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DISARMAMENT



Treaty Series No. 105 (1996)

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 Protocols)
concluded at Geneva on 10 October 1980

Geneva, 10 October 1980

[The Convention entered into force on 13 August 1995]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
December 1996*

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Cm 3497

**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 Nations¹, to refrain in its international relations from the threat of 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 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.

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,

¹Treaty Series No. 67 (1946), Cmd. 7015.

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 1949¹ for the Protection of War Victims, including any situation described in paragraph 4 of Article 1 of Additional Protocol 1 to these Conventions².

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.
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 for that Party form an integral part of this Convention.

ARTICLE 5

Entry into force

1. This Convention³ 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.

¹Treaty Series No. 39 (1958), Cmnd. 550.

²Treaty Series No. 67 (1996) Cm 3332.

³Entered into force on 13 August 1995

3. Each of the Protocols¹ 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 so 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 Conventions of 12 August 1949 for the Protection of War Victims:

- (a) where the High Contracting Party is also a party to Additional Protocol I and an authority referred to in Article 96, paragraph 3, of that Protocol has undertaken to apply the Geneva Conventions and Additional Protocol I in accordance with Article 96, paragraph 3, of the said Protocol, and undertakes to apply this Convention and the relevant annexed Protocols in relation to that conflict; or
- (b) where the High Contracting Party is not a party to Additional Protocol I and an authority of the type referred to in sub-paragraph (a) above accepts and applies the obligations of the Geneva Conventions and of this Convention and the relevant annexed Protocols in relation to that conflict. Such an acceptance and application shall have in relation to that conflict the following effects:
 - (i) the Geneva Conventions and this Convention and its relevant annexed Protocols are brought into force for the parties to the conflict with immediate effect;
 - (ii) the said authority assumes the same rights and obligations as those which have been assumed by a High Contracting Party to the Geneva Conventions, this Convention and its relevant annexed Protocols; and
 - (iii) the Geneva Conventions, this Convention and its relevant annexed Protocols are equally binding upon all parties to the conflict.

The High Contracting Party and the authority may also agree to accept and apply the obligations of Additional Protocol I to the Geneva Conventions on a reciprocal basis.

¹Entered into force on 13 August 1995.

ARTICLE 8

Review and amendments

1. (a) At any time after the entry into force of this Convention any High Contracting Party may propose amendments to this Convention or any annexed Protocol by which it is bound. Any proposal for an amendment shall be communicated to the Depositary, who shall notify it to all the High Contracting Parties and shall seek their views on whether a conference should be convened to consider the proposal. If a majority, that shall not be less than eighteen of the High Contracting Parties so agree, he shall promptly convene a conference to which all High Contracting Parties shall be invited. States not parties to this Convention shall be invited to the conference as observers.

(b) Such a conference may agree upon amendments which shall be adopted and shall enter into force in the same manner as this Convention and the annexed Protocols, provided that amendments to this Convention may be adopted only by the High Contracting Parties and that amendments to a specific annexed Protocol may be adopted only by the High Contracting Parties which are bound by that Protocol.

2. (a) At any time after the entry into force of this Convention any High Contracting Party may propose additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols. Any such proposal for an additional protocol shall be communicated to the Depositary, who shall notify it to all the High Contracting Parties in accordance with sub-paragraph 1(a) of this Article. If a majority, that shall not be less than eighteen of the High Contracting Parties so agree, the Depositary shall promptly convene a conference to which all States shall be invited.

(b) Such a conference may agree, with the full participation of all States represented at the conference, upon additional protocols which 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.

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 sub-paragraph 1(a) or 2(a) or 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 sub-paragraph 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 sub-paragraph 3(a) of this Article, no conference has been convened in accordance with sub-paragraph 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 occupations 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 at, 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 perfidy, 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 transportation;
 - (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; or
 - (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 peacekeeping, 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:
 - (a) remove or render harmless all mines or booby-traps in that area;
 - (b) 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
 - (c) 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 the 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 arise 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 I

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 illuminants, tracers, 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, or 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.

[Here follow the signatures]

SIGNATURES, RATIFICATIONS, APPROVAL,
ACCEPTANCE OR ACCESSION

<i>State</i>	<i>Date of Signature</i>	<i>Date of Instrument Deposit Ratification Approval (AP) Acceptance (A) Accession (a)</i>	<i>Protocols I, II, & III</i>
Afghanistan	10.04.1982		
Argentina *(b)	02.12.1981	02.10.1995	02.10.1995
Australia	08.04.1982	29.09.1983	29.09.1983
Austria	10.04.1981	14.03.1983	14.03.1983
Belgium	10.04.1981	07.02.1995	07.02.1995
Benin	—	27.03.1989 (a)	27.03.1989
Bosnia/Herzegovina (ex Yugoslavia) succession		01.09.1993	
Brazil	—	03.10.1995 (a)	03.10.1995
Bulgaria	10.04.1981	15.10.1982	15.10.1982
Byelorussia	10.04.1981	23.06.1982	23.06.1982
Canada (b)	10.04.1981	24.06.1994	24.06.1994
China	14.09.1981	07.04.1982	07.04.1982

<i>State</i>	<i>Date of Signature</i>	<i>Date of Instrument Deposit Ratification Approval (AP) Acceptance (A) Accession (a)</i>	<i>Protocols I, II, & III</i>
Croatia (ex Yugoslavia) succession		02.12.1993	
Cuba	10.04.1981	02.03.1987	02.03.1987
Cyprus	—	12.12.1988 (a)	12.12.1988
Czechoslovakia	10.04.1981	31.08.1982	31.08.1982
Czech Republic succession		22.02.1993	
Denmark	10.04.1981	07.07.1982	07.07.1982
Ecuador	09.09.1981	04.05.1982	04.05.1982
Egypt	10.04.1981		
Finland	10.04.1981	08.04.1982	08.04.1982
France (b)	10.04.1981	04.03.1988	04.03.1988
Georgia	—	29.04.1996 (a)	29.04.1996
German Democratic Rep.	10.04.1981	20.07.1982	20.07.1982
Germany Federal Rep.	10.04.1981	25.11.1992	25.11.1992
Greece	10.04.1981	28.01.1992	28.01.1992
Guatemala	—	21.01.1983 (a)	21.01.1983
Hungary	10.04.1981	14.06.1982	14.06.1982
Iceland	10.04.1981		
India	15.05.1981	01.03.1994	01.03.1994
Ireland, Republic of *	10.04.1981	13.03.1995	13.03.1995
Israel	—	22.03.1995 (a)	22.03.1995
Italy (b)	10.04.1981	20.01.1995	20.01.1995
Japan	22.09.1981	09.06.1982 (A)	09.06.1982
Jordan	—	19.10.1995 (a)	not II
Laos P D R	—	03.01.1983 (a)	03.01.1983
Latvia	—	04.01.1993 (a)	04.01.1993
Liechtenstein	11.02.1982	16.08.1989	16.08.1989
Luxembourg *	10.04.1981	21.05.1996	21.05.1996
Malta		26.06.1995 (a)	26.06.1995
Mauritius		06.05.1996 (a)	06.05.1996
Mexico	10.04.1981	11.02.1982	11.02.1982
Mongolia	10.04.1981	08.06.1982	08.06.1982
Morocco	10.04.1981		
Netherlands The (b)	10.04.1981	10.06.1987 (A)	10.06.1987

<i>State</i>	<i>Date of Signature</i>	<i>Date of Instrument Deposit Ratification Approval (AP) Acceptance (A) Accession (a)</i>	<i>Protocols I, II, & III</i>
New Zealand	10.04.1981	18.10.1993	18.10.1993
Nicaragua	20.05.1981		
Niger		10.11.1992 (a)	10.11.1992
Nigeria	26.01.1982		
Norway	10.04.1981	07.06.1983	07.06.1983
Pakistan	26.01.1982	01.04.1985	01.04.1985
Phillipines	15.05.1981		
Poland	10.04.1981	02.06.1983	02.06.1983
Portugal	10.04.1981		
Romania (b)*	08.04.1982	26.07.1995	26.07.1995
Sierre Leone	01.05.1981		
Slovak Republic succession	—	28.05.1993	
Slovenia (ex Yugoslavia) succession	—	01.07.1992	
South Africa	—	13.09.1995 (a)	13.09.1995
Spain	10.04.1981	29.12.1993	29.12.1993
Sudan	10.04.1981		
Sweden	10.04.1981	07.07.1982	07.07.1982
Switzerland	18.06.1981	20.08.1982	20.08.1982
Togo	15.09.1981	04.12.1995 (A)	04.12.1995
Tunisia	—	15.05.1987 (a)	15.05.1987
Turkey	26.03.1982		
Uganda	—	14.11.1995 (a)	14.11.1995
Ukraine S S R	10.04.1981	23.06.1982	23.06.1982
Union of Soviet Republics (c)	10.04.1981	10.06.1982	10.06.1982
United Kingdom (b)	10.04.1981	13.02.1995	13.02.1995
United States of America (b)*	08.04.1982	24.03.1995	24.03.1995
Uruguay	—	06.10.1994 (a)	06.10.1994
Vietnam	10.04.1981		
Yugoslavia (d)	05.05.1981	24.05.1983	24.05.1981

* Ratified after the United Kingdom ie 13 February 1995.

(b) Declarations, Reservations and Statements are on pages 15 to 18.

(c) Now the Russian Federation.

(d) Exists as Bosnia/Herzegovina, Croatia and Slovenia.

DECLARATIONS, RESERVATIONS AND STATEMENTS

ARGENTINA

The instrument of ratification by the Government of Argentina contains the following reservation:

(Translation) (Original: Spanish)

The Argentine Republic makes the express reservation that any references to the 1977 Protocols Additional to the Geneva Conventions of 1949 that are contained in 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 Protocols I, II and III shall be interpreted in the light of the interpretative declarations in the instrument of accession of the Argentine Republic to the aforementioned additional Protocols of 1977.

CANADA

On 24 June 1994, the instrument of ratification by the Government of Canada of the above-mentioned Convention was deposited with the Secretary-General. Upon ratification, Canada notified its consent to be bound by all three Protocols annexed to the Convention.

The instrument is accompanied by the following declarations:

(Original: English and French)

- “1. It is the understanding of the Government of Canada that:
 - (a) The compliance of commanders and others responsible for planning, deciding upon, or executing attacks to which the Convention and its Protocols apply cannot be judged on the basis of information which subsequently comes to light but must be assessed on the basis of the information available to them at the time that such actions were taken; and
 - (b) Where terms are not defined in the present Convention and its Protocols they shall, so far as is relevant, be construed in the same sense as terms contained in additional Protocol I to the Geneva Conventions of August 12, 1949.
2. With respect to Protocol I, it is the understanding of the Government of Canada that the use of plastics or similar materials for detonators or other weapons parts not designed to cause injury is not prohibited.
3. With respect to Protocol II it is the understanding of the Government of Canada that:
 - (a) Any obligation to record the location of remotely delivered mines pursuant to sub-paragraph 1(a) of article 5 refers to the location of mine fields and not to the location of individual remotely delivered mines;
 - (b) The term pre-planned, as used in sub-paragraph 1(a) of article 7 means that the position of the minefield in question should have been determined in advance so that an accurate record of the location of the minefield, when laid, can be made;
 - (c) The phrase “or similar functions” used in article 8, includes the concepts of “peace-making, preventive peacekeeping and peace enforcement” as defined in an agenda for peace (United Nations document A/47/277 S/2411 of 17 June 1992).
4. With respect to Protocol III, it is the understanding of the Government of Canada that the expression “clearly separated” in paragraph 3 or article 2 includes both spatial separation or separation by means of an effective physical barrier between the military objective and the concentration of civilians.”

FRANCE

(Original: French)

After signing 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 French Government, as it has already had occasion to state

— through its representative to the United Nations Conference on Prohibitions or Restrictions on the Use of Certain Conventional Weapons in Geneva, during the discussion of the proposal concerning verification arrangements submitted by the delegation of the Federal Republic of Germany and of which the French Government became a sponsor, and at the final meeting on 10 October 1980;

—on 20 November 1980 through the representative of the Netherlands, speaking on behalf of the nine States members of the European Community in the First Committee at the thirty-fifth session of the United Nations General Assembly;

Regrets that thus far it has not been possible for the States which participated in the negotiation of the Convention to reach agreement on the provisions concerning the verification of facts which might be alleged and which might constitute violations of the undertakings subscribed to.

It therefore reserves the right to submit, possibly in association with other States, proposals aimed at filling that gap at the first conference to be held pursuant to article 8 of the Convention and to utilize, as appropriate, procedures that would make it possible to bring before the international community facts and information which, if verified, could constitute violations of the provisions of the Convention and the Protocols annexed thereto.

Interpretative statement

The application of this Convention will have no effect on the legal status of the parties to a conflict.

Reservation

France, which is not bound by Additional Protocol I of 10 June 1977 to the Geneva Conventions of 12 August 1949:

Considers that the fourth paragraph of the preamble 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, which reproduces the provisions of article 35, paragraph 3, of Additional Protocol I, applies only to States parties to that Protocol;

States, with reference to the scope of application defined in article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, that it will apply the provisions of that Convention and its three Protocols to all the armed conflicts referred to in articles 2 and 3 common to the Geneva Conventions of 12 August 1949;

States that as regards the Geneva Conventions of 12 August 1949, the declaration of acceptance and application provided for in article 7, paragraph 4 (b), of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons will have no effects other than those provided for in article 3 common to the Geneva Conventions, in so far as that article is applicable.

ITALY

(Original: French)

On 10 October 1980 in Geneva, the representative of Italy at the United Nations Conference which adopted the texts of the Convention and Protocols on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, speaking at the closing meeting of the Conference, emphasized that the latter, in an effort to reach a compromise between what was desirable and what was possible, had probably achieved the maximum results feasible in the circumstances prevailing at that time.

However, he observed in his statement that one of the objectives which had not been achieved at the Conference, to his Government's great regret, was the inclusion in the text of the Convention, in accordance with a proposal originated by the Federal Republic of Germany, of an article on the establishment of a consultative committee of experts competent to verify facts which might be alleged and which might constitute violations of the undertakings subscribed to.

On the same occasion, the representative of Italy expressed the wish that that proposal, which was aimed at strengthening the credibility and effectiveness of the Convention, should be reconsidered at the earliest opportunity within the framework of the mechanisms for the amendment of the Convention expressly provided for in that instrument.

Subsequently, through the representative of the Netherlands, speaking on behalf of nine States members of the European Community in the First Committee of the United Nations General Assembly on 20 November 1980, when it adopted draft resolution A/C.1/31/L.15 (subsequently adopted as General Assembly resolution 35/153), Italy once again expressed regret that the States which had participated in the preparation of the texts of the Convention and its Protocols had been unable to reach agreement on provisions that would ensure respect for the obligations deriving from those texts.

In the same spirit, Italy—which has just signed the Convention in accordance with the wishes expressed by the General Assembly in its resolution 35/153—wishes to confirm solemnly that it intends to undertake active efforts to ensure that the problem of the establishment of a mechanism that would make it possible to fill a gap in the Convention and thus ensure that it achieves maximum effectiveness and maximum credibility vis-à-vis the international community is taken up again at the earliest opportunity in every competent forum.

THE NETHERLANDS

(Original: English)

“1. With regard to Article 2, paragraph 4, of Protocol II:

It is the understanding of the Government of the Kingdom of the Netherlands that a specific area of land may also be a military objective if, because of its location or other reasons specified in paragraph 4, its total or partial destruction, capture, or neutralization in the circumstances ruling at the time, offers a definitive military advantage;

2. With regard to Article 3, paragraph 3, under c, of Protocol II:

It is the understanding of the Government of the Kingdom of the Netherlands that military advantage refers to the advantage anticipated from the attack considered as a whole and not only from isolated or particular parts of the attack;

3. With regard to Article 8, paragraph 1, of Protocol II:

It is the understanding of the Government of the Kingdom of the Netherlands that the words ‘as far as it is able’ mean ‘as far as it is technically able’.

4. With regard to Article 1, paragraph 3, of Protocol III:

It is the understanding of the Government of the Kingdom of the Netherlands that a specific area of land may also be a military objective if, because of its location or other reasons specified in paragraph 3, its total or partial destruction, capture, or neutralization in the circumstances ruling at the time, offers a definitive military advantage.”

ROMANIA

(Original: English)

The Government of the Socialist Republic of Romania has signed the Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, adopted on 10 October 1980 at the United Nations Conference at Geneva.

Romania considers that the Convention and the three Protocols annexed thereto constitute a positive step within the framework of the efforts which have been made for the gradual development of international humanitarian law applicable during armed conflicts and which aim at providing very broad and reliable protection for the civilian population and the combatants.

At the same time, Romania would like to emphasize that the provisions of the Convention and its Protocols have a restricted character and do not ensure adequate protection either to the civilian population or to the combatants as the fundamental principles of international humanitarian law require.

The Romanian Government wishes to state on this occasion also that real and effective protection for each individual and for peoples and assurance of their right to a free and independent life necessarily presuppose the elimination of all acts of aggression and the renunciation once and for all of the use of force and the threat of the use of force, of intervention in the domestic affairs of other States and of the policy of domination and diktat and strict observation of the sovereignty and independence of peoples and their legitimate right to self-determination.

In the present circumstances, when a vast quantity of nuclear weapons has been accumulated in the world, the protection of each individual and of all peoples is closely linked with the struggle for peace and disarmament and with the adoption of authentic measures to halt the arms race and ensure the gradual reduction of nuclear weapons until they are totally eliminated.

The Romanian Government states once again its decision to act, together with other States, to ensure the prohibition or restriction of all conventional weapons which are excessively injurious or have indiscriminate effects, and the adoption of urgent and effective measures for nuclear disarmament which would protect peoples from the nuclear war which seriously threatens their right to life—a fundamental condition for the protection which international humanitarian law must ensure for the individual, the civilian population and the combatants.

UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND

(Original: English)

“(a) *Generally*

(i) The term ‘armed conflict’ of itself and in its context denotes a situation of a kind which is not constituted by the commission of ordinary crimes, including acts of terrorism, whether concerted or in isolation.

(ii) The United Kingdom will not, in relation to any situation in which it is involved, consider itself bound in consequences of any declaration purporting to be made for the purposes of Article 7(4), unless the United Kingdom shall have expressly recognised that it has been made by a body which is genuinely an authority representing a people engaged in an armed conflict of the type to which that paragraph applies.

(iii) The terms ‘civilian’ and ‘civilian population’ have the same meaning as in Article 50 of the 1st Additional Protocol of 1977 to the 1949 Geneva Conventions. Civilians shall enjoy the protection afforded by this Convention unless and for such time as they take a direct part in hostilities.

(iv) Military commanders and others responsible for planning, deciding upon, or executing attacks necessarily have to reach decisions on the basis of their assessment of the information from all sources which is reasonably available to them at the relevant time.

(b) *Re: Protocol II, Article 2; and Protocol III, Article 1*

A specific area of land may be a military objective if, because of its location or other reasons specified in this Article, its total or partial destruction, capture or neutralisation in the circumstances ruling at the time offers a definite military advantage.

(c) *Re: Protocol II, Article 3*

In the view of the United Kingdom, the military advantage anticipated from an attack is intended to refer to the advantage anticipated from the attack considered as a whole and not only from isolated or particular parts of the attack.

(d) *Re: Protocol III, Article 2*

The United Kingdom accepts the provisions of Article 2(2) and (3) on the understanding that the terms of those paragraphs of that Article do not imply that the air-delivery of incendiary weapons, or of any other weapons, projectiles or munitions, is less accurate or less capable of being carried out discriminately than all or any other means of delivery.”

UNITED STATES OF AMERICA

(Original: English)

The United States Government welcomes the adoption of this Convention, and hopes that all States will give the most serious consideration to ratification or accession. We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time for armed conflict. Our signature of this Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.

At the same time, we want to emphasize that formal adherence by States to agreements restricting the use of weapons in armed conflict would be of little purpose if the parties were not firmly committed to taking every appropriate step to ensure compliance with those restrictions after their entry into force. It would be the firm intention of the United States and, we trust, all other parties to utilize the procedures and remedies provided by this Convention, and by the general laws of war, to see to it that all parties to the Convention meet their obligations under it. The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.

In addition, the United States of course reserves the right, at the time of ratification, to exercise the option provided by article 4(3) of the Convention, and to make statements of understanding and/or reservations, to the extent that it may deem that to be necessary to ensure that the Convention and its Protocols conform to humanitarian and military requirements. As indicated in the negotiating record of the 1980 Conference, the prohibitions and restrictions contained in the Convention and its Protocols are of course new contractual rules (with the exception of certain provisions which restate existing international law) which will only bind States upon their ratification of, or accession to, the Convention and their consent to be bound by the Protocols in question.

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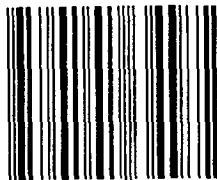
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