

E) DENUNCIATION OF THE CONVENTION

BACKGROUND:

Russia has proposed an amendment to Convention Article 9 regarding the denunciation of the Convention which would make it more difficult to denounce the Convention. A State party would only be able to denounce the Convention or Protocols after it has been in force for 10 years, and only within a one year period following the 10 years. If the State does not denounce within that one year, the State must wait until the end of a further 10 year period, etc.

This would make it difficult for States to denounce the Convention however it would not necessarily ensure that they respect it. Additionally, it may discourage States from ratifying the Convention or Protocols.

As the proposal is worded, it appears that the proposal retains the existing provision which states that the denunciation does not go into effect if, at that time, the State Party is involved in an armed conflict. This provision ensures that the State Party continues to meet its obligations under international law until the end of the armed conflict. We believe that it is very important that this provision be retained.

CANADIAN POSITION:

We are unaware that denunciation has been a problem area for the Convention and do not see the need to make any changes at this time. However, the delegation should not oppose any efforts in this regard at the Conference.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

The ICRC supports this amendment. The views of other States are unknown.

LIKELY AREAS OF COMPROMISE:

Unknown.