

Accession to the Additional Protocols by the Kingdom of Cambodia

The Kingdom of Cambodia acceded on 14 January 1998, without making any declaration or reservation, to the Protocols Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I) and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), adopted in Geneva on 8 June 1977.

The Protocols will come into force for the Kingdom of Cambodia on 14 July 1998.

This accession brings to 149 the number of States party to Protocol I and to 141 those party to Protocol II.

Ratification of the Additional Protocols by the United Kingdom of Great Britain and Northern Ireland

On 28 January 1998, the United Kingdom of Great Britain and Northern Ireland ratified the Protocols additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I) and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), adopted in Geneva on 8 June 1977.

The Protocols will come into force for the United Kingdom on 28 July 1998.

This accession brings to 150 the number of States party to Protocol I and to 142 those party to Protocol II.

The instrument of ratification is accompanied by various declarations, the text of which is given below:

I also have the honour to lodge with the Government of the Swiss Federation, as the depositary of Additional Protocol I the following statements in respect of the ratification by the United Kingdom of that Protocol:

- (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: Article 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 there to 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: Article 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 the 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.

Republic of Paraguay: Declaration in accordance with Article 90 of Protocol I

On 30 January 1998 the Republic of Paraguay made a declaration accepting the competence of the International Fact-Finding Commission, in accordance with Article 90, paragraph 2 (a), of Protocol Additional to