

**2. b) 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 Indiscriminate Effects**

*Geneva, 3 May 1996*

**ENTRY INTO FORCE:** 3 December 1998, in accordance with article 2 of the Protocol.

**REGISTRATION:** 3 December 1998, No. 22495.

**STATUS:** Parties: 106.

**TEXT:** United Nations, *Treaty Series*, vol. 2048, p. 93;  
[Doc. CCW/CONF.I/16 \(Part I\)](#).

*Note:* At its 14th plenary meeting on 3 May 1996, the Conference of the States Parties 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 concluded at Geneva on 10 October 1980 adopted, pursuant to article 8 (1) (b) of the Convention, Protocol II, as amended.

<i>Participant</i>	<i>Succession(d), Consent to be bound(P)</i>	<i>Participant</i>	<i>Succession(d), Consent to be bound(P)</i>
Afghanistan.....	9 Aug 2017 P	Dominican Republic .....	21 Jun 2010 P
Albania.....	28 Aug 2002 P	Ecuador.....	14 Aug 2000 P
Argentina .....	21 Oct 1998 P	El Salvador .....	26 Jan 2000 P
Australia.....	22 Aug 1997 P	Estonia .....	20 Apr 2000 P
Austria .....	27 Jul 1998 P	Finland.....	3 Apr 1998 P
Bangladesh.....	6 Sep 2000 P	France .....	23 Jul 1998 P
Belarus.....	2 Mar 2004 P	Gabon.....	22 Sep 2010 P
Belgium .....	10 Mar 1999 P	Georgia .....	8 Jun 2009 P
Benin.....	27 Sep 2019 P	Germany .....	2 May 1997 P
Bolivia (Plurinational State of).....	21 Sep 2001 P	Greece.....	20 Jan 1999 P
Bosnia and Herzegovina.....	7 Sep 2000 P	Grenada.....	10 Dec 2014 P
Brazil .....	4 Oct 1999 P	Guatemala.....	29 Oct 2001 P
Bulgaria .....	3 Dec 1998 P	Guinea-Bissau.....	6 Aug 2008 P
Burkina Faso.....	26 Nov 2003 P	Holy See .....	22 Jul 1997 P
Cabo Verde.....	16 Sep 1997 P	Honduras.....	30 Oct 2003 P
Cambodia.....	25 Mar 1997 P	Hungary .....	30 Jan 1998 P
Cameroon.....	7 Dec 2006 P	Iceland .....	22 Aug 2008 P
Canada .....	5 Jan 1998 P	India .....	2 Sep 1999 P
Chile.....	15 Oct 2003 P	Iraq.....	24 Sep 2014 P
China.....	4 Nov 1998 P	Ireland.....	27 Mar 1997 P
Colombia .....	6 Mar 2000 P	Israel .....	30 Oct 2000 P
Costa Rica.....	17 Dec 1998 P	Italy.....	13 Jan 1999 P
Croatia .....	25 Apr 2002 P	Jamaica .....	25 Sep 2008 P
Cyprus.....	22 Jul 2003 P	Japan .....	10 Jun 1997 P
Czech Republic.....	10 Aug 1998 P	Jordan.....	6 Sep 2000 P
Denmark .....	30 Apr 1997 P	Kuwait .....	24 May 2013 P

<i>Participant</i>	<i>Succession(d), Consent to be bound(P)</i>	<i>Participant</i>	<i>Succession(d), Consent to be bound(P)</i>
Latvia.....	22 Aug 2002 P	Portugal.....	31 Mar 1999 P
Lebanon.....	5 Apr 2017 P	Republic of Korea.....	9 May 2001 P
Liberia.....	16 Sep 2005 P	Republic of Moldova.....	16 Jul 2001 P
Liechtenstein.....	19 Nov 1997 P	Romania.....	25 Aug 2003 P
Lithuania.....	3 Jun 1998 P	Russian Federation.....	2 Mar 2005 P
Luxembourg.....	5 Aug 1999 P	Senegal.....	29 Nov 1999 P
Madagascar.....	14 Mar 2008 P	Serbia.....	14 Feb 2011 P
Maldives.....	7 Sep 2000 P	Seychelles.....	8 Jun 2000 P
Mali.....	24 Oct 2001 P	Sierra Leone.....	30 Sep 2004 P
Malta.....	24 Sep 2004 P	Slovakia.....	30 Nov 1999 P
Mauritius.....	2 Nov 2018 P	Slovenia.....	3 Dec 2002 P
Monaco.....	12 Aug 1997 P	South Africa.....	26 Jun 1998 P
Montenegro.....	30 Dec 2011 P	Spain.....	27 Jan 1998 P
Morocco.....	19 Mar 2002 P	Sri Lanka.....	24 Sep 2004 P
Nauru.....	12 Nov 2001 P	St. Vincent and the Grenadines.....	6 Dec 2010 P
Netherlands (Kingdom of the) <sup>1</sup> .....	25 Mar 1999 P	Sweden.....	16 Jul 1997 P
New Zealand.....	8 Jan 1998 P	Switzerland.....	24 Mar 1998 P
Nicaragua.....	5 Dec 2000 P	Tajikistan.....	12 Oct 1999 P
Niger.....	18 Sep 2007 P	Tunisia.....	23 Mar 2006 P
North Macedonia.....	31 May 2005 P	Türkiye.....	2 Mar 2005 P
Norway.....	20 Apr 1998 P	Turkmenistan.....	19 Mar 2004 P
Pakistan.....	9 Mar 1999 P	Ukraine.....	15 Dec 1999 P
Panama.....	3 Nov 1999 P	United Kingdom of Great Britain and Northern Ireland.....	11 Feb 1999 P
Paraguay.....	22 Sep 2004 P	United States of America.....	24 May 1999 P
Peru.....	3 Jul 1997 P	Uruguay.....	18 Aug 1998 P
Philippines.....	12 Jun 1997 P	Venezuela (Bolivarian Republic of).....	19 Apr 2005 P
Poland.....	14 Oct 2003 P	Zambia.....	25 Sep 2013 P

### ***Declarations and Reservations***

***(Unless otherwise indicated, the declarations and reservations were made upon consent to be bound or succession.)***

#### **AUSTRIA**

#### **BELARUS**

“declared that according to paragraph 3 c) of the Technical annex of the Amended Protocol II the Republic of Belarus defers the implementation of paragraph 3 b) of the Amended Protocol II for a period of 9 years from the date on which the Amended Protocol II enters into force.”

#### **BELGIUM**

It is the understanding of the Government of the Kingdom of Belgium that the provisions of Protocol II as amended which by their contents or nature may be applied also in peacetime, shall be observed at all times.

It is the understanding of the Government of the Kingdom of Belgium that the word 'primarily' is included

in article 2, paragraph 3 of amended Protocol II to clarify that 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.

#### **CANADA<sup>2</sup>**

"Canada reserves the right to transfer and use a small number of mines prohibited under this Protocol to be used exclusively for training and testing purposes. Canada will ensure that the number of such mines shall not exceed that absolutely necessary for such purposes."

" 1. It is understood that the provisions of Amended Protocol II shall, as the context requires, be observed at all times.

2. It is understood that the word "primarily" is included in Article 2, paragraph 3 of

Amended Protocol II to clarify that 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.

3. It is understood that the maintenance of a minefield referred to in Article 10, in accordance with the standards on marking, monitoring and protection by fencing or other means set out in Amended Protocol II, would not be considered as a use of the mines contained therein."

#### CHINA

I. According to the provisions contained in Technical Annex 2 (c) and 3 (c) of the Amended Protocol II, China will defer compliance with 2 (b), 3 (a) and 3 (b);

#### DENMARK

#### FINLAND

#### FRANCE

France takes it that article 4 and Technical Annex to amended Protocol II do not require the removal or replacement of mines that have already been laid.

The provisions of amended Protocol II such as those concerning the marking, monitoring and protection of zones which contain anti-personnel mines and are under the control of a party, are applicable to all zones containing mines, irrespective of the date on which those mines were laid.

#### GERMANY

[Same declarations, *mutatis mutandis*, as those made by Ireland.]

It is understood that article 5, paragraph 2 (b) does not preclude agreement among the states concerned, in connection with peace treaties or similar arrangements, to allocate responsibilities under paragraph 2 (b) in another manner which nevertheless respects the essential spirit and purpose of the article.

#### GREECE

"It is understood that the provisions of the protocol shall, as the context requires, be observed at all times."

#### HUNGARY

The Republic of Hungary

1) declines to observe the 9 year period of deferral on compliance as allowed for in Paragraphs 2 (c) and 3 (c) of the Technical Annex to Amended Protocol II, and even prior to the entry into force of Amended Protocol II intends to be bound by its implementation measures as stipulated therein, as well as the rules of procedure regarding record keeping, detectability, self-destruction and self-deactivation and perimeter marking as stipulated in the Technical Annex;

2) intends to eliminate and eventually destroy its entire stockpile of anti-personnel landmines by December 31, 2000 the latest, in addition to the already undertaken destruction of stockpiled landmines, as initiated in August of 1996 and completed in 40%;

3) refrains from the emplacement of anti-personnel landmines and, for the duration of their complete destruction, intends to designate a central storage facility to pool the remainder stock of anti-personnel landmines as a way to facilitate inspection by international monitors;

4) announces a total ban on the development, production, acquisition, export and transfer of all types of anti-personnel landmines;

5) refrains from the operational use of anti-personnel landmines, unless a policy-revision becomes necessitated by a significant deterioration in the national security environment of the country, in which case due attention shall be paid to compliance with laws governing international warfare;

6) stands ready to engage in implementing appropriate confidence building measures, as a way to be enabled to present the implementation of the measures announced unilaterally by the Republic of Hungary in the course of joint military, educational, and training and other cooperational activities conducted with other armed forces;

7) offers appropriate technical and training assistance to international organizations engaged in demining activities;

8) urges her neighbours and other countries in the region to seek unilateral or coordinated measures designed to achieve the total elimination of all types of anti-personnel landmines from the weapons arsenal of the countries in the region, and expresses her readiness to engage in further negotiations to advance this cause;

9) reiterates her commitment to promote the early conclusion of and wide adherence to an international convention stipulating a total and comprehensive ban on anti-personnel landmines, by reaffirming her determination to contribute actively to the success of international efforts furthering this goal.

#### IRELAND

"It is the understanding of Ireland that the provisions of the amended Protocol which by their contents or nature may be applied also in peacetime, shall be observed at all times."

"It is the understanding of Ireland that the word 'primarily' is included in article 2, paragraph 3 of the amended Protocol to clarify that 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."

#### ISRAEL

"Article 1:

The declaration made by Israel upon accession to the [Convention], shall be equally applicable regarding the Amended Protocol II.

Article 2 (3):

Israel understands that the word 'primarily' is included in article 2, paragraph 3 of the Amended Protocol II, to clarify that mines designed to be detonated by the presence, proximity or contact of vehicles as opposed to persons, that are equipped with anti-handling devices are not considered Anti-personnel mines as a result of being so equipped.

Article 3 (9):

Israel understands, regarding article 3, paragraph 9, that an area of land can itself be a legitimate military objective for the purpose of the use of landmines, if its neutralization or denial of its use, in the circumstances ruling at the time, offers a definite military advantage.

Article 4:

It is the understanding of the State of Israel, regarding article 4 of the Amended Protocol II and the Technical Annex, that article 4 of the Amended Protocol II shall not apply to mines already emplaced. However, provisions of the Amended Protocol II, such as those regarding marking, monitoring and protection of areas containing mines under the control of a high contracting party, shall

apply to all areas containing mines, regardless of when the mines were emplaced.

*Article 5 (2) (b):*

Israel understands that article 5 paragraph 2 (b) does not apply to the transfer of areas pursuant to peace treaties, agreements on the cessation of hostilities, or as part of a peace process or steps leading thereto.

*Article 7 (f) (1):*

Israel reserves the right to use other devices (as defined in Article 2 (5) of the Amended Protocol II) to destroy any stock of food or drink that is judged likely to be used by an enemy military force, if due precautions are taken for the safety of the civilian population.

*Article 11 (7):*

(a) Israel understands that the provision on technical assistance in article 11 paragraph 7, will be without prejudice to a High Contracting Party's constitutional and other legal provisions.

(b) No provision of the Amended Protocol II may be construed as affecting the discretion of the State of Israel to refuse assistance or to restrict or deny permission for the export equipment, material or scientific or technological information for any reason.

*Article 14:*

a) It is the understanding of the Government of the State of Israel that the compliance of commanders and others responsible for planning, deciding upon, or executing military actions to which the Convention on Conventional Weapons and its Protocols apply, cannot be judged on the basis of information which subsequently but comes to light, but must be assessed on the basis of the information available to them at the time that such actions were taken.

b) Article 14 of the Amended Protocol II (insofar as it relates to penal sanctions) shall apply only in a situation in which an individual-

1) Knew, or should have known, that his action was prohibited under the Amended Protocol II,

2) intended to kill or cause serious injury to a civilian; and

3) knew or should have known, that the person he intended to kill or cause serious injury to was a civilian.

c) Israel understands that the provisions of article 14 of the amended Protocol II relating to penal sanctions refer to measures by authorities of States Parties to the Protocol and do not authorize the trial of any person before an international criminal tribunal. Israel shall not recognize the jurisdiction of any international tribunal to prosecute an Israel citizen for violation of the Protocol or the Convention on Conventional Weapons.

*General:*

Israel understands that nothing in the Amended Protocol II may be construed as restriction or affecting in any way non-lethal weapon technology that is designed to temporarily disable, stun, signal the presence of a person, or operate in any other fashion, but not to cause permanent incapacity."

**ITALY**

"Under article 2 of the amended Protocol II, in order to fully address the humanitarian concerns raised by anti-personnel land-mines, the Italian Parliament has enacted and brought into force a legislation containing a far more stringent definition of those devices. In this regard, while reaffirming its commitment to promote the further development of international humanitarian law, the Italian Government confirms its understanding that the word 'primarily' is included in article 2, paragraph 3 of the amended Protocol II to clarify that 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."

"Under article 5 of the amended Protocol II, it is the understanding of the Italian Government that article 5

(paragraph 2) does not preclude agreement in connection with peace treaties and related agreements among concerned states to allocate responsibilities under this paragraph in another manner which reflects the spirit and purpose of the article."

**LATVIA<sup>3</sup>**

**LIECHTENSTEIN**

[Same declaration, *mutatis mutandis*, as the one made by Ireland.]

**NETHERLANDS (KINGDOM OF THE)**

"The Government of the Kingdom of the Netherlands takes the view that the provisions of the Protocol which, given their content or nature, can also be applied in peacetime, must be observed in all circumstances."

"The Government of the Kingdom of the Netherlands takes the view that the word 'primarily' means only that mines that are designed to be exploded by the presence, proximity or contact of a vehicle and that are equipped with an anti-handling device are not regarded as anti-personnel mines because of that device."

"The Government of the Kingdom of the Netherlands takes the view that a specific area of land may also be a military objective if, because of its location or other reasons specified in paragraph six, its total or partial destruction, capture, or neutralization in the circumstances ruling at the time, offers a definitive military advantage."

"The Government of the Kingdom of the Netherlands takes the view 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."

"The Government of the Kingdom of the Netherlands takes the view that the words 'as far as it is able' mean 'as far as it is technically able'."

**PAKISTAN**

- It is understood that for the purposes of interpretation the provisions of article 1 take precedence over provisions or undertakings in any other article.

- The rights and obligations arising from situations described in article 1 are absolute and immutable and the observance of any other provision of the Protocol cannot be construed, either directly or indirectly, as affecting the right of peoples struggling against colonial or other forms of alien domination and foreign occupation in the exercise of their inalienable right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among states in accordance with the Charter of the United Nations.

- The provisions of the Protocol must be observed at all times, depending on the circumstances.

- In the context of the word "primarily", it is understood that such anti-tank mines which use anti-personnel mines as a fuse but do not explode on contact with a person are not anti-personnel mines.

- It is understood that an area of land can itself be a legitimate military objective for the purposes of the use of landmines, if its neutralisation or denial, in the circumstances ruling at the time, offers a definite military advantage.

- It is declared that compliance with sub-paragraphs 2(b) and 3(a) and (b) is deferred as provided for in sub-paragraphs 2(c) and 3(c), respectively."

**REPUBLIC OF KOREA**

*Reservation and declarations :*

### *I. Reservation*

With respect to the application of Protocol II to the 1980 Convention, as amended on 3 May 1996 ("Amended Mines Protocol"), the Republic of Korea reserves the right to use a small number of mines prohibited under this Protocol exclusively for training and testing purposes.

### *II. Declarations*

It is the understanding of the Republic of Korea that:

1. With respect to Article 3(8)(a) of the Amended Mines Protocol, in case there is an evident indication that 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 considered as a military object.

2. Article 4 and the Technical Annex of the Amended Mines Protocol do not require the removal or replacement of mines that have already been laid.

3. "Cessation of active hostilities" provided for in Articles 9(2) and 10(1) of the Amended Mines Protocol is interpreted as meaning the time when the present Armistice regime on the Korean peninsula has been transformed into a peace regime, establishing a stable peace on the Korean peninsula.

4. Any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed that action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken."

### **RUSSIAN FEDERATION**

1. For the purposes of interpreting subparagraph 10 (c) of article 3, of Protocol II, the Russian Federation understands alternatives as non-flying devices and technologies which are not anti-personnel mines and may temporarily disable, paralyse or indicate the presence of one or several persons without causing irreversible harm to them;

2. In implementing subparagraph 2 (a) of article 5, of Protocol II, the Russian Federation holds the position that anti-personnel mines which are not remotely-delivered will be placed within perimeter-marked areas which are monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from such areas. Such 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. The line of the State border designated in the locality may be considered as the marking (designation) of part of the perimeter of a mined area within the border zone when there are active and repeated attempts to traverse it by armed intruders or when military, economic, physical and geographic, or other conditions make it impossible to use armed forces. The civilian population will be informed in good time about the danger of the mines and will not be allowed into the mined area;

3. For the purposes of interpreting subparagraph 1 (i) of article 7, of Protocol II, the Russian Federation understands the cultural or spiritual heritage of peoples as cultural property in the terms of article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954;

4. The Russian Federation understands the commonly available technical mine detection equipment referred to in paragraph 2 (a) of the Technical Annex to Protocol II as the mine-searching equipment which is available in the Russian Federation and meets the requirements of the aforementioned paragraph;

5. In accordance with paragraph 2 (c) and paragraph 3 (c) of the Technical Annex to Protocol II, the Russian Federation will ensure the observance of paragraph 2 (b) and paragraphs 3 (a) and 3 (b) of the Technical Annex to Protocol II not later than nine years from the date of the entry into force of the said Protocol.

### **SOUTH AFRICA**

"It is understood that Article 5 (2) (b) does not preclude agreement among the States concerned, in connection with peace treaties or similar arrangements, to allocate responsibilities under this paragraph in another manner which nevertheless respects the essential spirit and purpose of the Article."

### **SWEDEN**

"Sweden intends to apply the Protocol also in time of peace."

*[Same declaration, mutatis mutandis, as the one made by Ireland.]*

"Sweden is of the opinion that the obligations ensuing from article 5, paragraph 2 shall not be interpreted to the effect that the High Contracting Parties or parties in a conflict are prevented from entering into an agreement allowing another party to conduct mine clearance."

### **SWITZERLAND**

Switzerland interprets the definition of "anti-personnel mine" as excluding any mine designed to explode in the presence or proximity of, or upon contact with, a vehicle, when such mine is equipped with an anti-handling device.

### **UKRAINE**

Ukraine declares that it shall defer implementation of the provisions of subparagraphs 3 (a) and (b) of the technical annex for a period of nine years from the date on which this Protocol enters into force.

### **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

"(a) the [declaration conveying consent to be bound by Protocols I, II and III to the Convention on Prohibitions or Restrictions on the Use of Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, concluded at Geneva on 10 October 1980], in so far as it applies to Protocol II to the [1980] Convention, continues to apply to Protocol II as amended;

(b) the [declaration dated 28 January 1998 accompanying the United Kingdom's ratification of Additional Protocol I to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Armed Conflicts, opened for signature at Geneva on 12 December 1977], in so far as it is relevant, also applies to the provisions of Protocol II as amended;

(c) nothing in the present declaration or in Protocol II as amended shall be taken as limiting the obligations of the United Kingdom under the [Convention on the Prohibition and Transfer of Anti-Personnel Mines and on their Destruction concluded at Oslo on 18 September 1997 (the "Ottawa Convention")] nor its rights in relation to other Parties to that Convention;

(d) Article 2 (14) is interpreted to have the same meaning as Article 2 (3) of the Ottawa Convention;

(e) the references in Article 12 (2) to "force" and "mission" are interpreted as including forces and missions authorised by the United Nations Security Council under Chapter VII or Chapter VIII of the Charter of the United Nations which are deployed by a regional arrangement or agency. This applies to all such forces or

missions, whether or not they include contingents contributed by non-member States of the regional arrangement or agency."

#### UNITED STATES OF AMERICA

"The United States reserves the right to use other devices (as defined in Article 2(5) of the Amended Mines Protocol) to destroy any stock of food or drink that is judged likely to be used by an enemy military force, if due precautions are taken for the safety of the civilian population."

(1) UNITED STATES COMPLIANCE. - The United States understands that -

(A) any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken; and

(B) Article 14 of the Amended Mines Protocol (insofar as it relates to penal sanctions) shall apply only in a situation in which an individual -

(i) knew, or should have known, that his action was prohibited under the Amended Mines Protocol;

(ii) intended to kill or cause serious injury to a civilian; and

(iii) knew or should have known, that the person he intended to kill or cause serious injury was a civilian.

(2) EFFECTIVE EXCLUSION. - The United States understands that, for the purposes of Article 5(6)(b) of the Amended Mines Protocol, the maintenance of observation over avenues of approach where mines subject to that Article are deployed constitutes one acceptable form of monitoring to ensure the effective exclusion of civilians.

(3) HISTORIC MONUMENTS. - The United States understands that Article 7(1)(i) of the Amended Mines Protocol refers only to a limited class of objects that, because of their clearly recognizable characteristics and because of their widely recognized importance, constitute a part of the cultural or spiritual heritage of peoples.

(4) LEGITIMATE MILITARY OBJECTIVES. - The United States understands that an area of land itself can be a legitimate military objective for the purpose of the use of landmines, if its neutralization or denial, in the circumstances applicable at the time, offers a military advantage.

(5) PEACE TREATIES. - The United States understands that the allocation of responsibilities for

landmines in Article 5(2)(b) of the Amended Mines Protocol does not preclude agreement, in connection with peace treaties or similar arrangements, to allocate responsibilities under that Article in a manner that respects the essential spirit and purpose of the Article.

(6) BOOBY-TRAPS AND OTHER DEVICES. - For the purposes of the Amended Mines Protocol, the United States understands that -

(A) the prohibition contained in Article 7(2) of the Amended Mines Protocol does not preclude the expedient adaptation or adaptation in advance of other objects for use as booby-traps or other devices;

(B) a trip-wired hand grenade shall be considered a "booby-trap" under Article 2(4) of the Amended Mines Protocol and shall not be considered a "mine" or an "anti-personnel mine" under Article 2(1) or Article 2(3), respectively; and

(C) none of the provisions of the Amended Mines Protocol, including Article 2(5), applies to hand grenades other than trip-wired hand grenades.

(7) NON-LETHAL CAPABILITIES. - The United States understands that nothing in the Amended Mines Protocol may be construed as restricting or affecting in any way non-lethal weapon technology that is designed to temporarily disable, stun, signal the presence of a person, or operate in any other fashion, but not to cause permanent incapacity.

(8) INTERNATIONAL TRIBUNAL JURISDICTION. - The United States understands that the provisions of Article 14 of the Amended Mines Protocol relating to penal sanctions refer to measures by the authorities of States Parties to the Protocol and do not authorize the trial of any person before an international criminal tribunal. The United States shall not recognize the jurisdiction of any international tribunal to prosecute a United States citizen for a violation of the Protocol or the Convention on Conventional Weapons.

(9) TECHNICAL COOPERATION AND ASSISTANCE. - The United States understands that -

(A) no provision of the Protocol may be construed as affecting the discretion of the United States to refuse assistance or to restrict or deny permission for the export of equipment, material, or scientific or technological information for any reason; and

(B) the Amended Mines Protocol may not be used as a pretext for the transfer of weapons technology or the provision of assistance to the military mining or military counter-mining capabilities of a State Party to the Protocol."

---

#### Notes:

<sup>1</sup> On 28 April 2014, the Government of The Netherlands informed the Secretary-General of the Territorial Application in respect of the Caribbean part of The Netherlands (Islands of Bonaire, Sint Eustatius and Saba).

<sup>2</sup> In keeping with the depositary practice followed in similar cases, the Secretary-General proposed to receive the declaration for deposit in the absence of any objection on the part of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of 90 days from the date of its circulation (i.e. 21 July 1998). None of the Contracting Parties to the Protocol having notified the Secretary-General of an objection within the 90 days period, the declaration was deemed to have been accepted for deposit upon the expiration of the 90 day period in question, i.e., on 19 October 1998.

<sup>3</sup> "In its Declaration of 9 July 2002, the Republic of Latvia declared that according to the sub-paragraph (c) of paragraph 2 of the Technical Annex of the Protocol on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II as amended on 3 May 1996) it would defer compliance with sub-paragraph (b) for a period of 9 years from the entry into force of the said Protocol. The Republic of Latvia has the honour to inform that in accordance with respective national legislation the abovementioned Declaration ceased to have effect on 19 July 2007."

