



UNITED STATES OF AMERICA

- ✓ **Signature:**¹ **08.04.1982**
- ✓ **Ratification, Acceptance, Approval, Accession, Succession:**

Protocol I	Protocol II	Amended Protocol II	Protocol III	Protocol IV	Protocol V	Amendment to Article 1
24.03.1995	24.03.1995	24.05.1999	21.01.2009	21.01.2009	21.01.2009	21.01.2009

- ✓ **Reservations:**

- Upon ratification:

"Article 7 (4) (b) of the Convention shall not apply with respect to the United States."

- Upon consent to be bound by Amended Protocol II:

"The senate's advice and consent is subject to the following reservation:

"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."

- Upon consent to be bound by Protocol III:

"The United States of America, with reference to Article 2, paragraphs 2 and 3, reserves the right to use incendiary weapons against military objectives located in concentrations of civilians where it is judged that such use would cause fewer casualties and/or less collateral damage than alternative weapons, but in so doing will take all feasible precautions with a view to limiting the incendiary effects to the military objective and to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects."

- ✓ **Declarations and understandings:**

- Upon signature:

"The United States Government welcomes the adoption of this Convention, and hopes that all States will give the most serious consideration to ratification or accession. We

¹ In accordance with Article 3, the Convention was "... open for signature by all States at the United Nations Headquarters in New York for a period of twelve months from 10 April 1981."

believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of this Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.

"At the same time, we want to emphasize that formal adherence by States to agreements restricting the use of weapons in armed conflict would be of little purpose if the parties were not firmly committed to taking every appropriate step to ensure compliance with those restrictions after their entry into force. It would be the firm intention of the United States and, we trust, all other parties to utilize the procedures and remedies provided by this Convention, and by the general laws of war, to see to it that all parties to the Convention meet their obligations under it. The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.

"In addition, the United States of course reserves the right, at the time of ratification, to exercise the option provided by article 4 (3) of the Convention, and to make statements of understanding and/or reservations, to the extent that it may deem that to be necessary to ensure that the Convention and its Protocols conform to humanitarian and military requirements. As indicated in the negotiating record of the 1980 Conference, the prohibitions and restrictions contained in the Convention and its Protocols are of course new contractual rules (with the exception of certain provisions which restate existing international law) which will only bind States upon their ratification of, or accession to, the Convention and their consent to be bound by the Protocols in question."

- Upon ratification:
 - Declaration:

"The United States declares, with reference to the scope of application defined in article 1 of the Convention, that the United States will apply the provisions of the Convention, Protocol I, and Protocol II to all armed conflicts referred to in articles 2 and 3 common to the Geneva Conventions for the Protection of War Victims of August 12, 1949."

- Understandings :

"The United States understands that article 6 (1) of the Protocol II does not prohibit the adaptation for use as booby-traps of portable objects created for a purpose other than as a booby-trap if the adaptation does not violate paragraph (1)(b) of the article. The United States considers that the fourth paragraph of the preamble to the Convention, which refers to the substance of provisions of article 35 (3) and article 55 (1) of additional Protocol I to the Geneva Conventions for the Protection of War Victims of August 12, 1949, applies only to States which have accepted those provisions."

- Declaration:²

"The Senate's advice and consent is subject to the following understandings:

² Made upon consent to be bound by Amended Protocol II.

- (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."

- Understanding:³

"It is the understanding of the United States of America that 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."

- Understanding:⁴

"It is the understanding of the United States of America with respect to Article 2 that 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."

- Understanding:⁵

"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

³ Made upon consent to be bound by Protocol III.

⁴ Made upon consent to be bound by Protocol IV.

⁵ Made upon consent to be bound by Protocol V.

conflicts, or assistance connected thereto, to allocate responsibilities under Article 3 in a manner that respects the essential spirit and purpose of Protocol V.”
