

Changes to legislation: There are currently no known outstanding effects for the Geneva Conventions Act 1957, PART I. (See end of Document for details)

SCHEDULES

[^{F2}FIFTH SCHEDULE

PROTOCOL I

Textual Amendments

F2 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F1}PART I

GENERAL PROVISIONS

Textual Amendments

F1 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F3}ARTICLE 1—

GENERAL PRINCIPLES AND SCOPE OF APPLICATION

Textual Amendments

F3 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F4}₁ The High Contracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances.

Textual Amendments

F4 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F5}₂ In cases not covered by this Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience.

Textual Amendments

F5 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

Changes to legislation: There are currently no known outstanding effects for the Geneva Conventions Act 1957, PART I. (See end of Document for details)

- ^{F63} This Protocol, which supplements the Geneva Conventions of 12 August 1949 for the protection of war victims, shall apply in the situations referred to in Article 2 common to those Conventions.

Textual Amendments

- F6** Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F74} The situations referred to in the preceding paragraph include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

Textual Amendments

- F7** Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F8} **ARTICLE 2—**

DEFINITIONS

Textual Amendments

- F8** Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

For the purposes of this Protocol:

- (a) “ First Convention ”, “ Second Convention ”, “ Third Convention ” and “ Fourth Convention ” mean, respectively, the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949; the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949; the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949; the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949; “ the Conventions ” means the four Geneva Conventions of 12 August 1949 for the protection of war victims;
- (b) “ rules of international law applicable in armed conflict ” means the rules applicable in armed conflict set forth in international agreements to which the Parties to the conflict are Parties and the generally recognised principles and rules of international law which are applicable to armed conflict;
- (c) “ Protecting Power ” means a neutral or other State not a Party to the conflict which has been designated by a Party to the conflict and accepted by the adverse Party and has agreed to carry out the functions assigned to a Protecting Power under the Conventions and this Protocol;
- (d) “ substitute ” means an organisation acting in place of a Protecting Power in accordance with Article 5.

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^{F9}ARTICLE 3—

BEGINNING AND END OF APPLICATION

Textual Amendments

F9 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, Sch.; S.I. 1998/1505, art. 2

Without prejudice to the provisions which are applicable at all times:

- (a) the Conventions and this Protocol shall apply from the beginning of any situation referred to in Article 1 of this Protocol;
- (b) the application of the Conventions and of this Protocol shall cease, in the territory of Parties to the conflict, on the general close of military operations and, in the case of occupied territories, on the termination of the occupation, except, in either circumstance, for those persons whose final release, repatriation or re-establishment takes place thereafter. These persons shall continue to benefit from the relevant provisions of the Conventions and of this Protocol until their final release, repatriation or re-establishment.

^{F10}ARTICLE 4—

LEGAL STATUS OF THE PARTIES TO THE CONFLICT

Textual Amendments

F10 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, Sch.; S.I. 1998/1505, art. 2

The application of the Conventions and of this Protocol, as well as the conclusion of the agreements provided for therein, shall not affect the legal status of the Parties to the conflict. Neither the occupation of a territory nor the application of the Conventions and this Protocol shall affect the legal status of the territory in question.

^{F11}ARTICLE 5—

APPOINTMENT OF PROTECTING POWERS AND OF THEIR SUBSTITUTE

Textual Amendments

F11 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, Sch.; S.I. 1998/1505, art. 2

- ^{F12}₁ It is the duty of the Parties to a conflict from the beginning of that conflict to secure the supervision and implementation of the Conventions and of this Protocol by the application of the system of Protecting Powers, including *inter alia* the designation and acceptance of those Powers, in accordance with the following paragraphs. Protecting Powers shall have the duty of safeguarding the interests of the Parties to the conflict.

Changes to legislation: There are currently no known outstanding effects for the Geneva Conventions Act 1957, PART I. (See end of Document for details)

Textual Amendments

F12 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F13}₂ From the beginning of a situation referred to in Article 1, each Party to the conflict shall without delay designate a Protecting Power for the purpose of applying the Conventions and this Protocol and shall, likewise without delay and for the same purpose, permit the activities of a Protecting Power which has been accepted by it as such after designation by the adverse Party.

Textual Amendments

F13 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F14}₃ If a Protecting Power has not been designated or accepted from the beginning of a situation referred to in Article 1, the International Committee of the Red Cross, without prejudice to the right of any other impartial humanitarian organisation to do likewise, shall offer its good offices to the Parties to the conflict with a view to the designation without delay of a Protecting Power to which the Parties to the conflict consent. For that purpose it may, *inter alia*, ask each Party to provide it with a list of at least five States which that Party considers acceptable to act as Protecting Power on its behalf in relation to an adverse Party, and ask each adverse Party to provide a list of at least five States which it would accept as the Protecting Power of the first Party; these lists shall be communicated to the Committee within two weeks after the receipt of the request; it shall compare them and seek the agreement of any proposed State named on both lists.

Textual Amendments

F14 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F15}₄ If, despite the foregoing, there is no Protecting Power, the Parties to the conflict shall accept without delay an offer which may be made by the International Committee of the Red Cross or by any other organisation which offers all guarantees of impartiality and efficacy, after due consultations with the said Parties and taking into account the result of these consultations, to act as a substitute. The functioning of such a substitute is subject to the consent of the Parties to the conflict; every effort shall be made by the Parties to the conflict to facilitate the operations of the substitute in the performance of its tasks under the Conventions and this Protocol.

Textual Amendments

F15 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

- ^{F16}₅ In accordance with Article 4, the designation and acceptance of Protecting Powers for the purpose of applying the Conventions and this Protocol shall not affect the legal status of the Parties to the conflict or of any territory, including occupied territory.

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Textual Amendments

F16 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F17}₆ The maintenance of diplomatic relations between Parties to the conflict or the entrusting of the protection of a Party's interests and those of its nationals to a third State in accordance with the rules of international law relating to diplomatic relations is no obstacle to the designation of Protecting Powers for the purpose of applying the Conventions and this Protocol.

Textual Amendments

F17 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F18}₇ Any subsequent mention in this Protocol of a Protecting Power includes also a substitute.

Textual Amendments

F18 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F19}**ARTICLE 6—**

QUALIFIED PERSONS

Textual Amendments

F19 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F20}₁ The High Contracting Parties shall, also in peacetime, endeavour, with the assistance of the national Red Cross (Red Crescent, Red Lion and Sun) Societies, to train qualified personnel to facilitate the application of the Conventions and of this Protocol, and in particular the activities of the Protecting Powers.

Textual Amendments

F20 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F21}₂ The recruitment and training of such personnel are within domestic jurisdiction.

Textual Amendments

F21 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F22}₃ The International Committee of the Red Cross shall hold at the disposal of the High Contracting Parties the lists of persons so trained which the High Contracting Parties may have established and may have transmitted to it for that purpose.

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Textual Amendments

F22 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F23}4 The conditions governing the employment of such personnel outside the national territory shall, in each case, be the subject of special agreements between the Parties concerned.

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Textual Amendments

F23 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

^{F24}**ARTICLE 7—**

MEETINGS

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Textual Amendments

F24 Fifth and Sixth Schedules inserted (20.7.1998) by 1995 c. 27, s. 6, **Sch.**; S.I. 1998/1505, **art. 2**

The depositary of this Protocol shall convene a meeting of the High Contracting Parties, at the request of one or more of the said Parties and upon the approval of the majority of the said Parties, to consider general problems concerning the application of the Conventions and of the Protocol.]

Changes to legislation:

There are currently no known outstanding effects for the Geneva Conventions Act 1957, PART I.