CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE DISCRIMINATE EFFECTS (CCW)

Reporting Formats
pursuant to the Decision of the Third Review Conference on the establishment of a Compliance mechanism applicable to the Convention, as contained in its Final Declaration, Annex II, Paragraph 5 (CCW/CONF.III/11, Part II)

NAME OF THE HIGH CONTRACTING PARTY: REPUBLIC OF HUNGARY

PARTY TO:
- Protocol I (Protocol on Non-Detectable Fragments)
- Protocol II (Protocol on Mines Booby-Traps and Other Devices)
- Amended Protocol II (amended Protocol on Mines Booby-Traps and Other Devices)
- Protocol III (Protocol on Incendiary Weapons)
- Protocol IV (Protocol on Blinding Laser Weapons)
- Protocol V (Protocol on Explosive Remnants of War)

ACCEDED TO:
- amended Article I

DATE OF SUBMISSION: OCTOBER 2007

NATIONAL POINT(S) OF CONTACT\(^1\) (Organization, telephones, fax, e-mail) for CCW and all annexed Protocols:
- Arms Control and Non-proliferation Section, Department for Security Policy and Non-proliferation, Ministry of Foreign Affairs of the Republic of Hungary
tel.: +36 1 458 11 35; +36 1 458 11 05; fax: +36 1 375 09 22, e-mail: Titkarsag.bpt@kum.hu
- Defence Policy Department, Ministry of Defence of the Republic of Hungary,
tel.: +36 1 474 11 83; fax: +36 1 474 13 28 e-mail: katalin.batke@hm.gov.hu

NOTE: Pursuant to paragraph 5 of the above Decision the High Contracting Parties have agreed “to provide information to the Secretary-General in advance of the Meeting, which will be circulated by the Secretary-General to all the High Contracting Parties, on any of the following matters:
(a) Dissemination of information on the Convention and its annexed Protocols to their armed forces and to the civilian population;
(b) Steps taken to meet the relevant technical requirements of the Convention and its annexed Protocols and any other relevant information pertaining thereto;
(c) Legislation related to the Convention and its annexed Protocols;
(d) Measures taken on technical co-operation and assistance; and
(e) Other relevant matters.”

Each of the items listed above are provided as separate individual forms to be filled out by each High Contracting Party accordingly.

\(^1\) Please indicate individually for the CCW and each Protocol (if different)
Form A  Dissemination of information

Paragraph 5 of the Decision on Compliance:

“The High Contracting Parties will provide information […] on:

(a) Dissemination of information on the Convention and its annexed Protocols to their armed forces and to the civilian population;”

High Contracting Party: Republic of Hungary

Information to the armed forces

The dissemination of information on the Convention and its annexed Protocols within the Hungarian Armed Forces relies on the process of education and training. All relevant provisions are or will be incorporated into the curriculum of the competent Hungarian institutions of military higher education.

The future officers’ corps and civilian servants get acquainted with international law at the “Zrínyi Miklós” Defence University, where they discuss the role and implementation of the relevant international conventions and treaties. Subsequently at the level of military units the above-mentioned topics are addressed in practice so as to ensure that soldiers can successfully cope with all related tasks. In addition the personnel selected for international peace keeping missions abroad gets full picture of and is made acquainted with all relevant international legal documents.

Information to the civilian population

The Convention and its protocols were officially promulgated and hence incorporated into Hungarian law by Law-decree No. 2 of 1984, Act No 133 of 1997 and in the case of Protocol V Governmental Decree No. 184 of 2006. The civil population has access to the legal texts made available to the public through their publication in the Official Hungarian Journal. In this way the competent authorities, legal entities and natural persons concerned, including the Hungarian armed forces and members thereof are obliged to comply with or/and implement these norms.

Any other relevant information

The Republic of Hungary has nothing to report on this matter.
Form B  Technical requirements and relevant information

Paragraph 5 of the Decision on Compliance:

“The High Contracting Parties will provide information […] on:

(b) Steps taken to meet the relevant technical requirements of the Convention and its annexed Protocols and any other relevant information pertaining thereto;”

High Contracting Party: Republic of Hungary

Steps taken to meet the relevant technical requirements of the Convention and its annexed Protocols

The agencies entrusted with military research, development and military procurements for the Hungarian Defence Forces are fully aware of and apply the provisions of the Convention and its annexed Protocols. For this reason the fulfilment of all technical requirements and provisions set out in the Convention is guaranteed.

Legal advice through well-established legal advisers is available at all appropriate levels of the military hierarchy. These advisers are obliged to share their expertise in international humanitarian law. Issues requiring deep knowledge of a certain area (such as legal background as to explosive remnants of war) are dealt with and co-ordinated by the legal department of the Ministry of Defence.

Any other relevant information

The Republic of Hungary has nothing to report on this matter.
Form C  Legislation

Paragraph 5 of the Decision on Compliance:

“The High Contracting Parties will provide information […] on:

(c) Legislation related to the Convention and its annexed Protocols;”

High Contracting Party: Republic of Hungary

Legislation

The Convention and its Protocols have been ratified and promulgated by the Republic of Hungary as set out below in the chart. During the ratification process the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of Defence worked together closely.

<table>
<thead>
<tr>
<th>Title</th>
<th>Entered into force for Hungary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention on Prohibitions or Restrictions on the Use of Certain</td>
<td>2nd of December 1983</td>
</tr>
<tr>
<td>Conventional Weapons Which May be Deemed to be Excessively Injurious</td>
<td></td>
</tr>
<tr>
<td>Protocol on Non-Detectable Fragments (Protocol I), adopted in</td>
<td>2nd of December 1983</td>
</tr>
<tr>
<td>Protocol on Prohibitions or Restrictions on the Use of Incendiary</td>
<td>2nd of December 1983</td>
</tr>
<tr>
<td>The scope of application of the Convention as amended in Geneva on</td>
<td>18th of May 2004</td>
</tr>
<tr>
<td>the 21st of December 2001</td>
<td></td>
</tr>
</tbody>
</table>

The Republic of Hungary has a wide range of legislative measures in place to implement the Convention and its Annexed Protocols. The Convention and its protocols were promulgated and hence incorporated into Hungarian law by Law-decree No. 2 of 1984, Act No 133 of 1997 and in the case of Protocol V Governmental Decree No. 184 of 2006.

During the course of harmonising domestic law with the international obligations assumed by Hungary under the above international agreements the Hungarian Penal Code (Act IV of 1978) was amended accordingly. Under national procedures criminal law regulations are the appropriate means for penalising and thereby (inherently) prohibiting acts by non-state actors deemed socially harmful,
potentially dangerous for the community of people. In this connection the revised Penal Code forbids non-State actors the commission of acts described in detail and prohibited under the above international treaties, by classifying them punishable felonies.

Excerpts from the Penal Code:

“Use of Weapons Prohibited by International Treaty
Section 160/A
(1) Any person who uses or orders the use of a weapon or instrument of war prohibited by international treaty in a theatre of military operation or in an occupied territory against the enemy, civilians or prisoners of war commits a felony offence and shall be punishable with imprisonment between ten to fifteen years or life imprisonment.
(2) Any person who makes preparations for the use of a weapon prohibited by international treaty commits a felony offence and shall be punishable with imprisonment of up to five years.
(3) For the purposes of Subsections (1)-(2) the following shall be construed as weapons prohibited by international treaty:
   a) asphyxiating, poisonous ...... ...
   b) bacteriological (biological) and toxin weapons ...... 
   c) the following weapons listed in the protocols to the convention signed at Geneva on 15 October 1985 on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, as promulgated by Law-Decree 2 of 1984:
      1. weapons causing injury by fragments which cannot be detected by X-ray, as specified in Protocol I,
      2. mines, remotely-delivered mines, anti-personnel mines, booby-traps and other devices specified in Points 1-5 of Article 2 of the Amended Protocol II, as promulgated by Act CXXXIII of 1997,
      3. incendiary weapons specified in Point 1 of Article 1 of Protocol III,
      4. blinding laser weapons specified in Article 1 of the Supplementary Protocol IV,
   d) chemical weapons ...... ,
   e) anti-personnel mines .....”

Section 264/C of the Hungarian Penal Code (Act IV of 1978) classifies as felonies and thereby strictly forbids non-State actors from producing, acquiring, possessing, developing, transporting arms prohibited under international treaties. For the detailed list of arms prohibited under international treaties see Section 160/A of the Penal Code.

The first paragraph of section 264/C read as follows: “Crimes with Weapons Prohibited by International Convention” - (1) Any person who develops, manufactures, obtains, uses or possesses weapons prohibited by international convention, or transfers such weapons to a person without proper authorization, imports, exports or transports such through the territory of Hungary, or is engaged in the illicit trafficking of such, is guilty of a felony punishable by imprisonment between five to fifteen years.”
The Service Regulation of the Hungarian Defence Forces Ministerial Decree No. 24 of 2005. (VI. 30.) is entitled: “The obligations of the soldiers in relation to obey the fundamental rules of warfare and of the international humanitarian law concerning the protection of the victims of war”. This Appendix legally binding all soldiers contains a reference to the provisions of the Convention in general terms and details the requirements applicable to technical equipments.

The Legal Department of the Ministry of Defence regularly informs other departments of the MOD and Hungarian Defence Forces agencies about the developments in the field of international humanitarian law.

Any other relevant information

The Hungarian land forces military doctrine foresees that the legitimacy and authenticity of military operations must be observed at all times. Based on these considerations such operations are to be conducted in compliance with the rules of national and international law, including the written and non-codified forms thereof. The doctrine asserts that the above cited body of law forms a framework for the execution of military operations hence as such, lays down the rules of implementation. The (international) law of armed conflict prevails during the course of military conflicts. It should be noted, however, that different types of regulations may also be applied in such situations.

The doctrine concludes that legitimate and authentic military operations enhance the authenticity of the use of force and contribute to sustaining the support of local population living in and outside of conflict affected areas.

The comprehensive military doctrine for land, naval and air forces foresees in the context of crisis management operations that the legal implications of the use of force should be constantly examined. The deployment of troops is to be in accordance with relevant international norms and related political decisions. The use of force should be limited to the absolutely necessary level.
Form D    Technical co-operation and assistance

Paragraph 5 of the Decision on Compliance:

“The High Contracting Parties will provide information […] on:

(d) Measures taken on technical co-operation and assistance;”

High Contracting Party: Republic of Hungary

International technical co-operation

The Hungarian Defence Forces are ready to consider providing expertise and share their experience on a case-by-case basis.

International technical assistance

The Hungarian Defence Forces are ready to consider providing expertise and share their experience on a case-by-case basis.

Any other relevant information

The Hungarian Defence Forces are ready to consider providing expertise and share their experience on a case-by-case basis.
Form E     Other relevant matters

Paragraph 5 of the Decision on Compliance:

“The High Contracting Parties will provide information […] on:

(e) Other relevant matters.”

High Contracting Party: Republic of Hungary

Other relevant matters

The Republic of Hungary shares the concerns raised over the humanitarian impact and consequences of cluster munitions both in terms of their indiscriminate effect during use in military conflict and the risks associated with them in post-conflict contexts, in the form of explosive remnants of war.

In view of the above Hungary is the view that this issue should be as a matter of urgency dealt with by the international community. In this connection the Republic of Hungary seriously considers adopting a unilateral national moratorium on the use of cluster munitions. The necessary interagency consultations are expected to be concluded in the near future.