action should be seen as a mechanism of last resort to protect the civilian population from immediate threats to their lives and to ensure the safe passage of humanitarian convoys.
72. Finally, I put forward three recommendations intended to alleviate the suffering of civilians in situations where conflict has already broken out and where civilians are being targeted. These are:

7. Underline in its resolutions, at the onset of a conflict, the imperative for civilian populations to have unimpeded access to humanitarian assistance and for concerned parties including non-state actors, to cooperate fully with the United Nations humanitarian coordinator in providing such access, as well as to guarantee the security of humanitarian organisations, in accordance with the principles of humanity, neutrality and impartiality, and insist that failure to comply will result in the imposition of targeted sanctions. (Recommendation 18)

8. Ensure that, whenever required, peacekeeping and peace enforcement operations are authorized and equipped to control or close down hate media assets. (Recommendation 16)

9. In the face of massive and ongoing abuses, consider the imposition of appropriate enforcement action. Before acting in such cases, either with a United Nations, regional or multinational arrangement, and in order to reinforce political support for such efforts, enhance confidence in their legitimacy and deter perceptions of selectivity or bias toward one region or another, the Council should consider the following factors:

   (a) The scope of the breaches of human rights and international humanitarian law, including the numbers of people affected and the nature of the violations;

   (b) The inability of local authorities to uphold legal order, or identification of a pattern of complicity by local authorities;

   (c) The exhaustion of peaceful or consent-based efforts to address the situation;

   (d) The ability of the Security Council to monitor actions that are undertaken;

   (e) The limited and proportionate use of force, with attention to repercussions upon civilian populations and the environment. (Recommendation 40)

73. Despite the precedence of law, norms and principles, physical security often needs to be assured before legal protection. The Council must act rapidly to make this principle a reality. I welcome the Council’s call for this report. I sincerely hope that the Council will give its full attention to consideration of all the recommendations in it. It will be important to establish an agreed mechanism and timetable for follow-up and review. I stand ready to report regularly to the Council on progress achieved.

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Observance by United Nations forces of international humanitarian law

United Nations Secretary-General’s Bulletin 1999/13 of 6 August 1999
Secretary-General’s Bulletin

Observance by United Nations forces of international humanitarian law

The Secretary-General, for the purpose of setting out fundamental principles and rules of international humanitarian law applicable to United Nations forces conducting operations under United Nations command and control, promulgates the following:

Section 1
Field of application

1.1 The fundamental principles and rules of international humanitarian law set out in the present bulletin are applicable to United Nations forces when in situations of armed conflict they are actively engaged therein as combatants, to the extent and for the duration of their engagement. They are accordingly applicable in enforcement actions, or in peacekeeping operations when the use of force is permitted in self-defence.

1.2 The promulgation of this bulletin does not affect the protected status of members of peacekeeping operations under the 1994 Convention on the Safety of United Nations and Associated Personnel or their status as non-combatants, as long as they are entitled to the protection given to civilians under the international law of armed conflict.

Section 2
Application of national law

The present provisions do not constitute an exhaustive list of principles and rules of international humanitarian law binding upon military personnel, and do not prejudice the application thereof, nor do they replace the national laws by which military personnel remain bound throughout the operation.

Section 3
Status-of-forces agreement

In the status-of-forces agreement concluded between the United Nations and a State in whose territory a United Nations force is deployed, the United Nations undertakes to ensure that the force shall conduct its operations with full respect for the principles and rules of the general convention applicable to the conduct of military personnel. The United Nations also undertakes to ensure that members of the military personnel of the force are fully acquainted with the principles and rules of those international instruments. The obligation to respect the said principles and rules is applicable to United Nations forces even in the absence of a status-of-forces agreement.

Section 4
Violations of international humanitarian law

In case of violations of international humanitarian law members of the military personnel of a United Nations force are subject to prosecution in their national courts.

Section 5
Protection of the civilian population

5.1 The United Nations force shall make a clear distinction at all times between civilians and combatants and between civilian objects and military objectives. Military operation shall be directed only against combatants and military objectives. Attacks on civilians or civilian objects an prohibited.

5.2 Civilians shall enjoy the protection afforded by this section, unless and for such time as they take a direct part in hostilities.

5.3 The United Nations force shall take all feasible precautions to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians or damage to civilian property.

5.4 In its area of operation, the United Nations force shall avoid, to the extent feasible, locating military objectives within or near densely populated areas, and take all necessary precautions to protect the civilian population, individual civilians and civilian objects against the dangers resulting from military operations. Military installations and equipment of peacekeeping operations, as such, shall not be considered military objectives.

5.5 The United Nations force is prohibited from launching operations of a nature likely to strike military objectives and civilians in an indiscriminate manner, as well as operations that may be expected to cause incidental loss of life among the civilian population or damage to civilian objects that would be excessive in relation to the concrete and direct military advantage anticipated.

5.6 The United Nations force shall not engage in reprisals against civilians or civilian objects.

Section 6
Means and methods of combat

6.1 The right of the United Nations force to choose methods and means of combat is not unlimited.

6.2 The United Nations force shall respect the rules prohibiting or restricting the use of certain weapons and methods of combat under the relevant instruments of international humanitarian law. These include, in particular, the prohibition on the use of asphyxiating, poisonous or other gases and biological methods of warfare; bullets which explode, expand or flatten easily in the human body; and certain explosive projectiles. The use of certain conventional weapons, such as non-detachable fragments, anti-personnel mines, booby traps and incendiary weapons, is prohibited.

6.3 The United Nations force is prohibited from employing methods of warfare which may cause superfluous injury or unnecessary suffering, or which are intended, or may be expected to cause, widespread, long-term and severe damage to the natural environment.

6.4 The United Nations force is prohibited from using weapons or methods of combat of a nature to cause unnecessary suffering.

6.5 It is forbidden to order that there shall be no survivors.

6.6 The United Nations force is prohibited from attacking monuments of art, architecture or history, archaeological sites, works of art, places of worship and museums and libraries which constitute the cultural or spiritual heritage of peoples. In its area of operation, the United Nations force shall not use such cultural property or their immediate surroundings for purposes which might expose them to destruction or damage. Theft, pillage, misappropriation and any act of vandalism directed against cultural property is strictly prohibited.

Section 7
Treatment of civilians and persons hors de combat

7.1 Persons not, or no longer, taking part in military operations, including civilians, members of armed forces who have laid down their weapons and persons placed hors de combat by reason of sickness, wounds or detention, shall, in all circumstances, be treated humanely and without any adverse distinction based on race, sex, religious convictions or any other ground. They shall be accorded full respect for their person, honour and religious and other convictions.

7.2 The following acts against any of the persons mentioned in section 7.1 are prohibited at any time and in any place: violenceto life or physical integrity; murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment; collective punishment; reprisals; the taking of hostages; rape; enforced prostitution; any form of sexual assault and humiliation and degrading treatment; enslavement and pillage.

7.3 Women shall be especially protected against any attack, in particular against rape, enforced prostitution or any other form of indecent assault.

7.4 Children shall be the object of special respect and shall be protected against any form of indecent assault.
Section 8
Treatment of detained persons

The United Nations force shall treat with humanity and respect for their dignity detained members of the armed forces and other persons who no longer take part in military operations by reason of detention. Without prejudice to their legal status, they shall be treated in accordance with the relevant provisions of the Third Geneva Convention of 1949, as may be applicable to them mutatis mutandis. In particular:

(a) Their capture and detention shall be notified without delay to the party on which they depend and to the Central Tracing Agency of the International Committee of the Red Cross (ICRC), in particular in order to inform their families;

(b) They shall be held in secure and safe premises which provide all possible safeguards of hygiene and health, and shall not be detained in areas exposed to the dangers of the combat zone;

(c) They shall be entitled to receive food and clothing, hygiene and medical attention;

(d) They shall under no circumstances be subjected to any form of torture or ill-treatment;

(e) Women whose liberty has been restricted shall be held in quarters separated from men’s quarters, and shall be under the immediate supervision of women;

(f) In cases where children who have not attained the age of sixteen years take a direct part in hostilities and are arrested, detained or interned by the United Nations force, they shall continue to benefit from special protection. In particular, they shall be held in quarters separate from the quarters of adults, except when accommodated with their families;

(g) ICRC’s right to visit prisoners and detained persons shall be respected and guaranteed.

Section 9
Protection of the wounded, the sick, and medical and relief personnel

9.1 Members of the armed forces and other persons in the power of the United Nations force who are wounded or sick shall be respected and protected in all circumstances. They shall be treated humanely and receive the medical care and attention required by their condition, without adverse distinction. Only urgent medical reasons will authorize priority in the order of treatment to be administered.

9.2 Whenever circumstances permit, a suspension of fire shall be arranged, or other local arrangements made, to permit the search for and identification of the wounded, the sick and the dead left on the battlefield and allow for their collection, removal, exchange and transport.

9.3 The United Nations force shall not attack medical establishments or mobile medical units. These shall at all times be respected and protected, unless they are used, outside their humanitarian functions, to attack or otherwise commit harmful acts against the United Nations force.

9.4 The United Nations force shall in all circumstances respect and protect medical personnel exclusively engaged in the search for, transport or treatment of the wounded or sick, as well as religious personnel.

9.5 The United Nations force shall respect and protect transports of wounded and sick or medical equipment in the same way as mobile medical units.

9.6 The United Nations force shall not engage in reprisals against the wounded, the sick or the personnel, establishments and equipment protected under this section.

9.7 The United Nations force shall in all circumstances respect the Red Cross and Red Crescent emblems. These emblems may not be employed except to indicate or to protect medical units and medical establishments, personnel and material. Any misuse of the Red Cross or Red Crescent emblems is prohibited.

9.8 The United Nations force shall respect the right of the families to know about the fate of their sick, wounded and deceased relatives. To this end, the force shall facilitate the work of the ICRC Central Tracing Agency.

9.9 The United Nations force shall facilitate the work of relief operations which are humanitarian and impartial in character and conducted without any adverse distinction, and shall respect personnel, vehicles and premises involved in such operations.

Section 10
Entry into force

The present bulletin shall enter into force on 12 August 1999.

(Signed) Kofi A. Annan
Secretary-General
Convention on Cluster Munitions, 2008

UNTS, vol. 2688, p. 92
CONVENTION ON CLUSTER MUNITIONS

The States Parties to this Convention,

Deeply concerned that civilian populations and individual civilians continue to bear the brunt of armed conflict,

Determined to put an end for all time to the suffering and casualties caused by cluster munitions at the time of their use, when they fail to function as intended or when they are abandoned,

Concerned that cluster munition remnants kill or maim civilians, including women and children, obstruct economic and social development, including through the loss of livelihood, impede post-conflict rehabilitation and reconstruction, delay or prevent the return of refugees and internally displaced persons, can negatively impact on national and international peace-building and humanitarian assistance efforts, and have other severe consequences that can persist for many years after use,

Deeply concerned also at the dangers presented by the large national stockpiles of cluster munitions retained for operational use and determined to ensure their rapid destruction,

Believing it necessary to contribute effectively in an efficient, coordinated manner to resolving the challenge of removing cluster munition remnants located throughout the world, and to ensure their destruction,

Determined also to ensure the full realization of the rights of all cluster munition victims and recognizing their inherent dignity,

Resolved to do their utmost in providing assistance to cluster munition victims, including medical care, rehabilitation and psychological support, as well as providing for their social and economic inclusion,

Recognizing the need to provide age- and gender-sensitive assistance to cluster munition victims and to address the special needs of vulnerable groups,

Bearing in mind the Convention on the Rights of Persons with Disabilities which, inter alia, requires that States Parties to that Convention undertake to ensure and promote the full realization of all human rights and fundamental freedoms of all persons with disabilities without discrimination of any kind on the basis of disability,
Mindful of the need to coordinate adequately efforts undertaken in various fora to address the rights and needs of victims of various types of weapons, and resolved to avoid discrimination among victims of various types of weapons,

Reaffirming that in cases not covered by this Convention or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law, derived from established custom, from the principles of humanity and from the dictates of public conscience,

Resolved also that armed groups distinct from the armed forces of a State shall not, under any circumstance, be permitted to engage in any activity prohibited to a State Party to this Convention,

Welcoming the very broad international support for the international norm prohibiting anti-personnel mines, enshrined in the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction,

Welcoming also the adoption of the Protocol on Explosive Remnants of War, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and its entry into force on 12 November 2006, and wishing to enhance the protection of civilians from the effects of cluster munition remnants in post-conflict environments,


Welcoming further the steps taken nationally, regionally and globally in recent years aimed at prohibiting, restricting or suspending the use, stockpiling, production and transfer of cluster munitions,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the global call for an end to civilian suffering caused by cluster munitions and recognizing the efforts to that end undertaken by the United Nations, the International Committee of the Red Cross, the Cluster Munition Coalition and numerous other non-governmental organizations around the world,

Reaffirming the Declaration of the Oslo Conference on Cluster Munitions, by which, inter alia, States recognized the grave consequences caused by the use of cluster munitions and committed themselves to conclude by 2008 a legally binding instrument that would prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and would establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation for victims, clearance of contaminated areas, risk reduction education and destruction of stockpiles,

Emphasizing the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalization and its full implementation,

Basing themselves on the principles and rules of international humanitarian law, in particular the principle that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited, and the rules that the parties to a conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly direct their operations against military objectives only, that in the conduct of military operations constant care shall be taken to spare the civilian population, civilians and civilian objects and that the civilian population and individual civilians enjoy general protection against dangers arising from military operations,

HAVE AGREED as follows:

Article 1

General obligations and scope of application

1. Each State Party undertakes never under any circumstances to:
   (a) Use cluster munitions;
   (b) Develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions;
   (c) Assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention.

2. Paragraph 1 of this Article applies, mutatis mutandis, to explosive bomblets that are specifically designed to be dispersed or released from dispensers affixed to aircraft.

3. This Convention does not apply to mines.
Article 2
Definitions

For the purposes of this Convention:

1. “Cluster munition victims” means all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalization or substantial impairment of the realization of their rights caused by the use of cluster munitions. They include those persons directly impacted by cluster munitions as well as their affected families and communities;

2. “Cluster munition” means a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions. It does not mean the following:

(a) A munition or submunition designed to dispense flares, smoke, pyrotechnics or chaff; or a munition designed exclusively for an air defence role;

(b) A munition or submunition designed to produce electrical or electronic effects;

(c) A munition that, in order to avoid indiscriminate area effects and the risks posed by unexploded submunitions, has all of the following characteristics:

(i) Each munition contains fewer than ten explosive submunitions;

(ii) Each explosive submunition weighs more than four kilograms;

(iii) Each explosive submunition is designed to detect and engage a single target object;

(iv) Each explosive submunition is equipped with an electronic self-destruction mechanism;

(v) Each explosive submunition is equipped with an electronic self-deactivating feature;

3. “Explosive submunition” means a conventional munition that in order to perform its task is dispersed or released by a cluster munition and is designed to function by detonating an explosive charge prior to, on or after impact;

4. “Failed cluster munition” means a cluster munition that has been fired, dropped, launched, projected or otherwise delivered and which should have dispersed or released its explosive submunitions but failed to do so;

5. “Unexploded submunition” means an explosive submunition that has been dispersed or released by, or otherwise separated from, a cluster munition and has failed to explode as intended;

6. “Abandoned cluster munitions” means cluster munitions or explosive submunitions that have not been used and that have been left behind or dumped, and that are no longer under the control of the party that left them behind or dumped them. They may or may not have been prepared for use;

7. “Cluster munition remnants” means failed cluster munitions, abandoned cluster munitions, unexploded submunitions and unexploded bomblets;

8. “Transfer” involves, in addition to the physical movement of cluster munitions into or from national territory, the transfer of title to and control over cluster munitions, but does not involve the transfer of territory containing cluster munition remnants;

9. “Self-destruction mechanism” means an incorporated automatically-functioning mechanism which is in addition to the primary initiating mechanism of the munition and which secures the destruction of the munition into which it is incorporated;

10. “Self-deactivating” means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example a battery, that is essential to the operation of the munition;

11. “Cluster munition contaminated area” means an area known or suspected to contain cluster munition remnants;

12. “Mine” means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle;
13. "Explosive bomblet" means a conventional munition, weighing less than 20 kilograms, which is not self-propelled and which, in order to perform its task, is dispersed or released by a dispenser, and is designed to function by detonating an explosive charge prior to, on or after impact;

14. "Dispenser" means a container that is designed to disperse or release explosive bomblets and which is affixed to an aircraft at the time of dispersal or release;

15. "Unexploded bomblet" means an explosive bomblet that has been dispersed, released or otherwise separated from a dispenser and has failed to explode as intended.

Article 3
Storage and stockpile destruction

1. Each State Party shall, in accordance with national regulations, separate all cluster munitions under its jurisdiction and control from munitions retained for operational use and mark them for the purpose of destruction.

2. Each State Party undertakes to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article as soon as possible but not later than eight years after the entry into force of this Convention for that State Party. Each State Party undertakes to ensure that destruction methods comply with applicable international standards for protecting public health and the environment.

3. If a State Party believes that it will be unable to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article within eight years of entry into force of this Convention for that State Party, it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the destruction of such cluster munitions by a period of up to four years. A State Party may, in exceptional circumstances, request additional extensions of up to four years. The requested extensions shall not exceed the number of years strictly necessary for that State Party to complete its obligations under paragraph 2 of this Article.

4. Each request for an extension shall set out:
   (a) The duration of the proposed extension;
   (b) A detailed explanation of the proposed extension, including the financial and technical means available to or required by the State Party for the destruction of all cluster munitions referred to in paragraph 1 of this Article and, where applicable, the exceptional circumstances justifying it;

(c) A plan for how and when stockpile destruction will be completed;

(d) The quantity and type of cluster munitions and explosive submunitions held at the entry into force of this Convention for that State Party and any additional cluster munitions or explosive submunitions discovered after such entry into force;

(e) The quantity and type of cluster munitions and explosive submunitions destroyed during the period referred to in paragraph 2 of this Article; and

(f) The quantity and type of cluster munitions and explosive submunitions remaining to be destroyed during the proposed extension and the annual destruction rate expected to be achieved.

5. The Meeting of States Parties or the Review Conference shall, taking into consideration the factors referred to in paragraph 4 of this Article, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension. The States Parties may decide to grant a shorter extension than that requested and may propose benchmarks for the extension, as appropriate. A request for an extension shall be submitted a minimum of nine months prior to the Meeting of States Parties or the Review Conference at which it is to be considered.

6. Notwithstanding the provisions of Article 1 of this Convention, the retention or acquisition of a limited number of cluster munitions and explosive submunitions for the development of and training in cluster munition and explosive submunition detection, clearance or destruction techniques, or for the development of cluster munition counter-measures, is permitted. The amount of explosive submunitions retained or acquired shall not exceed the minimum number absolutely necessary for these purposes.

7. Notwithstanding the provisions of Article 1 of this Convention, the transfer of cluster munitions to another State Party for the purpose of destruction, as well as for the purposes described in paragraph 6 of this Article, is permitted.

8. States Parties retaining, acquiring or transferring cluster munitions or explosive submunitions for the purposes described in paragraphs 6 and 7 of this Article shall submit a detailed report on the planned and actual use of these cluster munitions and explosive submunitions and their type, quantity...
and lot numbers. If cluster munitions or explosive submunitions are transferred to another State Party for these purposes, the report shall include reference to the receiving party. Such a report shall be prepared for each year during which a State Party retained, acquired or transferred cluster munitions or explosive submunitions and shall be submitted to the Secretary-General of the United Nations no later than 30 April of the following year.

Article 4
Clearance and destruction of cluster munition remnants and risk reduction education

1. Each State Party undertakes to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in cluster munition contaminated areas under its jurisdiction or control, as follows:

(a) Where cluster munition remnants are located in areas under its jurisdiction or control at the date of entry into force of this Convention for that State Party, such clearance and destruction shall be completed as soon as possible but not later than ten years from that date;

(b) Where, after entry into force of this Convention for that State Party, cluster munitions have become cluster munition remnants located in areas under its jurisdiction or control, such clearance and destruction must be completed as soon as possible but not later than ten years after the end of the active hostilities during which such cluster munitions became cluster munition remnants; and

(c) Upon fulfilling either of its obligations set out in subparagraphs (a) and (b) of this paragraph, that State Party shall make a declaration of compliance to the next Meeting of States Parties.

2. In fulfilling its obligations under paragraph 1 of this Article, each State Party shall take the following measures as soon as possible, taking into consideration the provisions of Article 6 of this Convention regarding international cooperation and assistance:

(a) Survey, assess and record the threat posed by cluster munition remnants, making every effort to identify all cluster munition contaminated areas under its jurisdiction or control;

(b) Assess and prioritize needs in terms of marking, protection of civilians, clearance and destruction, and take steps to mobilize resources and develop a national plan to carry out these activities, building, where appropriate, upon existing structures, experiences and methodologies;

(c) Take all feasible steps to ensure that all cluster munition contaminated areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means to ensure the effective exclusion of civilians. Warning signs based on methods of marking readily recognizable by the affected community should be utilized in the marking of suspected hazardous areas. Signs and other hazardous area boundary markers should, as far as possible, be visible, legible, durable and resistant to environmental effects and should clearly identify which side of the marked boundary is considered to be within the cluster munition contaminated areas and which side is considered to be safe;

(d) Clear and destroy all cluster munition remnants located in areas under its jurisdiction or control; and

(e) Conduct risk reduction education to ensure awareness among civilians living in or around cluster munition contaminated areas of the risks posed by such remnants.

3. In conducting the activities referred to in paragraph 2 of this Article, each State Party shall take into account international standards, including the International Mine Action Standards (IMAS).

4. This paragraph shall apply in cases in which cluster munitions have been used or abandoned by one State Party prior to entry into force of this Convention for that State Party and have become cluster munition remnants that are located in areas under the jurisdiction or control of another State Party at the time of entry into force of this Convention for the latter.

(a) In such cases, upon entry into force of this Convention for both States Parties, the former State Party is strongly encouraged to provide, inter alia, technical, financial, material or human resources assistance to the latter State Party, either bilaterally or through a mutually agreed third party, including through the United Nations system or other relevant organizations, to facilitate the marking, clearance and destruction of such cluster munition remnants.

(b) Such assistance shall include, where available, information on types and quantities of the cluster munitions used, precise locations of cluster munition strikes and areas in which cluster munition remnants are known to be located.

5. If a State Party believes that it will be unable to clear and destroy or ensure the clearance and destruction of all cluster munition remnants referred to in paragraph 1 of this Article within ten years of the entry into force of this
Convention for that State Party, it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the clearance and destruction of such cluster munition remnants by a period of up to five years. The requested extension shall not exceed the number of years strictly necessary for that State Party to complete its obligations under paragraph 1 of this Article.

6. A request for an extension shall be submitted to a Meeting of States Parties or a Review Conference prior to the expiry of the time period referred to in paragraph 1 of this Article for that State Party. Each request shall be submitted a minimum of nine months prior to the Meeting of States Parties or Review Conference at which it is to be considered. Each request shall set out:

(a) The duration of the proposed extension;

(b) A detailed explanation of the reasons for the proposed extension, including the financial and technical means available to and required by the State Party for the clearance and destruction of all cluster munition remnants during the proposed extension;

(c) The preparation of future work and the status of work already conducted under national clearance and demining programmes during the initial ten year period referred to in paragraph 1 of this Article and any subsequent extensions;

(d) The total area containing cluster munition remnants at the time of entry into force of this Convention for that State Party and any additional areas containing cluster munition remnants discovered after such entry into force;

(e) The total area containing cluster munition remnants cleared since entry into force of this Convention;

(f) The total area containing cluster munition remnants remaining to be cleared during the proposed extension;

(g) The circumstances that have impeded the ability of the State Party to destroy all cluster munition remnants located in areas under its jurisdiction or control during the initial ten year period referred to in paragraph 1 of this Article, and those that may impede this ability during the proposed extension;

(h) The humanitarian, social, economic and environmental implications of the proposed extension; and

(i) Any other information relevant to the request for the proposed extension.

7. The Meeting of States Parties or the Review Conference shall, taking into consideration the factors referred to in paragraph 6 of this Article, including, inter alia, the quantities of cluster munition remnants reported, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension. The States Parties may decide to grant a shorter extension than that requested and may propose benchmarks for the extension, as appropriate.

8. Such an extension may be renewed by a period of up to five years upon the submission of a new request, in accordance with paragraphs 5, 6 and 7 of this Article. In requesting a further extension a State Party shall submit relevant additional information on what has been undertaken during the previous extension granted pursuant to this Article.

**Article 5**

**Victim assistance**

1. Each State Party with respect to cluster munition victims in areas under its jurisdiction or control shall, in accordance with applicable international humanitarian and human rights law, adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion. Each State Party shall make every effort to collect reliable relevant data with respect to cluster munition victims.

2. In fulfilling its obligations under paragraph 1 of this Article each State Party shall:

(a) Assess the needs of cluster munition victims;

(b) Develop, implement and enforce any necessary national laws and policies;

(c) Develop a national plan and budget, including timeframes to carry out these activities, with a view to incorporating them within the existing national disability, development and human rights frameworks and mechanisms, while respecting the specific role and contribution of relevant actors;

(d) Take steps to mobilize national and international resources;
(e) Not discriminate against or among cluster munition victims, or between cluster munition victims and those who have suffered injuries or disabilities from other causes; differences in treatment should be based only on medical, rehabilitative, psychological or socio-economic needs;

(f) Closely consult with and actively involve cluster munition victims and their representative organizations;

(g) Designate a focal point within the government for coordination of matters relating to the implementation of this Article.

(h) Strive to incorporate relevant guidelines and good practices including in the areas of medical care, rehabilitation and psychological support, as well as social and economic inclusion.

Article 6. International cooperation and assistance

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance.

2. Each State Party in a position to do so shall provide technical, material and financial assistance to States Parties affected by cluster munitions, aimed at the implementation of the obligations of this Convention. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, non-governmental organizations or institutions, or on a bilateral basis.

3. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision and receipt of clearance and other such equipment and related technological information for humanitarian purposes.

4. In addition to any obligations it may have pursuant to paragraph 4 of Article 4 of this Convention, each State Party in a position to do so shall provide assistance for clearance and destruction of cluster munition remnants and information concerning various means and technologies related to clearance of cluster munitions, as well as lists of experts, expert agencies or national points of contact on clearance and destruction of cluster munition remnants and related activities.

5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled cluster munitions, and shall also provide assistance to identify, assess and prioritize needs and practical measures in terms of marking, risk reduction education, protection of civilians and clearance and destruction as provided in Article 4 of this Convention.

6. Where, after entry into force of this Convention, cluster munitions have become cluster munition remnants located in areas under the jurisdiction or control of a State Party, each State Party in a position to do so shall urgently provide emergency assistance to the affected State Party.

7. Each State Party in a position to do so shall provide assistance for the implementation of the obligations referred to in Article 5 of this Convention to adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent Societies and their International Federation, non-governmental organizations or on a bilateral basis.

8. Each State Party in a position to do so shall provide assistance to contribute to the economic and social recovery needed as a result of cluster munition use in affected States Parties.

9. Each State Party in a position to do so may contribute to relevant trust funds in order to facilitate the provision of assistance under this Article.

10. Each State Party that seeks and receives assistance shall take all appropriate measures in order to facilitate the timely and effective implementation of this Convention, including facilitation of the entry and exit of personnel, material and equipment, in a manner consistent with national laws and regulations, taking into consideration international best practices.

11. Each State Party may, with the purpose of developing a national action plan, request the United Nations system, regional organizations, other States Parties or other competent intergovernmental or non-governmental institutions to assist its authorities to determine, inter alia:

(a) The nature and extent of cluster munition remnants located in areas under its jurisdiction or control;
(b) The financial, technological and human resources required for the implementation of the plan;

(c) The time estimated as necessary to clear and destroy all cluster munition remnants located in areas under its jurisdiction or control;

(d) Risk reduction education programmes and awareness activities to reduce the incidence of injuries or deaths caused by cluster munition remnants;

(e) Assistance to cluster munition victims; and

(f) The coordination relationship between the government of the State Party concerned and the relevant governmental, intergovernmental or non-governmental entities that will work in the implementation of the plan.

12. States Parties giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programmes.

Article 7

Transparency measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party, on:

(a) The national implementation measures referred to in Article 9 of this Convention;

(b) The total of all cluster munitions, including explosive submunitions, referred to in paragraph 1 of Article 3 of this Convention, to include a breakdown of their type, quantity and, if possible, lot numbers of each type;

(c) The technical characteristics of each type of cluster munition produced by that State Party prior to entry into force of this Convention for it, to the extent known, and those currently owned or possessed by it, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of cluster munitions; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information that may facilitate the clearance of cluster munition remnants;

(d) The status and progress of programmes for the conversion or decommissioning of production facilities for cluster munitions;

(e) The status and progress of programmes for the destruction, in accordance with Article 3 of this Convention, of cluster munitions, including explosive submunitions, with details of the methods that will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;

(f) The types and quantities of cluster munitions, including explosive submunitions, destroyed in accordance with Article 3 of this Convention, including details of the methods of destruction used, the location of the destruction sites and the applicable safety and environmental standards observed;

(g) Stockpiles of cluster munitions, including explosive submunitions, discovered after reported completion of the programme referred to in subparagraph (e) of this paragraph, and plans for their destruction in accordance with Article 3 of this Convention;

(h) To the extent possible, the size and location of all cluster munition contaminated areas under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of cluster munition remnant in such area and when they were used;

(i) The status and progress of programmes for the clearance and destruction of all types and quantities of cluster munition remnants cleared and destroyed in accordance with Article 4 of this Convention, to include the size and location of the cluster munition contaminated area cleared and a breakdown of the quantity of each type of cluster munition remnant cleared and destroyed;

(j) The measures taken to provide risk reduction education and, in particular, an immediate and effective warning to civilians living in cluster munition contaminated areas under its jurisdiction or control;

(k) The status and progress of implementation of its obligations under Article 5 of this Convention to adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims and to collect reliable relevant data with respect to cluster munition victims;

(l) The name and contact details of the institutions mandated to provide information and to carry out the measures described in this paragraph;
(m) The amount of national resources, including financial, material or in kind, allocated to the implementation of Articles 3, 4 and 5 of this Convention; and

(n) The amounts, types and destinations of international cooperation and assistance provided under Article 6 of this Convention.

2. The information provided in accordance with paragraph 1 of this Article shall be updated by the States Parties annually, covering the previous calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.

3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

Article 8
Facilitation and clarification of compliance

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.

2. If one or more States Parties wish to clarify and seek to resolve questions relating to a matter of compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days of the requesting State Party all information that would assist in clarifying the matter.

3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.

4. Pending the convening of any Meeting of States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.

5. Where a matter has been submitted to it pursuant to paragraph 3 of this Article, the Meeting of States Parties shall first determine whether to consider that matter further, taking into account all information submitted by the States Parties concerned. If it does so determine, the Meeting of States Parties may suggest to the States Parties concerned ways and means to further to clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6 of this Convention.

6. In addition to the procedures provided for in paragraphs 2 to 5 of this Article, the Meeting of States Parties may decide to adopt such other general procedures or specific mechanisms for clarification of compliance, including facts, and resolution of instances of non-compliance with the provisions of this Convention as it deems appropriate.

Article 9
National implementation measures

Each State Party shall take all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

Article 10
Settlement of disputes

1. When a dispute arises between two or more States Parties relating to the interpretation or application of this Convention, the States Parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of their choice, including recourse to the Meeting of States Parties and referral to the International Court of Justice in conformity with the Statute of the Court.

2. The Meeting of States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good
offices, calling upon the States Parties concerned to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.

Article 11
Meetings of States Parties

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of this Convention, including:

(a) The operation and status of this Convention;

(b) Matters arising from the reports submitted under the provisions of this Convention;

(c) International cooperation and assistance in accordance with Article 6 of this Convention;

(d) The development of technologies to clear cluster munition remnants;

(e) Submissions of States Parties under Articles 8 and 10 of this Convention; and

(f) Submissions of States Parties as provided for in Articles 3 and 4 of this Convention.

2. The first Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.

3. States not party to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations may be invited to attend these meetings as observers in accordance with the agreed rules of procedure.

Article 12
Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.

2. The purpose of the Review Conference shall be:

(a) To review the operation and status of this Convention;

(b) To consider the need for and the interval between further Meetings of States Parties referred to in paragraph 2 of Article 11 of this Convention; and

(c) To take decisions on submissions of States Parties as provided for in Articles 3 and 4 of this Convention.

3. States not party to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations may be invited to attend each Review Conference as observers in accordance with the agreed rules of procedure.

Article 13
Amendments

1. At any time after its entry into force any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Secretary-General of the United Nations, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Secretary-General of the United Nations no later than 90 days after its circulation that they support further consideration of the proposal, the Secretary-General of the United Nations shall convene an Amendment Conference to which all States Parties shall be invited.

2. States not party to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the
International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations may be invited to attend each Amendment Conference as observers in accordance with the agreed rules of procedure.

3. The Amendment Conference shall be held immediately following a Meeting of States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.

4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to all States.

5. An amendment to this Convention shall enter into force for States Parties that have accepted the amendment on the date of deposit of acceptances by a majority of the States which were Parties at the date of adoption of the amendment. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article 14
Costs and administrative tasks
1. The costs of the Meetings of States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not party to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.

2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 of this Convention shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

3. The performance by the Secretary-General of the United Nations of administrative tasks assigned to him or her under this Convention is subject to an appropriate United Nations mandate.

Article 15
Signature
This Convention, done at Dublin on 30 May 2008, shall be open for signature at Oslo by all States on 3 December 2008 and thereafter at United Nations Headquarters in New York until its entry into force.

Article 16
Ratification, acceptance, approval or accession
1. This Convention is subject to ratification, acceptance or approval by the Signatories.

2. It shall be open for accession by any State that has not signed the Convention.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 17
Entry into force
1. This Convention shall enter into force on the first day of the sixth month after the month in which the thirtieth instrument of ratification, acceptance, approval or accession has been deposited.

2. For any State that deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

Article 18
Provisional application
Any State may, at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally Article 1 of this Convention pending its entry into force for that State.

Article 19
Reservations
The Articles of this Convention shall not be subject to reservations.

Article 20
Duration and withdrawal
1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating withdrawal.

3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.

Article 21
Relations with States not party to this Convention

1. Each State Party shall encourage States not party to this Convention to ratify, accept, approve or accede to this Convention, with the goal of attracting the adherence of all States to this Convention.

2. Each State Party shall notify the governments of all States not party to this Convention, referred to in paragraph 3 of this Article, of its obligations under this Convention, shall promote the norms it establishes and shall make its best efforts to discourage States not party to this Convention from using cluster munitions.

3. Notwithstanding the provisions of Article 1 of this Convention and in accordance with international law, States Parties, their military personnel or nationals, may engage in military cooperation and operations with States not party to this Convention that might engage in activities prohibited to a State Party.

4. Nothing in paragraph 3 of this Article shall authorize a State Party:

   (a) To develop, produce or otherwise acquire cluster munitions;

   (b) To itself stockpile or transfer cluster munitions;

   (c) To itself use cluster munitions; or

   (d) To expressly request the use of cluster munitions in cases where the choice of munitions used is within its exclusive control.

Article 22
Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

Article 23
Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Convention shall be equally authentic.