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DOCUMENTS ON THE LAWS OF WAR

Third Edition

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DOCUMENTS ON THE LAWS OF WAR

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Note on Third Edition

This is an extensively revised and expanded edition of this book. The first edition (498 pp.) appeared in 1982 and the second (509 pp.) in 1989. The many new documents and other changes in this edition reflect the wide range of new developments in this field in the 1990s. This edition incorporates developments and depositary information (lists of states parties to treaties) which is up to date as of 12 August 1999, the fiftieth anniversary of the adoption of the four 1949 Geneva Conventions.

There are six new treaty documents. In chronological order: the 1994 Convention on the Safety of UN and Associated Personnel (the relation of which to the laws of war is discussed in the prefatory note); the 1995 Protocol IV on Blinding Laser Weapons, which is annexed to the 1980 Convention on Certain Conventional Weapons (CCW); the 1996 Amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, annexed to the same Convention; the 1997 Ottawa Convention Prohibiting the Use, Stockpiling, Production and Transfer of Anti-personnel Mines; the 1998 Rome Statute of the International Criminal Court (extracts); and the 1999 Second Hague Cultural Property Protocol.

We have also included seven new non-treaty documents: the pocket card of US Rules of Engagement used in the 1991 Gulf War; the 1993 Statute of the Yugoslavia tribunal, and the 1994 Statute of the Rwanda tribunal (extracts in both cases); the 1994 San Remo Manual on armed conflicts at sea; the 1994 guidelines on the protection of the environment in war drawn up by the International Committee of the Red Cross and the UN General Assembly (both the latter documents are authoritative but informal guides to the law); the 1996 Advisory Opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons (extract); and the 1999 UN Secretary-General's Bulletin on observance by UN forces of international humanitarian law.

Two documents in the first two editions have been excluded: the 1907 Hague Convention VI on the status of enemy merchant ships at the outbreak of hostilities, and the 1971 Zagreb Resolution of the Institute of International Law on the application of the laws of war to UN forces. We have also excluded the second edition's brief postscript to the 1925 Geneva Protocol providing extracts from the final declaration of the January 1989 Paris Conference on the Prohibition of Chemical

Weapons. An exposition of the principles underlying the inclusion and exclusion of documents, and the basis on which the lists of states parties have been compiled, is contained in the Introduction.

The editorial matter from the second edition has been revised to take into account the many diplomatic, legal, and military developments since 1989, and new writings in the field. In particular, the Introduction has been rewritten and expanded, with new sections on historical origins of the law; on application of the law in situations which may not constitute armed conflicts; on rationales and criticisms of the law; and on the arrangement, titles, and texts of documents. The prefatory notes to all of the documents contain numerous changes, including more extensive cross-references to other relevant documents and to commentaries. The concluding notes, with the lists of states parties, have been revised and updated. There is a new appendix on internet websites and CD-ROMs. The bibliography and index have been extensively revised.

The texts of the treaties as published in the second edition have not required amendment other than one letter in Article 27, paragraph 1, of the 1907 Hague Regulations ('buildings' instead of 'building'), and two transposed letters in 1907 Hague Conventions VII and VIII.

In this edition we have ascribed treaties to the year in which the text was adopted, rather than (where different) the year of opening for signature: regarding the treaties that were included in the second edition, this change affects only the 1976 ENMOD and 1980 CCW Conventions.

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September 1999

Adam Roberts
Richard Guelff

Contents

NOTE ON THIRD EDITION	vi
ACKNOWLEDGEMENTS	viii
PRINCIPAL ABBREVIATIONS	xv
INTRODUCTION BY THE EDITORS	1

Documents

1. 1856 Paris Declaration Respecting Maritime Law	47
2. 1868 St. Petersburg Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight	53
3. 1899 Hague Declaration 2 Concerning Asphyxiating Gases	59
4. 1899 Hague Declaration 3 Concerning Expanding Bullets	63
5. 1907 Hague Convention IV Respecting the Laws and Customs of War on Land	67
Annex to the Convention: Regulations Respecting the Laws and Customs of War on Land	73
6. 1907 Hague Convention V Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land	85
7. 1907 Hague Convention VII Relating to the Con- version of Merchant Ships into Warships	95
8. 1907 Hague Convention VIII Relative to the Laying of Automatic Submarine Contact Mines	103
9. 1907 Hague Convention IX Concerning Bombard- ment by Naval Forces in Time of War	111
10. 1907 Hague Convention XI Relative to Certain Restrictions with Regard to the Exercise of the Right of Capture in Naval War	119
11. 1907 Hague Convention XIII Concerning the Rights and Duties of Neutral Powers in Naval War	127

xii *Contents*

12.	1923 Hague Rules of Aerial Warfare	139
13.	1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare	155
14.	1936 London Procès-Verbal Relating to the Rules of Submarine Warfare Set Forth in Part IV of the Treaty of London of 22 April 1930	169
15.	1946 Judgment of the International Military Tribunal at Nuremberg: Extracts on Crimes Against International Law	175
16.	1948 UN Convention on the Prevention and Punishment of the Crime of Genocide	179
17.	1949 Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	195
18.	1949 Geneva Convention II for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	221
19.	1949 Geneva Convention III Relative to the Treatment of Prisoners of War	243
20.	1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War	299
21.	1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict	371
	Regulations for the Execution of the Convention for the Protection of Cultural Property in the Event of Armed Conflict	387
22.	1954 First Hague Protocol for the Protection of Cultural Property in the Event of Armed Conflict	397
23.	1976 UN Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques	407

24.	1977 Geneva Protocol I Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts	419
25.	1977 Geneva Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts	481
26.	1978 Red Cross Fundamental Rules of International Humanitarian Law Applicable in Armed Conflicts	513
27.	1980 UN 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	515
	1980 Protocol I on Non-Detectable Fragments	527
	1980 Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices	528
	1980 Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons	533
	1995 Protocol IV on Blinding Laser Weapons	535
	1996 Amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices	536
28.	1991 Operation Desert Storm, US Rules of Engagement: Pocket Card	561
29.	1993 Statute of International Criminal Tribunal for the former Yugoslavia: Extract	565
30.	1994 San Remo Manual on International Law Applicable to Armed Conflicts at Sea	573
31.	1994 ICRC/UNGA Guidelines for Military Manuals and Instructions on the Protection of the Environment in Times of Armed Conflict	607
32.	1994 Statute of International Criminal Tribunal for Rwanda: Extract	615

33.	1994 UN Convention on the Safety of United Nations and Associated Personnel	623
34.	1996 Advisory Opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons: Extract	639
35.	1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	645
36.	1998 Rome Statute of the International Criminal Court: Extract	667
37.	1999 Second Hague Protocol for the Protection of Cultural Property in the Event of Armed Conflict	699
38.	1999 UN Secretary-General's Bulletin on Observance by United Nations Forces of International Humanitarian Law	721
	APPENDIX I: EMBLEMS AND SIGNS	731
	APPENDIX II: ELECTRONIC MEDIA	733
	SELECT BIBLIOGRAPHY ON THE LAWS OF WAR	735
	INDEX	747

Principal Abbreviations

<i>AJIL</i>	<i>American Journal of International Law</i>
<i>BFSP</i>	<i>British and Foreign State Papers</i>
Cd., Cmd. & Cmnd.	Command Papers, laid by command of the Crown before UK Parliament
CCW	Certain Conventional Weapons (1980 UN Con- vention on)
<i>CTS</i>	<i>Consolidated Treaty Series</i> , ed. Clive Parry
ENMOD	Environmental Modification Techniques (1976 UN Convention on)
ICBS	International Committee of the Blue Shield
ICC	International Criminal Court
ICJ	International Court of Justice, in The Hague
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IFRC	International Federation of Red Cross and Red Crescent Societies
ILC	International Law Commission (of the UN)
<i>ILM</i>	<i>International Legal Materials</i>
<i>IRRC</i>	<i>International Review of the Red Cross</i>
<i>LNTS</i>	<i>League of Nations Treaty Series</i>
<i>Martens NRG</i>	G. F. Martens, <i>Nouveau Recueil Général de Traités</i> , published in several series
NATO	North Atlantic Treaty Organisation
<i>UK Misc.</i>	UK Miscellaneous Papers
<i>UKPP</i>	UK <i>Parliamentary Papers</i> (<i>House of Commons and Command</i>)
<i>UKTS</i>	UK <i>Treaty Series</i>
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
<i>UNTS</i>	<i>United Nations Treaty Series</i>