

2. d) Protocol on Explosive Remnants of War 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 (Protocol V)

Geneva, 28 November 2003

ENTRY INTO FORCE: 12 November 2006, in accordance with article 5 (3) and (4) of the Convention.

REGISTRATION: 12 November 2006, No. 22495.

STATUS: Parties: 97.

TEXT: United Nations, *Treaty Series*, vol. 2399, p. 100; Doc.[CCW/MSP/2003/2](#) and depositary notification C.N.42.2004.TREATIES-2 of 11 March 2004; C.N.181.2004.TREATIES-9 of 26 February 2004 [Proposal of corrections to the original text of the Protocol (Chinese version)] and C.N.542.2004.TREATIES-10 of 27 May 2004 [Corrections to the original text of the Protocol (Chinese version); C.N.693.2004.TREATIES-8 of 6 July 2004 [Proposal of corrections to the original text of the Protocol (Spanish version)] and C.N.1084.2004.TREATIES-12 of 7 October 2004 [Corrections to the original text of the Protocol (Spanish version)]; C.N.1076.2004.TREATIES-11 of 4 October 2004 [Proposal of corrections to the original text of the Protocol (French version)], C.N.1347.2004.TREATIES-12 of 18 February 2005 (Objection to the proposed corrections to the authentic French text of the Protocol) and C.N.105.2005.TREATIES-2 of 18 February 2005 [Corrections to the original text of the Protocol (French version)]; C.N.1110.2004.TREATIES-11 OF 26 October 2004 [Proposal of corrections to the original text of the Protocol (Spanish version)] and C.N.37.2005.TREATIES-1 of 25 January 2005 [Corrections to the original text of the Protocol (Spanish version)]; C.N.375.2006.TREATIES-4 of 15 May 2006 [Corrections to the original text of the Protocol (Spanish version)]; C.N.123.2005.TREATIES-2 of 24 February 2005 [Proposal of corrections to the original text of the Protocol (French version)] and C.N.222.2005.TREATIES-4 of 29 March 2005 [Corrections to the original text of the Protocol (French version)]; C.N.138.2006.TREATIES-1 of 10 February 2006 [Proposal of corrections to the original text of the Protocol (Russian version) and C.N.385.2006.TREATIES-7 of 16 May 2006 [Corrections to the original text of the Protocol (Russian version)]; C.N.437.2006.TREATIES-9 of 1 June 2006, C.N.241.2006.TREATIES-1 of 22 March 2006, C.N.440.2006.TREATIES-9 of 1 June 2006 and C.N.379.2006.TREATIES-4 of 16 May 2006, (Corrected versions of the Chinese, French, Russian and Spanish authentic texts of the Protocol, respectively).

Note: The above Protocol was adopted by the Meeting 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 held in Geneva on 28 November 2003. The Protocol shall be open to all States for consent to be bound in accordance with article 4 of the Convention.

<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	Bulgaria	7 Nov 2005 P
Albania.....	12 May 2006 P	Burkina Faso.....	10 Oct 2016 P
Argentina	7 Oct 2011 P	Burundi	13 Jul 2012 P
Australia.....	4 Jan 2007 P	Cameroon.....	7 Dec 2010 P
Austria	1 Oct 2007 P	Canada	19 May 2009 P
Bahrain.....	11 Mar 2016 P	Chile.....	18 Aug 2009 P
Bangladesh.....	26 Sep 2013 P	China ¹	10 Jun 2010 P
Belarus	29 Sep 2008 P	Costa Rica.....	27 Apr 2009 P
Belgium	25 Jan 2010 P	Côte d'Ivoire	25 May 2016 P
Benin.....	27 Sep 2019 P	Croatia	7 Feb 2005 P
Bosnia and Herzegovina.....	28 Nov 2007 P	Cuba.....	14 Nov 2012 P
Brazil	30 Nov 2010 P	Cyprus.....	11 Mar 2010 P

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Czech Republic.....	6 Jun 2006 P	Netherlands ²	18 Jul 2005 P
Denmark.....	28 Jun 2005 P	New Zealand ³	2 Oct 2007 P
Dominican Republic.....	21 Jun 2010 P	Nicaragua.....	15 Sep 2005 P
Ecuador.....	10 Mar 2009 P	North Macedonia.....	19 Mar 2007 P
El Salvador.....	23 Mar 2006 P	Norway.....	8 Dec 2005 P
Estonia.....	18 Dec 2006 P	Pakistan.....	3 Feb 2009 P
Finland.....	23 Mar 2005 P	Panama.....	29 Nov 2010 P
France.....	31 Oct 2006 P	Paraguay.....	3 Dec 2008 P
Gabon.....	22 Sep 2010 P	Peru.....	29 May 2009 P
Georgia.....	22 Dec 2008 P	Philippines.....	10 May 2022 P
Germany.....	3 Mar 2005 P	Poland.....	26 Sep 2011 P
Greece.....	21 Oct 2014 P	Portugal.....	22 Feb 2008 P
Grenada.....	10 Dec 2014 P	Qatar.....	16 Nov 2009 P
Guatemala.....	28 Feb 2008 P	Republic of Korea.....	23 Jan 2008 P
Guinea-Bissau.....	6 Aug 2008 P	Republic of Moldova.....	21 Apr 2008 P
Holy See.....	13 Dec 2005 P	Romania.....	29 Jan 2008 P
Honduras.....	16 Aug 2010 P	Russian Federation.....	21 Jul 2008 P
Hungary.....	13 Nov 2006 P	Saudi Arabia.....	8 Jan 2010 P
Iceland.....	22 Aug 2008 P	Senegal.....	6 Nov 2008 P
India.....	18 May 2005 P	Sierra Leone.....	30 Sep 2004 P
Iraq.....	24 Sep 2014 P	Slovakia.....	23 Mar 2006 P
Ireland.....	8 Nov 2006 P	Slovenia.....	22 Feb 2007 P
Italy.....	11 Feb 2010 P	South Africa.....	24 Jan 2012 P
Jamaica.....	25 Sep 2008 P	Spain.....	9 Feb 2007 P
Kuwait.....	24 May 2013 P	St. Vincent and the Grenadines.....	6 Dec 2010 P
Lao People's Democratic Republic.....	2 Feb 2012 P	State of Palestine.....	29 Dec 2017 P
Latvia.....	16 Sep 2009 P	Sweden.....	2 Jun 2004 P
Lesotho.....	25 Apr 2016 P	Switzerland.....	12 May 2006 P
Liberia.....	16 Sep 2005 P	Tajikistan.....	18 May 2006 P
Liechtenstein.....	12 May 2006 P	Tunisia.....	7 Mar 2008 P
Lithuania.....	29 Sep 2004 P	Turkmenistan.....	23 Jul 2012 P
Luxembourg.....	13 Jun 2005 P	Ukraine.....	17 May 2005 P
Madagascar.....	14 Mar 2008 P	United Arab Emirates.....	26 Feb 2009 P
Mali.....	24 Apr 2009 P	United States of America.....	21 Jan 2009 P
Malta.....	22 Sep 2006 P	Uruguay.....	7 Aug 2007 P
Mauritius.....	2 Nov 2018 P	Zambia.....	25 Sep 2013 P
Montenegro.....	20 May 2016 P		

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

ARGENTINA

The Argentine Republic declares that there are explosive remnants of war in its territory, in the Malvinas Islands.

Since this part of Argentine territory is illegally occupied by the United Kingdom of Great Britain and Northern Ireland, the Argentine Republic is prevented from accessing these explosive remnants of war with a view to their removal and destruction.

The United Nations General Assembly has recognized the existence of a sovereignty dispute concerning the Malvinas Islands, South Georgia Islands and South Sandwich Islands and has urged the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to continue negotiations in order to find a peaceful and definitive solution to the dispute as soon as possible, through the good offices of the Secretary-General of the United Nations, who is to report to the General Assembly on the progress made (resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25). The Special Committee on decolonization has expressed the same opinion: it has adopted a resolution each year stating that the way to end this colonial situation is to find a definitive solution to the sovereignty dispute in a peaceful and negotiated manner and requesting the two Governments to resume negotiations to this end.

The Argentine Republic reaffirms its sovereign rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which are an integral part of its national territory.

HOLY SEE

In acceding to the Protocol on Explosive Remnants of War (ERW) 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 (CCW), adopted on

November 28, 2003, at the meeting of the States Parties to the CCW, the Holy See, as it did on June 16, 1997 when it acceded to the Convention and its first four Protocols, "in keeping with its proper nature and with the particular condition of Vatican City State, intends to renew its encouragement to the International Community to continue on the path it has taken for the reduction of human suffering caused by armed conflict".

With the approval of the fifth Protocol, the CCW is confirmed as a "forward-looking living instrument" of international humanitarian law, intended to address the problems arising from modern armed conflicts and to improve its effectiveness for the protection of civilians and combatants in such situations. Although one could have wished for a greater incisiveness in the Protocol in responding to the problems originating from the ERW, the adoption of this instrument represents an important multilateral tool for the control of arms for humanitarian reasons, capable of calling States to responsibility for eh ERW and for damages caused by them.

In keeping with its own commitment to encouraging the development and implementation of humanitarian law on the part of all States and in all circumstances, the Holy See is convinced that the Fifth Protocol signifies a concretely promoting the culture of life and of peace, based upon the dignity of the human person and the primacy of the rule of law, through a responsible, honest and consistent cooperation of all the members of the community of nations.

UNITED STATES OF AMERICA

"It is the understanding of the United States of America that nothing in Protocol V would preclude future arrangements in connection with the settlement of armed conflicts, or assistance connected thereto, to allocate responsibilities under Article 3 in a manner that respects the essential spirit and purpose of Protocol V."

Notes:

¹ With the following declaration in respect of Hong Kong and Macao: In accordance with Article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and Article 138 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the Protocol [above-mentioned] applies to the Hong Kong Special Administrative Region of the People's Republic of China and the Macao Special Administrative Region of the People's Republic of China.

² 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).

³ With the following declaration:

".....consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, and having undertaken appropriate consultation with that territory, this acceptance shall extend to Tokelau."

