

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 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 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

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 I above should be recorded so as to enable the areas containing minefields, mines and booby traps to be identified.
