



DÉPARTEMENT FÉDÉRAL DES AFFAIRES ÉTRANGÈRES

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Notification
aux Gouvernements des Etats parties
aux Conventions de Genève du 12 août 1949
pour la protection des victimes de la guerre

PROTOCOLES ADDITIONNELS I ET II

Ratification par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord

Le 28 janvier 1998, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord a déposé auprès du Conseil fédéral suisse son instrument de ratification des Protocoles additionnels I et II. Cet instrument était accompagné des déclarations et réserves suivantes à l'égard du Protocole additionnel I (texte original):

- «(a) *It continues to be the understanding of the United Kingdom that the rules introduced by the Protocol apply exclusively to conventional weapons without prejudice to any other rules of international law applicable to other types of weapons. In particular, the rules so introduced do not have any effect on and do not regulate or prohibit the use of nuclear weapons.*
- (b) *The United Kingdom understands the term „feasible“ as used in the Protocol to mean that which is practicable or practically possible, taking into account all circumstances ruling at the time, including humanitarian and military considerations.*
- (c) *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.*
- (d) **Re: Article 1 paragraph 4 and Article 96, paragraph 3**
It is the understanding of the United Kingdom that 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.

The United Kingdom will not, in relation to any situation in which it is itself involved, consider itself bound in consequence of any declaration purporting to be made under paragraph 3 of Article 96 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 Article 1, paragraph 4, applies.

(e) **Re: Article 28, paragraph 2**

Given the practical need to make use of non-dedicated aircraft for medical evacuation purposes, the United Kingdom does not interpret this paragraph as precluding the presence on board of communications equipment and encryption materials or the use thereof solely to facilitate navigation, identification or communication in support of medical transportation as defined in Article 8(f).

(f) **Re: Article 35, paragraph 3 and Article 55**

The United Kingdom understands both of these provisions to cover the employment of methods and means of warfare and that the risk of environmental damage falling within the scope of these provisions arising from such methods and means of warfare is to be assessed objectively on the basis of the information available at the time.

(g) **Re: Article 44, paragraph 3**

It is the understanding of the United Kingdom that:

- *the situation in the second sentence of paragraph 3 can only exist in occupied territory or in armed conflicts covered by paragraph 4 of Article 1;*
- *„deployment“ in paragraph 3(b) means any movement towards a place from which an attack is to be launched.*

(h) **Re: Article 50**

In the view of the United Kingdom the rule in the second sentence of paragraph 1 applies only in cases of substantial doubt still remaining after the assessment referred to at paragraph (c) above has been made, and not as overriding a commander's duty to protect the safety of troops under his command or to preserve his military situation, in conformity with other provisions of the Protocol.

(i) **Re: Article 51 and Article 57**

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.

(j) **Re: Article 52**

It is the understanding of the United Kingdom that:

- *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 definite military advantage;*
- *the first sentence of paragraph 2 prohibits only such attacks as may be directed against non-military objectives; it does not deal with the question of collateral damage resulting from attacks directed against military objectives.*

(k) **Re: Article 53**

The United Kingdom declares that if the objects protected by this Article are unlawfully used for military purposes they will thereby lose protection from attacks directed against such unlawful military uses.

(l) **Re: Article 54, paragraph 2**

The United Kingdom understands that paragraph 2 has no application to attacks that are carried out for a specific purpose other than denying sustenance to the civilian population or the adverse party.

(m) **Re: Articles 51 - 55**

The obligations of Articles 51 and 55 are accepted on the basis that any adverse party against which the United Kingdom might be engaged will itself scrupulously observe those obligations. If an adverse party makes serious and deliberate attacks, in violation of Article 51 or Article 52 against the civilian population or civilians or against civilian objects, or, in violation of Articles 53, 54 and 55, on objects or items protected by those Articles, the United Kingdom will regard itself as entitled to take measures otherwise prohibited by the Articles in question to the extent that it considers such measures necessary for the sole purpose of compelling the adverse party to cease committing violations under those Articles, but only after formal warning to the adverse party requiring cessation of the violations has been disregarded and then only after a decision taken at the highest level of government. Any measures thus taken by the United Kingdom will not be disproportionate to the violations giving rise thereto and will not involve any action prohibited by the Geneva Conventions of 1949 nor will such measures be continued after the violations have ceased. The United Kingdom will notify the Protecting Powers of any such formal warning given to an adverse party, and if that warning has been disregarded, of any measures taken as a result.

(n) **Re: Articles 56 and 85, paragraph 3c**

The United Kingdom cannot undertake to grant absolute protection to installations which may contribute to the opposing Party's war effort, or to the defenders of such installations, but will take all due precautions in military operations at or near the installations referred to in paragraph 1 of Article 56 in the light of the known facts, including any special marking which the

installation may carry, to avoid severe collateral losses among civilian populations; direct attacks on such installations will be launched only on authorisation at a high level of command.

(o) **Re: Article 57, paragraph 2**

The United Kingdom understands that the obligation to comply with paragraph 2(b) only extends to those who have the authority and practical possibility to cancel or suspend the attack.

(p) **Re: Article 70**

It is the understanding of the United Kingdom that this Article does not affect the existing rules of naval warfare regarding naval blockade, submarine warfare or mine warfare.»

Conformément à leurs dispositions finales, les Protocoles entreront en vigueur pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord six mois après le dépôt de l'instrument de ratification, soit le 28 juillet 1998.

PROTOCOLE ADDITIONNEL I

Déclaration de la République démocratique populaire lao

Le 30 janvier 1998, la République démocratique populaire lao a déposé auprès du Conseil fédéral suisse la déclaration suivante (texte original):

«Le Gouvernement de la République Démocratique Populaire Lao n'éprouve aucune difficulté de reconnaître de plein droit et sans accord spécial l'Article 90 du Protocole, intitulé: „Commission Internationale d'établissement des Faits“.»

Déclaration de la République du Paraguay

Le 30 janvier 1998, la République du Paraguay a déposé auprès du Conseil fédéral suisse la déclaration suivante (texte original):

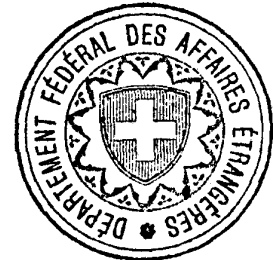
«La República del Paraguay declara, conforme a lo establecido en el Artículo 90 del Protocolo Adicional a los Convenios de Ginebra del 12 de Agosto de 1949 Relativo a la Protección de las Víctimas de los Conflictos Armados Internacionales (Protocolo I), que reconoce ipso facto y sin acuerdo especial, con relación a cualquier otra Alta Parte Contratante que acepte la misma obligación, la Competencia de la Comisión Internacional de Encuesta para proceder a una investigación acerca de las denuncias formuladas por esa otra Parte.»

Déclaration de la République hellénique

Le 4 février 1998, la République hellénique a déposé auprès du Conseil fédéral suisse la déclaration suivante (texte original):

«Le Gouvernement de la République Hellénique déclare qu'il reconnaît ipso facto et sans accord spécial, à l'égard de toute autre haute partie contractante qui accepte la même obligation, la compétence de la Commission Internationale d'établissement des faits pour enquêter sur les allégations d'une telle autre partie, comme l'y autorise l'article 90 du protocole I additionnel aux Conventions de Genève de 1949.»

La présente notification est faite par le Conseil fédéral suisse en sa qualité de dépositaire des Protocoles.



Berne, le 28 mai 1998