

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI PROTOKOLA O PREPOVEDIH ALI OMEJITVAH UPORABE MIN, MIN PRESENEČENJA IN DRUGIH PRIPRAV, KOT JE BIL SPREMENJEN 3. MAJA 1996 (PROTOKOL II, KOT JE BIL SPREMENJEN 3. MAJA 1996), PRILOŽENEGA KONVENCIJI O PREPOVEDI ALI OMEJITVI UPORABE NEKATERIH VRST KLASIČNEGA OROŽJA, ZA KATERE SE LAHKO ŠTEJE, DA IMAJO ČEZMERNE TRAVMATIČNE UČINKE ALI DA GLEDE CILJEV DELUJEJO ENAKO (MPPPOUM)

Razglašam Zakon o ratifikaciji Protokola o prepovedih ali omejitvah uporabe min, min presenečenja in drugih priprav, kot je bil spremenjen 3. maja 1996 (Protokol II, kot je bil spremenjen 3. maja 1996), priloženega Konvenciji o prepovedi ali omejitvi uporabe nekaterih vrst klasičnega orožja, za katere se lahko šteje, da imajo čezmerne travmatične učinke ali da glede ciljev delujejo enako (MPPPOUM), ki ga je sprejel Državni zbor Republike Slovenije na seji 25. oktobra 2002.

Št. 001-22-133/02

Ljubljana, 5. novembra 2002

Predsednik Republike Slovenije Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI PROTOKOLA O PREPOVEDIH ALI OMEJITVAH UPORABE MIN, MIN PRESENEČENJA IN DRUGIH PRIPRAV, KOT JE BIL SPREMENJEN 3. MAJA 1996 (PROTOKOL II, KOT JE BIL SPREMENJEN 3. MAJA 1996), PRILOŽENEGA KONVENCIJI O PREPOVEDI ALI OMEJITVI UPORABE NEKATERIH VRST KLASIČNEGA OROŽJA, ZA KATERE SE LAHKO ŠTEJE, DA IMAJO ČEZMERNE TRAVMATIČNE UČINKE ALI DA GLEDE CILJEV DELUJEJO ENAKO (MPPPOUM)

1. člen

Ratificira se Protokol o prepovedih ali omejitvah uporabe min, min presenečenja in drugih priprav v besedilu, kot je bil spremenjen 3. maja 1996 (Protokol II, kot je bil spremenjen 3. maja 1996), priložen Konvenciji o prepovedi ali omejitvi uporabe nekaterih vrst klasičnega orožja, za katere se lahko šteje, da imajo čezmerne travmatične učinke ali da glede ciljev delujejo enako, ki je bil sprejet na Konferenci držav pogodbenic Konvencije o prepovedi določenih konvencionalnih orožij v Ženevi 3. maja 1996.

2. člen

Protokol se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

P R O T O C O L

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

ARTICLE 1: AMENDED PROTOCOL

The Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II), 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 ("the Convention") is hereby amended. The text of the amended Protocol shall read as follows:

"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)"

Article 1

Scope of application

1. This Protocol relates to the use on land of the mines, booby-traps and other devices, defined herein, including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.
2. This Protocol shall apply, in addition to situations referred to in Article 1 of this Convention, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.
3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Protocol.
4. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.
5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.
6. The application of the provisions of this Protocol to parties to a conflict, which are not High Contracting Parties that have accepted this Protocol, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

Article 2

Definitions

For the purpose of this Protocol:

1. "Mine" means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.
2. "Remotely-delivered mine" means a mine not directly emplaced but delivered by artillery, missile, rocket, mortar, or similar means, or dropped from an aircraft. Mines delivered from

a land-based system from less than 500 metres are not considered to be “remotely delivered“, provided that they are used in accordance with Article 5 and other relevant Articles of this Protocol.

3. “Anti-personnel mine“ means a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.
4. “Booby-trap“ means any device or material which is designed, constructed, or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.
5. “Other devices“ means manually-emplaced munitions and devices including improvised explosive devices designed to kill, injure or damage and which are actuated manually, by remote control or automatically after a lapse of time.
6. “Military objective“ means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.
7. “Civilian objects“ are all objects which are not military objectives as defined in paragraph 6 of this Article.
8. “Minefield“ is a defined area in which mines have been emplaced and “mined area“ is an area which is dangerous due to the presence of mines. “Phoney minefield“ means an area free of mines that simulates a minefield. The term “minefield“ includes phoney minefields.
9. “Recording“ means a physical, administrative and technical operation designed to obtain, for the purpose of registration in official records, all available information facilitating the location of minefields, mined areas, mines, booby-traps and other devices.
10. “Self-destruction mechanism“ means an incorporated or externally attached automatically-functioning mechanism which secures the destruction of the munition into which it is incorporated or to which it is attached.
11. “Self-neutralization mechanism“ means an incorporated automatically-functioning mechanism which renders inoperable the munition into which it is incorporated.
12. “Self-deactivating“ means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example, a battery, that is essential to the operation of the munition.
13. “Remote control“ means control by commands from a distance.
14. “Anti-handling device“ means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with the mine.
15. “Transfer“ involves, in addition to the physical movement of mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced mines.

Article 3

General restrictions on the use of mines, booby-traps and other devices

1. This Article applies to:
 - (a) mines;
 - (b) booby-traps; and
 - (c) other devices.
2. Each High Contracting Party or party to a conflict is, in accordance with the provisions of this Protocol, responsible for all mines, booby-traps, and other devices employed by it and undertakes to clear, remove, destroy or maintain them as specified in Article 10 of this Protocol.
3. It is prohibited in all circumstances to use any mine, booby-trap or other device which is designed or of a nature to cause superfluous injury or unnecessary suffering.
4. Weapons to which this Article applies shall strictly comply with the standards and limitations specified in the Technical Annex with respect to each particular category.
5. It is prohibited to use mines, booby-traps or other devices which employ a mechanism or device specifically designed to detonate the munition by the presence of commonly available mine detectors as a result of their magnetic or other non-contact influence during normal use in detection operations.
6. It is prohibited to use a self-deactivating mine equipped with an anti-handling device that is designed in such a manner that the anti-handling device is capable of functioning after the mine has ceased to be capable of functioning.
7. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians or civilian objects.
8. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:
 - (a) which is not on, or directed against, a military objective. In case of doubt as to whether 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 presumed not to be so used;
 - (b) which employs a method or means of delivery which cannot be directed at a specific military objective; or
 - (c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.
9. Several clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects are not to be treated as a single military objective.
10. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are

practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations. These circumstances include, but are not limited to:

(a) the short- and long-term effect of mines upon the local civilian population for the duration of the minefield;

(b) possible measures to protect civilians (for example, fencing, signs, warning and monitoring);

(c) the availability and feasibility of using alternatives; and

(d) the short- and long-term military requirements for a minefield.

11. Effective advance warning shall be given of any emplacement of mines, booby-traps and other devices which may affect the civilian population, unless circumstances do not permit.

Article 4

Restrictions on the use of anti-personnel mines

It is prohibited to use anti-personnel mines which are not detectable, as specified in paragraph 2 of the Technical Annex.

Article 5

Restrictions on the use of anti-personnel mines other than remotely-delivered mines

1. This Article applies to anti-personnel mines other than remotely-delivered mines.

2. It is prohibited to use weapons to which this Article applies which are not in compliance with the provisions on self-destruction and self-deactivation in the Technical Annex, unless:

(a) such weapons are placed within a perimeter-marked area which is monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area. The 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; and

(b) such weapons are cleared before the area is abandoned, unless the area is turned over to the forces of another State which accept responsibility for the maintenance of the protections required by this Article and the subsequent clearance of those weapons.

3. A party to a conflict is relieved from further compliance with the provisions of sub-paragraphs 2 (a) and 2 (b) of this Article only if such compliance is not feasible due to forcible loss of control of the area as a result of enemy military action, including situations where direct enemy military action makes it impossible to comply. If that party regains control of the area, it shall resume compliance with the provisions of sub-paragraphs 2 (a) and 2 (b) of this Article.

4. If the forces of a party to a conflict gain control of an area in which weapons to which this Article applies have been laid, such forces shall, to the maximum extent feasible, maintain and, if necessary, establish the protections required by this Article until such weapons have been cleared.

5. All feasible measures shall be taken to prevent the unauthorized removal, defacement, destruction or concealment of any device, system or material used to establish the perimeter of a perimeter-marked area.
6. Weapons to which this Article applies which propel fragments in a horizontal arc of less than 90 degrees and which are placed on or above the ground may be used without the measures provided for in sub-paragraph 2 (a) of this Article for a maximum period of 72 hours, if:
 - (a) they are located in immediate proximity to the military unit that emplaced them;and
 - (b) the area is monitored by military personnel to ensure the effective exclusion of civilians.

Article 6

Restrictions on the use of remotely-delivered mines

1. It is prohibited to use remotely-delivered mines unless they are recorded in accordance with sub-paragraph 1 (b) of the Technical Annex.
2. It is prohibited to use remotely-delivered anti-personnel mines which are not in compliance with the provisions on self-destruction and self-deactivation in the Technical Annex.
3. It is prohibited to use remotely-delivered mines other than anti-personnel mines, unless, to the extent feasible, they are equipped with an effective self-destruction or self-neutralization mechanism and have a back-up self-deactivation feature, which is designed so that the mine will no longer function as a mine when the mine no longer serves the military purpose for which it was placed in position.
4. Effective advance warning shall be given of any delivery or dropping of remotely-delivered mines which may affect the civilian population, unless circumstances do not permit.

Article 7

Prohibitions on the use of booby-traps and other devices

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use booby-traps and other devices which are in any way attached to or associated with:
 - (a) internationally recognized protective emblems, signs or signals;
 - (b) sick, wounded or dead persons;
 - (c) burial or cremation sites or graves;
 - (d) medical facilities, medical equipment, medical supplies or medical transportation;
 - (e) children's toys or other portable objects or products specially designed for the feeding, health, hygiene, clothing or education of children;
 - (f) food or drink;

(g) kitchen utensils or appliances except in military establishments, military locations or military supply depots;

(h) objects clearly of a religious nature;

(i) historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; or

(j) animals or their carcasses.

2. It is prohibited to use booby-traps or other devices in the form of apparently harmless portable objects which are specifically designed and constructed to contain explosive material.

3. Without prejudice to the provisions of Article 3, it is prohibited to use weapons to which this Article applies in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent, unless either:

(a) they are placed on or in the close vicinity of a military objective; or

(b) measures are taken to protect civilians from their effects, for example, the posting of warning sentries, the issuing of warnings or the provision of fences.

Article 8

Transfers

1. In order to promote the purposes of this Protocol, each High Contracting Party:

(a) undertakes not to transfer any mine the use of which is prohibited by this Protocol;

(b) undertakes not to transfer any mine to any recipient other than a State or a State agency authorized to receive such transfers;

(c) undertakes to exercise restraint in the transfer of any mine the use of which is restricted by this Protocol. In particular, each High Contracting Party undertakes not to transfer any anti-personnel mines to States which are not bound by this Protocol, unless the recipient State agrees to apply this Protocol; and

(d) undertakes to ensure that any transfer in accordance with this Article takes place in full compliance, by both the transferring and the recipient State, with the relevant provisions of this Protocol and the applicable norms of international humanitarian law.

2. In the event that a High Contracting Party declares that it will defer compliance with specific provisions on the use of certain mines, as provided for in the Technical Annex, sub-paragraph 1 (a) of this Article shall however apply to such mines.

3. All High Contracting Parties, pending the entry into force of this Protocol, will refrain from any actions which would be inconsistent with sub-paragraph 1(a) of this Article.

Article 9

Recording and use of information on minefields, mined areas, mines, booby-traps and other devices

1. All information concerning minefields, mined areas, mines, booby-traps and other devices shall be recorded in accordance with the provisions of the Technical Annex.
2. All such records shall be retained by the parties to a conflict, who shall, without delay after the cessation of active hostilities, take all necessary and appropriate measures, including the use of such information, to protect civilians from the effects of minefields, mined areas, mines, booby-traps and other devices in areas under their control.

At the same time, they shall also make available to the other party or parties to the conflict and to the Secretary-General of the United Nations all such information in their possession concerning minefields, mined areas, mines, booby-traps and other devices laid by them in areas no longer under their control; provided, however, subject to reciprocity, where the forces of a party to a conflict are in the territory of an adverse party, either party may withhold such information from the Secretary-General and the other party, to the extent that security interests require such withholding, until neither party is in the territory of the other. In the latter case, the information withheld shall be disclosed as soon as those security interests permit. Wherever possible, the parties to the conflict shall seek, by mutual agreement, to provide for the release of such information at the earliest possible time in a manner consistent with the security interests of each party.

3. This Article is without prejudice to the provisions of Articles 10 and 12 of this Protocol.

Article 10

Removal of minefields, mined areas, mines, booby-traps and other devices and international cooperation

1. Without delay after the cessation of active hostilities, all minefields, mined areas, mines, booby-traps and other devices shall be cleared, removed, destroyed or maintained in accordance with Article 3 and paragraph 2 of Article 5 of this Protocol.
2. High Contracting Parties and parties to a conflict bear such responsibility with respect to minefields, mined areas, mines, booby-traps and other devices in areas under their control.
3. With respect to minefields, mined areas, mines, booby-traps and other devices laid by a party in areas over which it no longer exercises control, such party shall provide to the party in control of the area pursuant to paragraph 2 of this Article, to the extent permitted by such party, technical and material assistance necessary to fulfil such responsibility.
4. At all times necessary, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations, on the provision of technical and material assistance, including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil such responsibilities.

Article 11

Technological cooperation and assistance

1. Each High Contracting Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Protocol and means of mine clearance. In particular, High Contracting Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.
2. Each High Contracting Party undertakes to provide information to the database on mine clearance established within the United Nations System, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.
3. Each High Contracting Party in a position to do so shall provide assistance for mine clearance through the United Nations System, other international bodies or on a bilateral basis, or contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.
4. Requests by High Contracting Parties for assistance, substantiated by relevant information, may be submitted to the United Nations, to other appropriate bodies or to other States. These requests may be submitted to the Secretary-General of the United Nations, who shall transmit them to all High Contracting Parties and to relevant international organizations.
5. In the case of requests to the United Nations, the Secretary-General of the United Nations, within the resources available to the Secretary-General of the United Nations, may take appropriate steps to assess the situation and, in cooperation with the requesting High Contracting Party, determine the appropriate provision of assistance in mine clearance or implementation of the Protocol. The Secretary-General may also report to High Contracting Parties on any such assessment as well as on the type and scope of assistance required.
6. Without prejudice to their constitutional and other legal provisions, the High Contracting Parties undertake to cooperate and transfer technology to facilitate the implementation of the relevant prohibitions and restrictions set out in this Protocol.
7. Each High Contracting Party has the right to seek and receive technical assistance, where appropriate, from another High Contracting Party on specific relevant technology, other than weapons technology, as necessary and feasible, with a view to reducing any period of deferral for which provision is made in the Technical Annex.

Article 12

Protection from the effects of minefields, mined areas, mines, booby-traps and other devices

1. Application

(a) With the exception of the forces and missions referred to in sub-paragraph 2(a)(i) of this Article, this Article applies only to missions which are performing functions in an area with the consent of the High Contracting Party on whose territory the functions are performed.

(b) The application of the provisions of this Article to parties to a conflict which are not High Contracting Parties shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

(c) The provisions of this Article are without prejudice to existing international humanitarian law, or other international instruments as applicable, or decisions by the Security Council of the United Nations, which provide for a higher level of protection to personnel functioning in accordance with this Article.

2. Peace-keeping and certain other forces and missions

(a) This paragraph applies to:

(i) any United Nations force or mission performing peace-keeping, observation or similar functions in any area in accordance with the Charter of the United Nations; and

(ii) any mission established pursuant to Chapter VIII of the Charter of the United Nations and performing its functions in the area of a conflict.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a force or mission to which this paragraph applies, shall:

(i) so far as it is able, take such measures as are necessary to protect the force or mission from the effects of mines, booby-traps and other devices in any area under its control;

(ii) if necessary in order effectively to protect such personnel, remove or render harmless, so far as it is able, all mines, booby-traps and other devices in that area; and

(iii) inform the head of the force or mission of the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the force or mission is performing its functions and, so far as is feasible, make available to the head of the force or mission all information in its possession concerning such minefields, mined areas, mines, booby-traps and other devices.

3. Humanitarian and fact-finding missions of the United Nations System

(a) This paragraph applies to any humanitarian or fact-finding mission of the United Nations System.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) provide the personnel of the mission with the protections set out in sub-paragraph 2(b)(i) of this Article; and

(ii) if access to or through any place under its control is necessary for the performance of the mission's functions and in order to provide the personnel of the mission with safe passage to or through that place:

(aa) unless on-going hostilities prevent, inform the head of the mission of a safe route to that place if such information is available; or

(bb) if information identifying a safe route is not provided in accordance with sub-paragraph (aa), so far as is necessary and feasible, clear a lane through minefields.

4. Missions of the International Committee of the Red Cross

(a) This paragraph applies to any mission of the International Committee of the Red Cross performing functions with the consent of the host State or States as provided for by the Geneva Conventions of 12 August 1949 and, where applicable, their Additional Protocols.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:

(i) provide the personnel of the mission with the protections set out in sub-paragraph 2(b)(i) of this Article; and

(ii) take the measures set out in sub-paragraph 3(b)(ii) of this Article.

5. Other humanitarian missions and missions of enquiry

(a) Insofar as paragraphs 2, 3 and 4 of this Article do not apply to them, this paragraph applies to the following missions when they are performing functions in the area of a conflict or to assist the victims of a conflict:

(i) any humanitarian mission of a national Red Cross or Red Crescent society or of their International Federation;

(ii) any mission of an impartial humanitarian organization, including any impartial humanitarian demining mission; and

(iii) any mission of enquiry established pursuant to the provisions of the Geneva Conventions of 12 August 1949 and, where applicable, their Additional Protocols.

(b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall, so far as is feasible:

(i) provide the personnel of the mission with the protections set out in sub-paragraph 2(b)(i) of this Article; and

(ii) take the measures set out in subparagraph 3(b)(ii) of this Article.

6. Confidentiality

All information provided in confidence pursuant to this Article shall be treated by the recipient in strict confidence and shall not be released outside the force or mission concerned without the express authorization of the provider of the information.

7. Respect for laws and regulations

Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, personnel participating in the forces and missions referred to in this Article shall:

(a) respect the laws and regulations of the host State; and

(b) refrain from any action or activity incompatible with the impartial and international nature of their duties.

Article 13

Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and cooperate with each other on all issues related to the operation of this Protocol. For this purpose, a conference of High Contracting Parties shall be held annually.

2. Participation in the annual conferences shall be determined by their agreed Rules of Procedure.
3. The work of the conference shall include:
 - (a) review of the operation and status of this Protocol;
 - (b) consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of this Article;
 - (c) preparation for review conferences; and
 - (d) consideration of the development of technologies to protect civilians against indiscriminate effects of mines.
4. The High Contracting Parties shall provide annual reports to the Depository, who shall circulate them to all High Contracting Parties in advance of the conference, on any of the following matters:
 - (a) dissemination of information on this Protocol to their armed forces and to the civilian population;
 - (b) mine clearance and rehabilitation programmes;
 - (c) steps taken to meet technical requirements of this Protocol and any other relevant information pertaining thereto;
 - (d) legislation related to this Protocol;
 - (e) measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance; and
 - (f) other relevant matters.
5. The cost of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the work of the conference, in accordance with the United Nations scale of assessment adjusted appropriately.

Article 14

Compliance

1. Each High Contracting Party shall take all appropriate steps, including legislative and other measures, to prevent and suppress violations of this Protocol by persons or on territory under its jurisdiction or control.
2. The measures envisaged in paragraph 1 of this Article include appropriate measures to ensure the imposition of penal sanctions against persons who, in relation to an armed conflict and contrary to the provisions of this Protocol, wilfully kill or cause serious injury to civilians and to bring such persons to justice.
3. Each High Contracting Party shall also require that its armed forces issue relevant military instructions and operating procedures and that armed forces personnel receive training commensurate with their duties and responsibilities to comply with the provisions of this Protocol.

4. The High Contracting Parties undertake to consult each other and to cooperate with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

Technical Annex

1. Recording

(a) Recording of the location of mines other than remotely-delivered mines, minefields, mined areas, booby-traps and other devices shall be carried out in accordance with the following provisions:

(i) the location of the minefields, mined areas and areas of booby-traps and other devices shall be specified accurately by relation to the coordinates of at least two reference points and the estimated dimensions of the area containing these weapons in relation to those reference points;

(ii) maps, diagrams or other records shall be made in such a way as to indicate the location of minefields, mined areas, booby-traps and other devices in relation to reference points, and these records shall also indicate their perimeters and extent; and

(iii) for purposes of detection and clearance of mines, booby-traps and other devices, maps, diagrams or other records shall contain complete information on the type, number, emplacing method, type of fuse and life time, date and time of laying, anti-handling devices (if any) and other relevant information on all these weapons laid. Whenever feasible the minefield record shall show the exact location of every mine, except in row minefields where the row location is sufficient. The precise location and operating mechanism of each booby-trap laid shall be individually recorded.

(b) The estimated location and area of remotely-delivered mines shall be specified by coordinates of reference points (normally corner points) and shall be ascertained and when feasible marked on the ground at the earliest opportunity. The total number and type of mines laid, the date and time of laying and the self-destruction time periods shall also be recorded.

(c) Copies of records shall be held at a level of command sufficient to guarantee their safety as far as possible.

(d) The use of mines produced after the entry into force of this Protocol is prohibited unless they are marked in English or in the respective national language or languages with the following information:

(i) name of the country of origin;

(ii) month and year of production; and

(iii) serial number or lot number.

The marking should be visible, legible, durable and resistant to environmental effects, as far as possible.

2. Specifications on detectability

(a) With respect to anti-personnel mines produced after 1 January 1997, such mines shall incorporate in their construction a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grammes or more of iron in a single coherent mass.

(b) With respect to anti-personnel mines produced before 1 January 1997, such mines shall either incorporate in their construction, or have attached prior to their emplacement, in a manner not easily removable, a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grammes or more of iron in a single coherent mass.

(c) In the event that a High Contracting Party determines that it cannot immediately comply with sub-paragraph (b), it may declare at the time of its notification of consent to be bound by this Protocol that it will defer compliance with sub-paragraph (b) for a period not to exceed 9 years from the entry into force of this Protocol. In the meantime it shall, to the extent feasible, minimize the use of anti-personnel mines that do not so comply.

3. Specifications on self-destruction and self-deactivation

(a) All remotely-delivered anti-personnel mines shall be designed and constructed so that no more than 10% of activated mines will fail to self-destruct within 30 days after emplacement, and each mine shall have a back-up self-deactivation feature designed and constructed so that, in combination with the self-destruction mechanism, no more than one in one thousand activated mines will function as a mine 120 days after emplacement.

(b) All non-remotely delivered anti-personnel mines, used outside marked areas, as defined in Article 5 of this Protocol, shall comply with the requirements for self-destruction and self-deactivation stated in sub-paragraph (a).

(c) In the event that a High Contracting Party determines that it cannot immediately comply with sub-paragraphs (a) and/or (b), it may declare at the time of its notification of consent to be bound by this Protocol, that it will, with respect to mines produced prior to the entry into force of this Protocol, defer compliance with sub-paragraphs (a) and/or (b) for a period not to exceed 9 years from the entry into force of this Protocol.

During this period of deferral, the High Contracting Party shall:

(i) undertake to minimize, to the extent feasible, the use of anti-personnel mines that do not so comply; and

(ii) with respect to remotely-delivered anti-personnel mines, comply with either the requirements for self-destruction or the requirements for self-deactivation and, with respect to other anti-personnel mines comply with at least the requirements for self-deactivation.

4. International signs for minefields and mined areas

Signs similar to the example attached and as specified below shall be utilized in the marking of minefields and mined areas to ensure their visibility and recognition by the civilian population:

(a) size and shape: a triangle or square no smaller than 28 centimetres (11 inches) by 20 centimetres (7.9 inches) for a triangle, and 15 centimetres (6 inches) per side for a square;

(b) colour: red or orange with a yellow reflecting border;

(c) symbol: the symbol illustrated in the Attachment, or an alternative readily recognizable in the area in which the sign is to be displayed as identifying a dangerous area;

(d) language: the sign should contain the word “mines“ in one of the six official languages of the Convention (Arabic, Chinese, English, French, Russian and Spanish) and the language or languages prevalent in that area; and

(e) spacing: signs should be placed around the minefield or mined area at a distance sufficient to ensure their visibility at any point by a civilian approaching the area.“

Attachment



ARTICLE 2: ENTRY INTO FORCE

This amended Protocol shall enter into force as provided for in paragraph 1(b) of Article 8 of the Convention.

PROTOKOL

O PREPOVEDIH ALI OMEJITVAH UPORABE MIN, MIN PRESENEČENJA IN DRUGIH PRIPRAV, KOT JE BIL SPREMENJEN 3. MAJA 1996 (PROTOKOL II, KOT JE BIL SPREMENJEN 3. MAJA 1996), PRILOŽEN KONVENCIJI O PREPOVEDI ALI OMEJITVI UPORABE NEKATERIH VRST KLASIČNEGA OROŽJA, ZA KATERE SE LAHKO ŠTEJE, DA IMAJO ČEZMERNE TRAVMATIČNE UČINKE ALI DA GLEDE CILJEV DELUJEJO ENAKO

1. ČLEN: SPREMENJENI PROTOKOL

S tem se spreminja Protokol o prepovedih ali omejitvah uporabe min, min presenečenja in drugih priprav (Protokol II), priložen Konvenciji o prepovedi in omejitvi uporabe nekaterih vrst klasičnega orožja, za katere se lahko šteje, da imajo čezmerne travmatične učinke ali da glede ciljev delujejo enako (konvencija). Spremenjeno besedilo protokola se glasi:

“Protokol o prepovedih ali omejitvah uporabe min, min presenečenja in drugih priprav, kot je bil spremenjen 3. maja 1996 (Protokol II z dne 3. maja 1996)

1. člen

Obseg uporabe

1. Ta protokol se nanaša na uporabo min, min presenečenja in drugih priprav, opredeljenih v njem, na zemlji, vključno z minami, položenimi na zaprtih obalah, križiščih vodnih poti ali rek, vendar ne velja za uporabo protiladijskih min na morju ali notranjih vodnih poteh.
2. Ta protokol se poleg razmer, omenjenih v 1. členu te konvencije, uporablja za razmere, omenjene v 3. členu, skupnem za Ženevske konvencije z dne 12. avgusta 1949. Ta protokol se ne uporablja ob notranjih nemirih in napetostih, kot so neredi, osamljena in posamična dejanja nasilja ter druga podobna dejanja, ki niso oboroženi spopadi.
3. Ob oboroženih spopadih, ki niso mednarodne narave in nastanejo na ozemlju ene od visokih pogodbenic, vsako udeleženko v spopadu zavezuje uporaba prepovedi in omejitev tega protokola.
4. Ni se mogoče sklicevati na kar koli v tem protokolu z namenom prizadeti suverenost države ali odgovornost vlade, da z vsemi zakonitimi sredstvi ohranja ali ponovno vzpostavi red in mir v državi ali da brani narodno enotnost in ozemeljsko celovitost države.
5. Ni se mogoče sklicevati na kar koli v tem protokolu kot opravičilo za posreden ali neposreden poseg iz katerega koli razloga v oborožen spopad ali v notranje ali zunanje zadeve visoke pogodbenice na ozemlju, na katerem ta spopad nastane.
6. Uporaba določb tega protokola za udeleženko v spopadu, ki niso visoke pogodbenice in so sprejele ta protokol, niti eksplicitno niti implicitno ne spremeni njihovega pravnega statusa ali pravnega statusa spornega ozemlja.

2. člen

Pomen izrazov

V tem protokolu:

1. "Mina" pomeni eksplozivno sredstvo, položeno v zemljo ali pod drugo površino, nanjo ali njeno bližino in zasnovano tako, da eksplodira zaradi prisotnosti ali bližine osebe ali vozila ali stika z njima.
2. "Daljinsko dostavljena mina" pomeni mino, ki ni neposredno položena na mesto, temveč jo dostavi izstrelek lansirnega sredstva, topništva, minometa ali podobnega sredstva ali pa je odvržena iz letala. Mine, dostavljene iz sistema na kopnem iz razdalje manj kot 500 m, ne veljajo za "daljinsko dostavljen", če se uporabljajo v skladu s 5. členom in drugimi ustreznimi členi tega protokola.
3. "Protipehotna mina" pomeni mino, ki je predvsem zasnovana tako, da eksplodira zaradi prisotnosti ali bližine osebe ali stika z njo in bo onesposobila, poškodovala ali ubila eno ali več oseb.
4. "Mina presenečenja" pomeni vsako pripravo ali sredstvo, ki je zasnovano, izdelano ali prilagojeno za ubijanje ali poškodovanje in deluje nepričakovano, ko oseba premakne navidezno neškodljiv predmet ali se mu približa ali opravi na videz varno dejanje.

5. "Druge priprave" pomenijo ročno nameščeno eksplozivno sredstvo in priprave, vključno z improviziranimi eksplozivnimi pripravami, ki so zasnovane za ubijanje, ranitev ali poškodovanje in se sprožijo ročno, daljinsko ali samodejno po določenem času.
6. "Vojaški cilj" pomeni vsak objekt, ki po svoji naravi, lokaciji, namenu ali uporabi učinkovito prispeva k vojaški akciji in katerega celotno ali delno uničenje, zavzetje ali nevtralizacija v okoliščinah, ki vladajo v tistem času, zagotavlja določeno vojaško prednost.
7. "Civilni objekti" so vsi objekti, ki niso vojaški cilji, kot so opredeljeni v šestem odstavku tega člena.
8. "Minsko polje" je določeno območje, na katerem so položene mine, "minirano območje" pa je območje, ki je nevarno zaradi prisotnosti min. "Lažno minsko polje" pomeni območje brez min, ki posnema minsko polje. Izraz "minsko polje" vključuje tudi lažna minska polja.
9. "Evidentiranje" pomeni fizični, administrativni in tehnični postopek, namenjen pridobitvi vseh razpoložljivih informacij, ki olajšujejo lokacijo minskih polj, miniranih območij, min, min presenečenja in drugih priprav, zaradi evidentiranja v uradnih evidencah.
10. "Mehanizem za samouničenje" pomeni vgrajen ali z zunanje strani pritrjen samodejno delujoč mehanizem, ki zagotavlja uničenje eksplozivnega sredstva, v katero je vgrajen ali na katero je pritrjen.
11. "Mehanizem za samonevtralizacijo" pomeni vgrajen, samodejno delujoč mehanizem, zaradi katerega eksplozivno sredstvo, v katero je vstavljen, po določenem času ne deluje več.
12. "Samodeaktiviranje" pomeni samodejno povzročitev, da eksplozivno sredstvo ne deluje zaradi nepovratne izrabe sestavnega dela, na primer baterije, ki je bistvenega pomena za delovanje eksplozivnega sredstva.
13. "Daljinsko upravljanje" pomeni upravljanje s pomočjo ukazov na daljavo.
14. "Priprava proti onesposobljenju" pomeni napravo za zaščito mine, ki je del mine, pritrjena nanjo ali postavljena podnjo in se aktivira, kadar se skuša mina onesposobiti.
15. "Prenos" poleg fizičnega premika min na državno ozemlje ali z njega obsega prenos lastninske pravice do min in nadzora nad njimi, vendar ne obsega prenosa lastninske pravice do ozemlja, na katerem so mine položene.

3. člen

Splošne omejitve uporabe min, min presenečenja in drugih priprav

1. Ta člen se uporablja za:
 - a) mine,
 - b) mine presenečenja in
 - c) druge priprave.
2. Vsaka visoka pogodbenica ali udeleženka v spopadu je v skladu z določbami tega protokola odgovorna za vse mine, mine presenečenja in druge priprave, ki jih uporabi, in se zavezuje, da jih bo pospravila, odstranila, uničila ali vzdrževala, kot je opredeljeno v 10. členu tega protokola.

3. V vseh okoliščinah je prepovedano uporabiti katero koli mino, mino presenečenja ali drugo pripravo, ki je zasnovana tako ali je takšna, da povzroči odvečno poškodbo ali nepotrebno trpljenje.
4. Orožje, za katero se uporablja ta člen, mora strogo izpolnjevati standarde in omejitve, opredeljene v Tehnični prilogi v zvezi z vsako posamezno kategorijo.
5. Prepovedano je uporabiti mine, mine presenečenja ali druge priprave, pri katerih se uporablja mehanizem ali priprava, posebej zasnovana za aktiviranje eksplozivnega sredstva ob prisotnosti običajnih minoiskalcev kot posledica njihovega magnetnega ali drugačnega nekontaktnege vpliva pri običajni uporabi med postopki odkrivanja.
6. Prepovedano je uporabljati mine s samodeaktiviranjem, opremljene s pripravo proti onesposobljenju, ki je zasnovana tako, da lahko priprava proti onesposobljenju deluje, potem ko mina ni več sposobna delovati.
7. V vseh okoliščinah je prepovedano usmerjati orožje, za katero se uporablja ta člen, v napadu, obrambi ali kot povračilo proti civilnemu prebivalstvu ali proti posameznim civilistom ali civilnim objektom.
8. Nerazlikovalna uporaba orožja, za katero se uporablja ta člen, je prepovedana. Nerazlikovalna uporaba je vsaka namestitev takega orožja:
 - a) ki ni na vojaškem cilju ali usmerjeno nanj. Ob dvomu, ali se objekt, ki se navadno uporablja v civilne namene, kot npr. mesto bogoslužja, hiša ali drugačno bivališče ali šola, uporablja zato, da bi učinkovito prispeval k vojaški akciji, se predpostavlja, da se ne uporablja v tak namen;
 - b) pri katerem se uporablja metoda ali sredstvo za dostavo, ki ga ni mogoče usmeriti na poseben vojaški cilj, ali
 - c) za katero se lahko pričakuje, da bo povzročilo slučajno izgubo človeških življenj in poškodb civilistov, škodo na civilnih objektih ali kombinacijo tega, kar bi bilo pretirano glede na konkretno in neposredno pričakovano vojaško prednost.
9. Več jasno ločenih in razločnih vojaških ciljev, določenih v velemestu, mestu, vasi ali na drugem območju s podobno koncentracijo civilistov ali civilnih objektov, se ne sme obravnavati kot en sam vojaški cilj.
10. Sprejeti je treba vse izvedljive previdnostne ukrepe za zaščito civilistov pred učinki orožja, za katero se uporablja ta člen. Izvedljivi previdnostni ukrepi so tisti previdnostni ukrepi, ki so v praksi izvedljivi ob upoštevanju vseh okoliščin, tudi humanitarnih in vojaških, ki vladajo v tistem času. Te okoliščine vključujejo, vendar niso omejene na:
 - a) kratkoročni in dolgoročni učinek min na lokalno civilno prebivalstvo med obstojem minskega polja;
 - b) možne ukrepe za zaščito civilistov (na primer: ograjevanje, znaki, opozorila in nadzorovanje);
 - c) razpoložljivost in izvedljivost uporabe drugih možnosti in
 - d) kratkoročne in dolgoročne vojaške potrebe po minskem polju.
11. Pri vsakem polaganju min, min presenečenja in drugih priprav, ki lahko prizadenejo civilno prebivalstvo, je potrebno učinkovito vnaprejšnje opozorilo, razen če tega okoliščine ne dovoljujejo.

4. člen

Omejitve uporabe protipehotnih min

Prepovedano je uporabljati protipehotne mine, ki jih ni mogoče odkriti, kot je določeno v drugem odstavku Tehnične priloge.

5. člen

Omejitve uporabe protipehotnih min, razen daljinsko dostavljenih min

1. Ta člen se uporablja za protipehotne mine, razen za daljinsko dostavljene mine.
2. Prepovedano je uporabiti orožje, za katero se uporablja ta člen in ki ni v skladu z določbami za samouničenje ali samodeaktiviranje v Tehnični prilogi, razen če:
 - a) ni tako orožje postavljeno znotraj perimetrsko označenega območja, ki ga nadzoruje vojaško osebje, in ni zaščiten z ograjo ali z drugimi sredstvi, da bi se tako zagotovila učinkovita izključitev civilistov z območja. Označitev mora biti razločna in trajna in mora biti vidna za osebo, ki namerava vstopiti na perimetrsko označeno območje, in
 - b) se tako orožje ne odstrani, preden se območje zapusti, razen če se območje ne preda silam druge države, ki sprejme odgovornost za ohranjanje zaščite, ki jo zahteva ta člen, in za naknadno odstranitev tega orožja.
3. Udeleženka v spopadu je oproščena nadaljnega izpolnjevanja določb pododstavkov a) in (b) drugega odstavka tega člena samo, če tako izpolnjevanje ni izvedljivo zaradi nasilne izgube nadzora nad območjem kot posledice vojaške akcije sovražnika, vključno z razmerami, ko neposredna sovražnikova vojaška akcija tako izpolnjevanje onemogoča. Če ta udeleženka ponovno pridobi nadzor nad območjem, mora spet izpolnjevati določbe pododstavkov a) in b) drugega odstavka tega člena.
4. Če sile ene od udeleženk v spopadu pridobijo nadzor nad ozemljem, na katerem je bilo položeno orožje, za katero se uporablja ta člen, morajo te sile v največjem izvedljivem obsegu ohranjati in po potrebi vzpostaviti zaščito, ki jo zahteva ta člen, dokler to orožje ni odstranjeno.
5. Sprejeti je treba vse izvedljive ukrepe, da se preprečijo nepooblaščen odstranitev, okvara, uničenje ali prikrivanje vsake priprave, sistema ali materiala, ki se uporablja za določitev perimetra ali perimetrsko označenega območja.
6. Orožje, za katero se uporablja ta člen in ki usmerja delce v horizontalnem snopu, manjšem od 90 stopinj, in ki je nameščeno na tla ali nad tlemi, se lahko uporablja brez ukrepov, predvidenih v pododstavku a) drugega odstavka tega člena, največ za 72 ur, če:
 - a) je locirano v neposredni bližini vojaške enote, ki ga je namestila, in
 - b) območje nadzoruje vojaško osebje, ki zagotavlja učinkovito izločitev civilistov.

6. člen

Omejitve uporabe daljinsko dostavljenih min

1. Prepovedano je uporabljati daljinsko dostavljene mine, razen če niso registrirane v skladu s pododstavkom b) prvega odstavka Tehnične priloge.
2. Prepovedano je uporabljati daljinsko dostavljene protipehotne mine, ki ne izpolnjujejo določb o samouničenju in samodeaktiviranju v Tehnični prilogi.
3. Prepovedano je uporabljati daljinsko dostavljene mine, razen protipehotne mine, če niso v izvedljivem obsegu opremljene z učinkovitim mehanizmom za samouničenje ali samonevtralizacijo in imajo rezervno samodeaktiviranje, zasnovano tako, da mina ne bo več delovala kot mina, ko se ne uporablja več v vojaške namene, zaradi katerih je bila nameščena.
4. Treba je učinkovito vnaprej opozoriti na vsako dostavo ali odmetavanje daljinsko dostavljenih min, ki lahko prizadenejo civilno prebivalstvo, razen če okoliščine tega ne dovoljujejo.

7. člen

Prepovedi uporabe min presenečenja in drugih priprav

1. Ne da bi to vplivalo na pravila mednarodnega prava, ki se uporabljajo v oboroženih spopadih v zvezi z zvijačo in zahrbtnostjo, je v vseh okoliščinah prepovedano uporabljati mine presenečenja in druge priprave, ki so kakor koli pritrjene ali povezane z:
 - a) mednarodno priznanimi zaščitnimi oznakami, znaki ali signali;
 - b) bolnimi, ranjenimi ali mrtvimi;
 - c) kraji pokopa ali sežiga ali grobovi;
 - d) sanitetnimi objekti, opremo, materialom ali prevoznimi sredstvi;
 - e) otroškimi igračkami ali drugimi prenosnimi predmeti ali izdelki, posebej zasnovanimi za hranjenje, zdravje, higieno, oblačenje ali izobraževanje otrok;
 - f) hrano ali pijačo;
 - g) kuhinjskim orodjem ali pripomočki, razen v vojaških ustanovah, na vojaških lokacijah ali vojaških skladiščih;
 - h) objekti, ki so nedvomno verske narave;
 - i) zgodovinskimi spomeniki, umetniškimi deli ali kraji bogoslužja, ki so kulturna ali duhovna dediščina narodov;
 - j) živalmi ali njihovimi trupli.
2. Prepovedano je uporabljati mine presenečenja ali druge priprave v obliki navidezno neškodljivih prenosnih predmetov, ki so izrecno zasnovani in zgrajeni tako, da vsebujejo eksplozivni material.
3. Brez vpliva na določbe 3. člena je prepovedano uporabljati orožje, za katero se uporablja ta člen, v katerem koli velemestu, mestu, vasi ali na drugem območju, kjer je gostota prebivalcev podobna, in se boj med kopenskimi silami ne odvija niti ne grozi, razen če
 - a) se postavi na vojaški cilj ali v njegovo neposredno bližino ali

- b) so sprejeti ukrepi za zaščito civilistov pred njegovimi učinki, na primer postavitve straž za opozarjanje, izdaja opozoril ali postavitve ograj.

8. člen

Prenos

1. Za pospešitev namenov tega protokola se vsaka visoka pogodbenica:
 - a) zavezuje, da ne bo prenesla nobene mine, katere uporaba je s tem protokolom prepovedana;
 - b) zavezuje, da ne bo prenesla nobene mine na nobenega prejemnika, razen državo ali državno agencijo, ki je za prejem pooblaščenca;
 - c) zavezuje, da bo omejevala prenos vseh min, katerih uporaba je po tem protokolu prepovedana. Še zlasti se vsaka visoka pogodbenica zavezuje, da ne bo prenašala nobenih protipehotnih min na države, ki jih ta protokol ne zavezuje, razen če se država prejemnica strinja, da bo uporabljala ta protokol, in
 - d) zavezuje, da bo zagotovila, da bosta tako država predaje kot prejema pri vsakem prenosu v skladu s tem členom v celoti izpolnjevali ustrezne določbe tega protokola in veljavne norme mednarodnega prava.
2. Če visoka pogodbenica izjavi, da bo odložila izpolnjevanje posebnih določb o uporabi določenih min, kot je predvideno v Tehnični prilogi, za te mine kljub temu velja pododstavek a) prvega odstavka tega člena.
3. Vse visoke pogodbenice se do začetka veljavnosti tega protokola vzdržijo kakršnega koli ukrepanja, ki ne bi bilo v skladu s pododstavkom a) prvega odstavka tega člena.

9. člen

Evidentiranje in uporaba informacij o minskih poljih, miniranih območjih, minah, minah presenečenja in drugih pripravah

1. Vse informacije v zvezi z minskimi polji, miniranimi območji, minami, minami presenečenja in drugimi pripravami se evidentirajo v skladu z določbami Tehnične priloge.
2. Vse te evidence obdržijo udeleženske v spopadu, ki po prenehanju sovražnosti brez odlašanja sprejmejo vse potrebne in ustrezne ukrepe, vključno z uporabo teh informacij, za zaščito civilistov pred posledicami minskih polj, miniranih območij, min, min presenečenja in drugih priprav na območjih pod svojim nadzorom.

Istočasno morajo drugi udeleženci ali udeleženkam v spopadu in generalnemu sekretarju Združenih narodov dati na voljo vse informacije, ki jih imajo v zvezi z minskimi polji, miniranimi območji, minami, minami presenečenja in drugimi pripravami, ki so jih položile na območja, ki niso več pod njihovim nadzorom; kadar pa so sile udeleženske v spopadu na ozemlju nasprotne strani, lahko vsaka udeleženka take informacije zadrži pred generalnim sekretarjem in drugo udeleženko na podlagi vzajemnosti v obsegu, v kakršnem tako zadržanje zahtevajo varnostni interesi, dokler je udeleženka na ozemlju druge udeleženke. V tem primeru se zadržane informacije razkrijejo, takoj ko to dovoljujejo varnostni interesi. Kadar je to mogoče, skušajo udeleženske v spopadu z medsebojnim sporazumom zagotoviti čimprejšnje razkritje teh informacij na način, ki je v skladu z varnostnimi interesi vsake udeleženke.

3. Ta člen ne vpliva na določbe 10. in 12. člena tega protokola.

10. člen

Odstranitev minskih polj, miniranih območij, min, min presenečenja in drugih priprav ter mednarodno sodelovanje

1. Takoj po prenehanju sovražnosti je treba očistiti, odstraniti, uničiti ali vzdrževati vsa minska polja, minirana območja, mine, mine presenečenja in druge priprav v skladu s 3. členom in drugim odstavkom 5. člena tega protokola.
2. Visoke pogodbenice in udeleženke v spopadu so tako odgovorne za minska polja, minirana območja, mine, mine presenečenja in druge priprav na območjih, ki so pod njihovim nadzorom.
3. V zvezi z minskimi polji, miniranimi območji, minami, minami presenečenja in drugimi pripravami zagotovi udeleženka, ki jih je položila na območjih, nad katerimi nima več nadzora, udeleženki, ki ima nadzor nad območjem v skladu z drugim odstavkom tega člena, tehnično in materialno pomoč, potrebno za izpolnjevanje take odgovornosti, v obsegu, ki ga ta udeleženka dovoljuje.
4. Kadar koli je potrebno, si udeleženke prizadevajo doseči sporazum med seboj, in kadar je to ustrezno, z drugimi državami in mednarodnimi organizacijami o zagotavljanju tehnične in materialne pomoči, kar v ustreznih okoliščinah vključuje izvajanje skupnih operacij, potrebnih za izpolnjevanje take odgovornosti.

11. člen

Tehnološko sodelovanje in pomoč

1. Vsaka visoka pogodbenica se zavezuje, da bo olajšala sodelovanje, in ima pravico, da v najširšem možnem obsegu sodeluje pri izmenjavi opreme, materiala ter znanstvenih in tehnoloških informacij v zvezi z izvajanjem tega protokola in načini odstranjevanja min. Še zlasti visoke pogodbenice ne smejo predpisovati neprimernih omejitev za zagotavljanje opreme za odstranjevanje min in s tem povezanih tehnoloških informacij v humanitarne namene.
2. Vsaka visoka pogodbenica se zavezuje, da bo zagotovila informacije o odstranjevanju min za podatkovno bazo, ki je vzpostavljena v sistemu Združenih narodov, še posebej informacije v zvezi z različnimi postopki odstranjevanja min, in sezname strokovnjakov, strokovnih agencij ali kontaktnih oseb vsake države za odstranjevanje min.
3. Vsaka visoka pogodbenica, ki to lahko naredi, zagotovi pomoč pri odstranjevanju min prek sistema Združenih narodov, drugih mednarodnih teles ali na dvostranski podlagi ali pa prispeva v Prostovoljno fundacijo Združenih narodov za pomoč pri odstranjevanju min.
4. Prošnje visokih pogodbenic za pomoč, podkrepjene z ustreznimi informacijami, se lahko predajo Združenim narodom, drugim ustreznim telesom ali drugim državam. Te prošnje se lahko predložijo generalnemu sekretarju Združenih narodov, ki jih preda vsem visokim pogodbenicam in ustreznim mednarodnim organizacijam.
5. V primeru prošenj Združenim narodom lahko generalni sekretar Združenih narodov v okviru sredstev, ki so mu na voljo, ustrezno ukrepa, da se oceni položaj, in v sodelovanju z visoko pogodbenico prosilko določi ustrezno zagotovitev pomoči pri odstranjevanju min ali

izvajanju protokola. Generalni sekretar lahko o vsaki taki oceni kot tudi o vrsti in obsegu potrebne pomoči poroča visokim pogodbenicam.

6. Brez vpliva na ustavne in druge zakonske določbe visokih pogodbenic se te zavezujejo, da bodo sodelovale in prenašale načine za lažje izvajanje ustreznih prepovedi in omejitev, določenih s tem protokolom.
7. Vsaka visoka pogodbenica ima pravico zaprositi za strokovno pomoč v zvezi s posebno ustrezno tehnologijo, razen tehnologije orožja, in jo prejeti, kadar je to primerno, od druge visoke pogodbenice, kot je to potrebno in izvedljivo, da se skrajša rok odloga, določen v Tehnični prilogi.

12. člen

Zaščita pred učinki minskih polj, miniranih območij, min, min presenečenja in drugih priprav

1. Uporaba

- a) Razen sil in misij, omenjenih v točki i) pododstavka a) drugega odstavka tega člena, se ta člen uporablja samo za misije, ki opravljajo naloge na območju z dovoljenjem visoke pogodbenice, na katere ozemlju se naloge opravljajo.
- b) Uporaba določb tega člena za udeleženske v spopadu, ki niso visoke pogodbenice, niti eksplicitno niti implicitno ne spremeni njihovega pravnega statusa ali pravnega statusa spornega ozemlja.
- c) Določbe tega člena ne vplivajo na obstoječe mednarodno humanitarno pravo ali druge veljavne mednarodne instrumente niti na sklepe Varnostnega sveta Združenih narodov, ki predvidevajo višjo raven zaščite osebja, ki deluje po tem členu.

2. Mirovne in nekatere druge sile in misije

a) Ta odstavek se uporablja za:

- i) vse sile ali misije Združenih narodov, ki ohranjajo mir in izvajajo opazovanja ali podobne naloge na katerem koli območju v skladu z Ustanovno listino Združenih narodov, in
- ii) vsako misijo, vzpostavljeno v skladu z VIII. poglavjem Ustanovne listine Združenih narodov, ki izvaja naloge na območju spopada.

b) Na zahtevo vodje sil ali misije, za katere se uporablja ta člen, vsaka visoka pogodbenica ali udeleženka v spopadu:

- i) če to lahko stori, sprejme take ukrepe, kot so potrebni za zaščito sil ali misije pred učinki min, min presenečenja in drugih priprav na katerem koli območju pod njenim nadzorom;
- ii) odstrani ali onesposobi, če je to mogoče, vse mine, mine presenečenja in druge priprave na tem območju, da bi učinkovito zaščitilo to osebje, in
- iii) obvesti vodjo sil ali misije o lokaciji vseh znanih minskih polj, miniranih območij, min, min presenečenja in drugih priprav na območju, na katerem sile ali misija opravljajo svoje naloge, in če je izvedljivo, vodji sil ali misije da na voljo vse informacije, ki jih ima v zvezi s temi minskimi polji, miniranimi območji, minami, minami presenečenja in drugimi pripravami.

3. Humanitarne misije in misije za ugotavljanje dejanskega stanja iz sistema Združenih narodov

- a) Ta odstavek se uporablja za vse humanitarne misije in misije za ugotavljanje dejanskega stanja iz sistema Združenih narodov.
- b) Na zahtevo vodje misije, za katero se uporablja ta odstavek, vsaka visoka pogodbenica ali udeleženka v spopadu:
 - i) zagotovi osebju misije zaščito, kot je določena v točki i) pododstavka b) drugega odstavka tega člena, in
 - ii) če je za izvajanje nalog misije potreben dostop do kraja ali čezenj pod njenim nadzorom in za zagotovitev varnega prehoda osebja misije na ta kraj ali čezenj:
 - aa) razen če tega ne preprečujejo sovražnosti, obvesti vodjo misije o varni poti na ta kraj, če so take informacije na voljo, ali
 - bb) če se informacije, s katerimi se določa varna pot, ne zagotovijo v skladu s podtočko aa), če je potrebno in izvedljivo, naredi prehod čez minska polja.

4. Misije Mednarodnega odbora Rdečega križa

- a) Ta odstavek se uporablja za vsako misijo Mednarodnega odbora Rdečega križa, ki opravlja naloge s privolitvijo države gostiteljice ali držav gostiteljic, kot je predvideno z Ženevskimi konvencijami z dne 12. avgusta 1949, in kadar je ustrezno, z njihovimi dodatnimi protokoli.
- b) Na zahtevo vodje misije, za katero se uporablja ta odstavek, vsaka visoka pogodbenica ali udeleženka v spopadu:
 - i) osebju misije zagotovi zaščito, določeno v točki i) pododstavka b) drugega odstavka tega člena, in
 - ii) sprejme ukrepe, določene v točki ii) pododstavka b) tretjega odstavka tega člena.

5. Druge humanitarne misije in poizvedovalne misije

- a) Če se drugi, tretji in četrti odstavek tega člena ne uporabljajo za naslednje misije, pa se ta odstavek uporablja zanje, kadar opravljajo naloge na območju spopada ali pomagajo žrtvam spopada, in sicer za:
 - i) vsako humanitarno misijo organizacije Rdečega križa ali Rdečega polmeseca vsake države ali njune mednarodne federacije;
 - ii) vsako misijo nepristranske humanitarne organizacije, vključno z vsako nepristransko humanitarno misijo za razminiranje, in
 - iii) vsako poizvedovalno misijo, vzpostavljeno v skladu z določbami Ženevskih konvencij z dne 12. avgusta 1949, in kadar je to ustrezno, njihovih dodatnih protokolov.
- b) Na zahtevo vodje misije, za katero se uporablja ta odstavek, vsaka visoka pogodbenica ali udeleženka v spopadu, če je izvedljivo:
 - i) osebju misije zagotovi zaščito, določeno v točki i) pododstavka b) drugega odstavka tega člena, in
 - ii) sprejme ukrepe, določene v točki ii) pododstavka b) tretjega odstavka tega člena.

6. Tajnost

Vse zaupno zagotovljene informacije v skladu s tem členom mora prejemnik obravnavati na tajen način in jih ne sme razkriti zunaj ustreznih sil ali misije brez izrecnega dovoljenja tistega, ki jih je zagotovil.

7. Spoštovanje zakonov in predpisov

Brez vpliva na privilegije in imunitete, ki jih lahko uživa, ali na zahteve, povezane z njegovimi dolžnostmi, mora osebe, ki sodeluje v silah in misijah, omenjenih v tem členu:

- a) spoštovati zakone in predpise države gostiteljice in
- b) se vzdržati ukrepanj ali dejavnosti, ki niso združljive z nepristransko in mednarodno naravo njegovih dolžnosti.

13. člen

Posvetovanja visokih pogodbenic

1. Visoke pogodbenice se zavezujejo, da se bodo medsebojno posvetovale in sodelovale pri vseh vprašanih v zvezi z izvajanjem tega protokola. V ta namen vsako leto poteka konferenca visokih pogodbenic.
2. Sodelovanje na letnih konferencah se določi s poslovníkom.
3. Delo konference vključuje:
 - a) pregled izvajanja in statusa tega protokola;
 - b) obravnavo zadev, ki izhajajo iz poročil visokih pogodbenic v skladu s četrnim odstavkom tega člena;
 - c) pripravo na pregledne konference in
 - d) obravnavo razvoja tehnologij za zaščito civilnega prebivalstva pred nerazlikovalnimi učinki min.
4. Visoke pogodbenice zagotovijo letna poročila depozitarju, ki jih pred konferenco pošlje vsem visokim pogodbenicam, o teh zadevah:
 - a) seznanjanju svojih oboroženih sil in civilnega prebivalstva s protokolom;
 - b) programih odstranjevanja min in rehabilitacije;
 - c) sprejetih ukrepov za izpolnjevanje tehničnih zahtev tega protokola in vseh drugih ustreznih informacijah v zvezi s tem;
 - d) zakonodaji v zvezi s tem protokolom;
 - e) ukrepov, sprejetih za mednarodno izmenjavo tehničnih informacij, mednarodno sodelovanje pri odstranjevanju min ter za strokovno sodelovanje in pomoč, in
 - f) drugih ustreznih zadevah.
5. Stroške Konference visokih pogodbenic krijejo visoke pogodbenice in države, ki niso pogodbenice in sodelujejo pri delu konference, v skladu z ustrezno prilagojeno lestvico Združenih narodov glede ocene stroškov.

14. člen

Skladnost

1. Vsaka visoka pogodbenica sprejme ustrezne ukrepe, vključno z zakonodajnimi in drugimi ukrepi, da bi osebam pod svojo pristojnostjo ali nadzorom preprečila kršitve tega protokola in jih odpravila ter preprečila in odpravila take kršitve na ozemlju pod svojo pristojnostjo ali nadzorom.
2. Ukrepi, predvideni v prvem odstavku tega člena, vključujejo ustrezne ukrepe za uvedbo kazenskih sankcij proti osebam, ki v zvezi z oboroženim spopadom in v nasprotju z določbami tega protokola namerno ubijajo civilno prebivalstvo ali mu povzročajo resne poškodbe, in za uveljavitev kazenske odgovornosti takšnih oseb.
3. Vsaka visoka pogodbenica tudi zahteva, da njene oborožene sile izdajo ustrezna vojaška navodila in operativne postopke ter da se osebje oboroženih sil usposablja primerno dolžnostim in odgovornostim, s čimer se zagotovi skladnost z določbami tega protokola.
4. Visoke pogodbenice se zavezujejo, da se bodo med seboj posvetovale in dvostransko sodelovale prek generalnega sekretarja Združenih narodov ali z uporabo drugih ustreznih mednarodnih postopkov za razreševanje vprašanj, ki se lahko pojavijo v zvezi z razlago in uporabo določb tega protokola.

Tehnična priloga

1. Evidentiranje

- a) Evidentiranje lokacije min, razen daljinsko dostavljenih min, minskih polj, miniranih območij, min presenečenja in drugih priprav se opravi v skladu s temi določbami:
 - i) lokacija minskih polj, miniranih območij ter območij min presenečenja in drugih priprav se navede natančno glede na koordinate vsaj dveh referenčnih točk in ocenjene dimenzije območja, na katerem je to orožje glede na te referenčne točke;
 - ii) zemljevidi, skice ali druge evidence se izdelajo tako, da prikazujejo lokacijo minskih polj, miniranih območij, min presenečenja in drugih priprav glede na referenčne točke ter njihove perimetre in obseg, in
 - iii) za odkrivanje in odstranjevanje min, min presenečenja in drugih priprav morajo zemljevidi, skice ali druge evidence vsebovati popolne informacije o vrsti, številu, tehniki namestitve, vrsti in življenjski dobi vžigalnika, datumu in času namestitve, morebitnih pripravah proti onesposobljenju in druge ustrezne podatke o vsem nameščenem orožju. Kadar koli je izvedljivo, mora zapisnik o minskem polju prikazovati natančno lokacijo vsake mine, razen pri vrstičnih minskih poljih, kjer zadostuje lokacija vrste. Posamično je treba evidentirati natančno lokacijo in mehanizem delovanja vsake nameščene mine presenečenja.
- b) Ocenjeno lokacijo in območje daljinsko dostavljenih min je treba označiti s koordinatami referenčnih točk (navadno vogalnih točk), jih potrditi, in kadar je to izvedljivo, jih ob prvi priložnosti označiti na tleh. Evidentirati je treba tudi skupno število in vrsto položenih min, datum in čas namestitve in čas, potreben za samouničenje.
- c) Kopije evidenc je treba hraniti na ravni poveljstva, kar zagotavlja njihovo varnost, kolikor je to mogoče.

- d) Prepovedana je uporaba min, izdelanih po začetku veljavnosti tega protokola, če niso označene v angleščini ali ustreznem jeziku ali jezikih vsake države s temi podatki:
- i) ime države porekla;
 - ii) mesec in leto izdelave in
 - iii) serijska številka ali številka nabojnika.

Označba mora biti vidna, čitljiva, trajna in čim bolj odporna proti vplivom okolja.

2. Podrobnosti o možnosti odkrivanja

- a) V zvezi s protipehotnimi minami, izdelanimi po 1. januarju 1997: te mine morajo vsebovati material ali pripravo, ki omogoča njihovo odkrivanje s splošno razpoložljivo tehnično opremo za odkrivanje min in zagotavlja odzivni signal, enakovreden signalu 8 g ali več železa v eni sami enotni masi.
- b) V zvezi s protipehotnimi minami, proizvedenimi pred 1. januarjem 1997: te mine morajo vsebovati material ali pripravo, ki omogoča njihovo odkrivanje s splošno razpoložljivo tehnično opremo za odkrivanje min in zagotavlja odzivni signal, enakovreden signalu 8 g ali več železa v eni sami enotni masi, ali pa je treba ta material ali pripravo pritrditi na mine pred njihovo namestitvijo tako, da je ni mogoče zlahka odstraniti.
- c) Če visoka pogodbenica ugotovi, da ne more takoj izpolniti pododstavka b), v uradnem obvestilu o privolitvi, da jo ta protokol zavezuje, izjavi, da bo odložila izpolnjevanje pododstavka b) za dobo, ki ne presega 9 let od začetka veljavnosti tega protokola. V tem času mora v izvedljivem obsegu kar najbolj zmanjšati uporabo protipehotnih min, ki teh zahtev ne izpolnjujejo.

3. Podrobnosti o samouničenju in samodeaktiviranju

- a) Vse daljinsko dostavljene protipehotne mine morajo biti zasnovane in izdelane tako, da odstotek neuničenih min, ki se jim ne uspe samouničiti v 30 dneh po namestitvi, ne presega 10%; vsaka mina mora imeti rezervno samodeaktiviranje, zasnovano in izdelano tako, da skupaj z mehanizmom za samouničenje 120 dni po namestitvi največ ena mina od 1000 še deluje kot mina.
- b) Vse nedaljinsko dostavljene protipehotne mine, ki se uporabljajo zunaj označenega območja, kot je opredeljeno v 5. členu tega protokola, morajo izpolnjevati zahteve za samouničenje in samodeaktiviranje, navedene v pododstavku a).
- c) Če visoka pogodbenica ugotovi, da ne more takoj izpolniti pododstavkov a) in/ali b), lahko v uradnem obvestilu o privolitvi, da jo zavezuje ta protokol, izjavi, da bo v zvezi z minami, izdelanimi pred začetkom veljavnosti tega protokola, odložila izpolnjevanje pododstavkov a) in/ali b) za dobo, ki ne presega 9 let od začetka veljavnosti tega protokola.

Visoka pogodbenica se zavezuje, da bo med odlogom:

- i) v izvedljivem obsegu čim bolj zmanjšala uporabo protipehotnih min, ki teh zahtev ne izpolnjujejo;
- ii) v zvezi z daljinsko dostavljenimi protipehotnimi minami izpolnjevala ustrezne zahteve za samouničenje ali samodeaktiviranje, v zvezi z drugimi protipehotnimi minami pa vsaj zahteve za samodeaktiviranje.

4. Mednarodni znaki za minska polja in minirana območja

Pri označevanju minskih polj in miniranih območij se uporabljajo znaki, podobni primerku, priloženemu in opisanemu spodaj, da bi tako zagotovili njihovo vidnost in prepoznavnost za civilno prebivalstvo:

- a) oblika in velikost: trikotnik ali kvadrat, ki ni manjši od 28 centimetrov (11 palcev) krat 20 centimetrov (7,9 palca) za trikotnik in 15 centimetrov (6 palcev) za stranico pri kvadratu;
- b) barva: rdeča ali oranžna z rumenim odbojnim robom;
- c) simbol: simbol na sliki v dodatku ali neki drug simbol, ki je na območju, na katerem se postavi znak, zlahka prepoznaven za označevanje nevarnega območja;
- d) jezik: znak mora vsebovati besedo "mine" v enem od šestih uradnih jezikov konvencije (arabščini, kitajščini, angleščini, francoščini, ruščini in španščini) in jeziku ali jezikih, ki prevladujejo na tem območju, in
- e) razmik: znaki morajo biti nameščeni okoli minskega polja ali miniranega območja na primerni razdalji, tako da so za civilno osebo, ki se približuje območju, vidni z vsake točke."

text=" (znak) (izpuščen) ";

2. ČLEN: ZAČETEK VELJAVNOSTI

Ta spremenjeni protokol začne veljati, kot je predvideno v pododstavku b) prvega odstavka 8. člena konvencije.

3. člen

Za izvajanje protokola skrbi Ministrstvo za obrambo.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 213-05/02-11/1

Ljubljana, dne 25. oktobra 2002

Predsednik Državnega zbora Republike Slovenije Borut Pahor l. r.