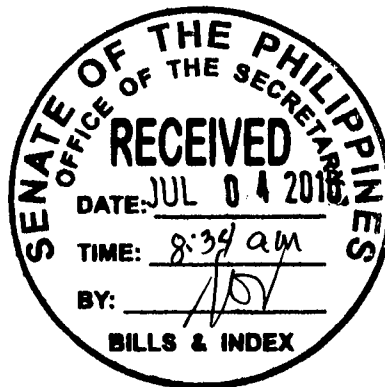


SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



SENATE

S. No. 239

Introduced by **Senator Gregorio B. Honasan II**

AN ACT
PROVIDING FOR A TOTAL BAN ON ANTI-PERSONNEL LANDMINES, FOR
OTHER PROHIBITIONS OR RESTRICTIONS ON THE USE OF LANDMINES,
BOOBY-TRAPS AND OTHER DEVICES, CREATING FOR THIS PURPOSE A
PHILIPPINE COORDINATING COMMITTEE ON LANDMINES, AND FOR
RELATED PURPOSES

EXPLANATORY NOTE

The landmine problem is not much felt in the Philippines because of its limited and largely discriminate use (so far) in the internal armed conflicts with various rebel groups. However, this bill is being proposed to be the main policy expression of the Philippines' compliance with its international obligations under the two (2) treaties it has ratified, namely:

- the **1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction** (hereinafter referred to as the Ottawa Treaty)
- the **1996 Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices** (hereinafter referred to as the "Amended Protocol II") annexed to the **1980 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**.

Under both treaties, State Parties like the Philippines are obliged to take all appropriate legislative and other measures to implement the treaties and suppress violations of the prohibitions and restrictions on the use of landmines, booby traps and other devices.

But the Philippines must not only implement both treaties. It must also reconcile its implementation. This is because the Ottawa Treaty provides for a total ban on anti-personnel mines, while Amended Protocol II merely restricts or regulates the use of all mines, whether anti-personnel or anti-vehicle. The Philippines, through this measure, resolves whatever conflict in the implementation and application of both treaties in favor of a total ban on anti-personnel mines (see Section 2, Paragraph 6 and Section 23, Paragraph 2).

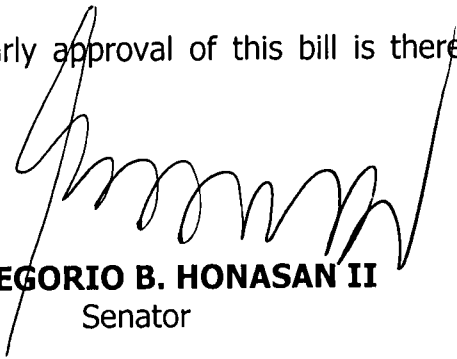
More so, this bill seeks not only to address its own relatively small landmine problem in its internal armed conflicts but also to contribute to the overall humanitarian effort to solve the global scourge of anti-personnel mines. After all, the Philippines has a tradition of adherence to the international rule of law, human rights and international humanitarian law, as shown by its Constitution, jurisprudence and accession to a good number of relevant treaties.

This bill likewise shows that where a state adheres to both the Ottawa Treaty and Amended protocol II, it makes sense to have only one national legislation on landmines which reconciles the implementation of both treaties.

The "Philippine Comprehensive Law on Landmines" bill is a consolidation of the applicable provisions of both the Ottawa Treaty and Amended Protocol II with a number of innovative features, to wit:

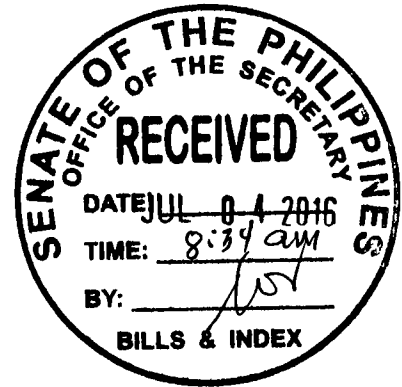
1. definition of anti-personnel mines based on impact or effect, not just on design; clarification as victim-activated, not command-detonated; inclusion of improvised explosive devices, anti-vehicle mines with anti-handling devices, anti-vehicle mines with the same effect as anti-personnel mines, and Claymore mines activated by tripwire (Section 4, Paragraph 2)
2. technical definition of command-detonation, otherwise it is victim-activated (Section 4, Paragraph 3)
3. application of the total ban on anti-personnel mines to their transit and carrying by visiting foreign military vessels and forces (Section 2, Paragraph 8; Section 3, Paragraph 8; Section 5, Paragraph 5)
4. universal jurisdiction and extraterritorial application (Section 2, Paragraph 10; Section 3, Paragraph 7)
5. zero retention of anti-personnel mines (Section 5, Paragraph 3)
6. ban on technology transfer regarding anti-personnel mines (Section 4, Paragraph 16; Section 5, Paragraph 4; Section 9, Paragraph 4)
7. provisions for compliance by the Armed Forces of the Philippines, including the development and use of alternatives to anti-personnel mines for perimeter defense of field detachments, and ensuring that Claymore mines, if ever, are usable and used in command-detonated mode only (Section 16)
8. provisions for compliance by rebel groups, including inclusion of the landmines agenda in peace processes with them (Section 16)
9. creation of a Philippine Coordinating Committee on Landmines (Section 21)
10. international law references for application and interpretation of this Law (Section 23)

In view of the aforementioned reasons, early approval of this bill is therefore earnestly requested.

A handwritten signature in black ink, appearing to read 'Gregorio B. Honasan II', written in a cursive style.

GREGORIO B. HONASAN II
Senator

SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
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SENATE
S. No. 239

Introduced by Senator Gregorio B. Honasan II

**AN ACT
PROVIDING FOR A TOTAL BAN ON ANTI-PERSONNEL LANDMINES, FOR
OTHER PROHIBITIONS OR RESTRICTIONS ON THE USE OF
LANDMINES, BOOBY-TRAPS AND OTHER DEVICES, CREATING FOR
THIS PURPOSE A PHILIPPINE COORDINATING COMMITTEE ON
LANDMINES, AND FOR RELATED PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress Assembled:*

1 **Section 1. Short Title** – This Act shall be known as the “Philippine
2 Comprehensive Act on Landmines of 2016”.

3 **Section 2. Declaration of Principles and Policies** -

4 1. The Philippines renounces war as an instrument of national policy,
5 adopts the generally accepted principles of international law as part of the law of
6 the land and adheres to a policy of peace, equality, justice, freedom, cooperation
7 and amity among all nations;

8 2. Among the generally accepted principles of international law
9 incorporated into Philippine law are the rules and principles of land warfare and
10 of international humanitarian law under the Hague Conventions and the Geneva
11 Conventions, and human rights as defined by the Universal Declaration of Human
12 Rights;

13 3. Among the generally accepted principles of international humanitarian
14 law, also applicable to landmines, are that the right of the parties to an armed
15 conflict to choose methods or means of warfare is not unlimited, that the
16 employment in armed conflicts of weapons, projectiles and materials and
17 methods of warfare of a nature to cause superfluous injury or unnecessary
18 suffering is prohibited, and that a distinction must be made between civilians and
19 combatants;

20 4. The Philippines wishes to contribute to the overall humanitarian effort
21 to put an end to the suffering and casualties caused by anti-personnel mines that
22 kill or maim hundreds of people, mostly innocent and defenseless civilians and

1 especially children, every week world-wide, obstruct economic development and
2 reconstruction, inhibit the return of refugees and internally displaced persons,
3 and have other severe consequences for years after emplacement;

4 5. The Philippines shall take all appropriate measures to implement and
5 to reconcile the implementation of the two international treaties dealing with
6 landmines which it has ratified: the Ottawa Treaty and the Amended Protocol II;

7 6. As far as anti-personnel mines are concerned, the Philippines adopts a
8 total ban, pursuant to the Ottawa Treaty, not just restriction or regulation under
9 Amended Protocol II;

10 7. Pursuant to this total ban on anti-personnel mines, the Armed Forces
11 of the Philippines shall effect the corresponding changes in its military doctrine,
12 including the development and use of alternatives for perimeter defense of its
13 field detachments;

14 8. The total ban on anti-personnel mines shall apply to their transit and
15 carrying by visiting foreign military vessels and forces, including in joint military
16 exercises, in Philippine territory;

17 9. The inclusion of the landmines agenda in peace processes with rebel
18 groups in the Philippines shall be pursued;

19 10. As in cases of war crimes, there shall be universal jurisdiction over
20 and extraterritorial application of this law to persons, whether Filipino or foreign,
21 who commit the prohibited acts abroad.

22 **Section 3. Scope of Application -**

23 1. This law relates to the use on land of the mines, booby-traps and other
24 devices, defined herein, including mines laid to interdict beaches, waterway
25 crossings or river crossings, but does not apply to the use of anti-ship mines at
26 sea or in inland waterways.

27 2. This law shall apply, in addition to situations referred to in Article 1 of
28 the 1980 Weapons Convention, to situations referred to in Article 3 common to
29 the Geneva Conventions of 12 August 1949. This law shall not apply to
30 situations of internal disturbances and tensions, such as riots, isolated and
31 sporadic acts of violence and other acts of a similar nature, as not being armed
32 conflicts.

33 3. In case of armed conflicts not of an international character occurring in
34 the territory of the State, each party to the conflict shall be bound to apply the
35 prohibitions and restrictions of the law.

36 4. Nothing in this law shall be invoked for the purpose of affecting the
37 sovereignty of the State or the responsibility of the Government, by all legitimate

1 means, to maintain or re-establish law and order in the State or to defend the
2 national unity and territorial integrity of the State.

3 5. Nothing in this law shall be invoked as a justification for intervening,
4 directly or indirectly, for any reason whatever, in the armed conflict or in the
5 internal or external affairs of the State in the territory of which conflict occurs.

6 6. The application of the provisions of this law to parties to a conflict,
7 which are not States that have accepted this Protocol, shall not change their
8 legal status or the legal status of a disputed territory, either explicitly or
9 implicitly.

10 7. The State shall exercise jurisdiction over all persons, natural or
11 juridical, military or civilian, Filipino or foreign, who commit acts prohibited by
12 this law, no matter where these acts occurred, even if they took place in the
13 territory of another State, involved suspects or victims who are not nationals of
14 the State, or posed no direct threat to the State's own particular security
15 interests.

16 8. The total ban on anti-personnel mines in this law shall apply to their
17 transit and carrying by visiting foreign military vessels and forces, including in
18 joint military exercises, in Philippine territory.

19 **Section 4. Definition of Terms –**

20 1. "Mine" means a munition placed under, on or near the ground or other
21 surface area and designed to be exploded by the presence, proximity or contact
22 of a person or vehicle.

23 2. "Anti-personnel mine" means a mine designed to be or has the effect
24 of being exploded by the presence, proximity or contact of a person and that will
25 incapacitate, injure or kill one or more persons. It is victim-activated, not
26 command-detonated. It includes improvised explosive devices produced by
27 adapting other munitions to function as anti-personnel mines. It includes anti-
28 vehicle mines equipped with anti-handling devices or which otherwise have the
29 same effects as anti-personnel mines. It includes Claymore mines which are
30 activated by tripwire but excludes those which are command-detonated.

31 3. "Command-detonation" means a system whereby a person manually
32 detonates a mine electrically by an electric firing mechanism. This system allows
33 total control over the mine's effect but requires a person to be present. It is
34 normally used with directional mines such as the Claymore. Mines which are not
35 command-detonated are considered victim-activated.

36 4. "Anti-vehicle mine" means a mine designed to be detonated by the
37 presence, proximity or contact of a vehicle as opposed to a person.

1 5. "Anti-handling device" means a device intended to protect a mine
2 which is part of, linked to, attached to or placed under the mine and which
3 activates when an attempt is made to tamper with the mine.

4 6. "Remotely-delivered mine" means a mine not directly emplaced but
5 delivered by artillery, missile, rocket, mortar, or similar means, or dropped from
6 an aircraft. Mines delivered from a land-based system from less than 500 meters
7 are not considered to be "remotely-delivered", provided that they are used in
8 accordance with Section 7 and other relevant provisions of this Act.

9 7. "Remote control" means control by commands from a distance.

10 8. "Booby Trap" means any device or material which is designed,
11 constructed, or adapted to kill or injure, and which functions unexpectedly when
12 a person disturbs or approaches an apparently harmless object or performs an
13 apparently safe act.

14 9. "Other devices" means manually-emplaced munitions and devices
15 including improvised explosive devices designed to kill, injure, or damage and
16 which are activated manually, by remote-control or automatically after a lapse of
17 time.

18 10. "Self-destruction mechanism" means an incorporated or externally
19 attached automatically-functioning mechanism which secures the destruction of
20 the munitions into which it is incorporated or to which it is attached.

21 11. "Self-neutralization mechanism" means an incorporated automatically-
22 functioning mechanism which renders inoperable the munition into which it is
23 incorporated.

24 12. "Self-deactivating" means automatically rendering a munition
25 inoperable by means of the irreversible exhaustion of a component, for example,
26 a battery, that is essential to the operation of the munition.

27

28 13. "Minefield" is a defined area in which mines have been emplaced.
29 Phoney minefields mean an area free of mines that simulates a minefield. The
30 term "minefields" include phoney minefields.

31 14. "Mined area" is an area which is dangerous due to the presence of
32 mines.

33 15. "Recording" means a physical, administrative and technical operation
34 designed to obtain, for the purpose of registration in official records, all available
35 information facilitating the location of minefields, mined areas, booby-traps and
36 other devices.

1 16. "Transfer" involves, in addition to the physical movement of mines
2 within, into or from national territory, the transfer of title to and control over the
3 mines, but does not involve the transfer of territory containing emplaced mines.
4 It includes the transfer of technology, patents and intellectual property rights for
5 anti-personnel mines.

6 17. "Military objective" means, so far as objects are concerned, any
7 object which by its nature, location, purpose or use makes an effective
8 contribution to military action and whose total or partial destruction, capture or
9 neutralization, in the circumstance ruling at the time, offers a definite military
10 advantage.

11 18. "Civilian objects" are all objects which are not military objectives as
12 defined in paragraph 17 of this section.

13 **Section 5. Total Ban on Anti-Personnel Mines -**

14 1. It is prohibited for all persons, natural and juridical, under any
15 circumstances:

16 a. To use anti-personnel mines;

17 b. To develop, produce, otherwise acquire, stockpile, retain or transfer
18 to anyone, directly or indirectly, anti-personnel mines;

19 c. To assist, encourage or induce, in any way, anyone to engage in
20 any activity prohibited under this law.

21 2. The State shall undertake to destroy or ensure the destruction of all
22 anti-personnel mines on territory under its jurisdiction or control in accordance
23 with the Ottawa Treaty.

24 3. There shall be no retention of any number of anti-personnel mines for
25 any purpose.

26 4. Only the transfer of anti-personnel mines for the purpose of
27 destruction is permitted. Prohibited transfer includes technology transfer.

28 5. The transit and carrying of anti-personnel mines by visiting foreign
29 military vessels and forces, including in joint military exercises, in Philippine
30 territory is prohibited.

31 **Section 6. General Restrictions on the Use of Mines, Booby-Traps**
32 **and Other Devices -**

33 1. Without prejudice to Section 5, this Section applies to:

34 (a) mines in general, including anti-vehicle mines;

35 (b) booby-traps; and

36 (c) other devices.

1 2. Each party to a conflict is, in accordance with the provisions of this
2 law, responsible for all mines, booby traps and other devices employed by it and
3 undertakes to clear, remove, destroy or maintain them as specified in this law.

4 3. It is prohibited in all circumstances to use any mine, booby-trap or
5 other device which is designed or of a nature to cause superfluous injury or
6 unnecessary suffering.

7 4. Weapons to which this section applies shall strictly comply with the
8 standards and limitations specified in the Technical Annex of Amended Protocol
9 II with respect to each particular category.

10 5. It is prohibited to use mines, booby-traps or other devices which
11 employ a mechanism or device specifically designed to detonate the munition by
12 the presence of commonly available mine detectors as a result of their magnetic
13 or other non-contact influence during normal use in detection operations.

14 6. It is prohibited to use a self-deactivating mine equipped with an anti-
15 handling device that is designed in such a manner that the anti-handling device
16 is capable of functioning after the mine has ceased to be capable of functioning.

17 7. It is prohibited in all circumstances to direct weapons to which this
18 section applies, either in offense, defense or by way of reprisals, against the
19 civilian population as such or against individual civilians or civilian objects.

20 8. The indiscriminate use of weapons to which this section applies is
21 prohibited. Indiscriminate use is any placement of weapons:

22 a. which is not on, or directed against, a military objective. In case of
23 doubt as to whether an object which is normally dedicated to civilian purposes,
24 such as a place of worship, a house or other dwelling or a school, is being used
25 to make an effective contribution to military action, it shall be presumed not to
26 be so used; or

27 b. which employs a method or means of delivery which cannot be
28 directed at a specific military objective; or

29 c. which may be expected to cause incidental loss of civilian life,
30 injury to civilians, damage to civilian objects, or a combination thereof, which
31 would be excessive in relation to the concrete and direct military advantage
32 anticipated.

33 9. Several clearly separated and distinct military objectives located in a
34 city, town, village or other area containing a similar concentration of civilians or
35 civilian objects are not to be treated as a single military objective.

36 10. All feasible precautions shall be taken to protect civilians from the
37 effects of weapons to which this section applies. Feasible precautions are those

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

4 a. the short- and long-term effect of mines upon the local civilian
5 population for the duration of the minefield;

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

8 c. the availability and feasibility of using alternatives; and

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

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

13 **Section 7. Restrictions on the Use of Remotely-Delivered Mines -**

14 1. It is prohibited to use remotely-delivered mines unless they are
15 recorded in accordance with sub-paragraph 1 (b) of the Technical Annex of
16 Amended Protocol II.

17 2. It is prohibited to use remotely-delivered mines other than anti-
18 personnel mines, unless, to the extent feasible, they are equipped with an
19 effective self-destruction or self-neutralization mechanism and have a back-up
20 self-deactivation feature, which is designed so that the mine will no longer
21 function as a mine when the mine no longer serves the military purpose for
22 which it was placed in position.

23 3. Effective advance warning shall be given of any delivery of remotely-
24 delivered mines which may affect the civilian population, unless circumstances do
25 not permit.

26 **Section 8. Prohibitions on the Use of Booby-Traps and Other**
27 **Devices -**

28 1. Without prejudice to the rules of international law applicable in armed
29 conflict relating to treachery and perfidy, it is prohibited in all circumstances to
30 use booby-traps and other devices which are in any way attached to or
31 associated with:

32 a. internationally recognized protective emblems, signs or signals;

33 b. sick, wounded or dead persons;

34 c. burial or cremation sites or graves;

35 d. medical facilities, medical equipment, medical supplies or medical
36 transportation;

- 1 e. children's toys or other portable objects or products especially
2 designed for the feeding, hygiene, clothing or education of
3 children;
 - 4 f. foods or drinks;
 - 5 g. kitchen utensils or appliances except in military establishments,
6 military locations or military supply depots;
 - 7 h. objects clearly of a religious nature;
 - 8 i. historic monuments, works of art or places of worship which
9 constitute the cultural or spiritual heritage of peoples;
 - 10 j. animals or their carcasses.
- 11 2. It is prohibited to use booby-traps or other devices in the form of
12 apparently harmless portable objects which are specifically designed and
13 constructed to contain explosive material.
 - 14 3. Without prejudice to the provisions of Section 6, it is prohibited to use
15 weapons to which this section applies in any city, town, village or other
16 area containing a similar concentration of civilians on which combat
17 between ground forces is not taking place or does not appear to be
18 imminent, unless either:
 - 19 a. they are placed on or in close vicinity of a military objective; or
 - 20 b. measures are taken to protect civilians from their effects, for
21 example, the posting of warning sentries, the issuing of warnings
22 or the provision of fences.

23 **Section 9. Transfers -**

- 24 1. In order to promote the purposes of this Act, the State shall:
 - 25 a. undertake not to transfer any mine the use of which is prohibited
26 by this law;
 - 27 b. undertake not to transfer any mine to any recipient other than a
28 State or a State agency authorized to receive such transfers;
 - 29 c. undertake to exercise restraint in the transfer of any mine the use
30 of which is restricted by this law; and
 - 31 d. undertake to ensure that any transfer in accordance with this
32 section takes place in full compliance, by both the transferring and
33 recipient State, with the relevant provisions of this Act and the
34 applicable norms of international humanitarian law.
- 35 2. In the event that the State declares that it will defer compliance with
36 specific provisions on the use of certain mines, as provided for in the Technical

1 Annex of Amended Protocol II, sub-paragraph 1 (a) of this section shall however
2 apply to such mines.

3 3. The State, pending the effectivity of this Act, shall refrain from any
4 actions which would be inconsistent with sub-paragraph 1 (a) of this section.

5 4. This section shall be without prejudice to the prohibition on the
6 transfer of anti-personnel mines except for the purpose of destruction.
7 Prohibited transfer includes technology transfer.

8 **Section 10. Penalties** - Any person, whether natural or juridical, who
9 commits any of the prohibited acts provided under Sections 5, 6, 7, 8, 9 and
10 19(7) shall, upon conviction, at the discretion of the court, be penalized by:

11 1. A fine, the amount of which to be determined by the Court; or

12 2. Imprisonment of prision correccional in its minimum period up to prision
13 mayor in its maximum period; or

14 3. Both fine and imprisonment and seizure or forfeiture of anti-personnel
15 mines or components thereof as may be determined by the Court.

16 **Section 11. Destruction of Stockpiled Anti-Personnel Mines-**

17 The State shall undertake to destroy or ensure the destruction of all
18 stockpiled anti-personnel mines it owns or possesses, or that are under its
19 jurisdiction or control, as soon as possible, but not later than four years after the
20 entry into force of the Ottawa Treaty for the Philippines on 1 August 2000.

21 **Section 12. Destruction of Anti-Personnel Mines in Mined Areas –**

22 1. The State shall undertake to destroy or ensure the destruction of all
23 anti-personnel mines in mined areas under its jurisdiction or control, as soon as
24 possible but not later than ten years after the entry into force of the Ottawa
25 Treaty for the Philippines on 1 August 2000.

26 2. The State shall make every effort to identify all areas under its
27 jurisdiction or control in which anti-personnel mines are known or suspected to
28 be emplaced and shall ensure as soon as possible that all anti-personnel mines in
29 mined areas under its jurisdiction are perimeter-marked, monitored and
30 protected by fencing or other means, to ensure the effective exclusion of
31 civilians, until all anti-personnel mines contained therein have been destroyed.
32 The marking shall at least be the standards set out in Amended Protocol II.

33 **Section 13. Recording and Use of Information on Minefields,**
34 **Mined Areas, Mines, Booby Traps and Other Devices –**

1 1. All information concerning minefields, mined areas, mines, bobby traps
2 and other devices shall be recorded in accordance with the provisions of the
3 Technical Annex of Amended Protocol II.

4 2. All such records shall be retained by the parties to a conflict, who shall,
5 without delay after the cessation of active hostilities, take all necessary and
6 appropriate measures, including the use of such information, to protect civilians
7 from the effects of minefields, mined areas, mines, booby-traps and other
8 devices in areas under their control.

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

22 3. This section is without prejudice to the provisions of Sections 14 and
23 15 of this Act.

24 **Section 14. Removal of Minefields, Mined Areas, Mines, Booby-**
25 **Traps and Other Devices -**

26 1. Without delay after the cessation of active hostilities, all minefields,
27 mined areas, mines, booby traps and other devices shall be cleared, removed,
28 destroyed or maintained in accordance with Section 6 of this law.

29 2. The parties to a conflict bear such a responsibility with respect to
30 minefields, mined areas, mines, booby-traps and other devices in areas under
31 their control.

32 3. With respect to minefields, mined areas, mines, booby-traps and other
33 devices laid by a party in areas over which it no longer exercises control, such
34 party shall provide to the party in control of the area pursuant to paragraph 2 of
35 this section, to the extent permitted by such party, technical and material
36 assistance necessary to fulfill such responsibility.

1 4. At all times necessary, the parties shall endeavor to reach agreement,
2 both among themselves and, where appropriate, with other States and with
3 international organizations, on the provision of technical and material assistance,
4 including in appropriate circumstances, the undertaking of joint operations
5 necessary to fulfill such responsibilities.

6 **Section 15. Protection from the Effects of Minefields, Mined**
7 **Areas, Mines, Booby Traps and Other Devices -**

8 1. Application

9 a. With the exception of the forces and missions referred to in sub-
10 paragraph 2(a) (i) of this section, this section applies only to missions which are
11 performing functions in an area with the consent of the State on whose territory
12 the functions are performed.

13 b. The application of the provisions of this section to parties in a conflict
14 which are not states shall not change their legal status or the legal status of a
15 disputed territory, explicitly or implicitly.

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

21 2. Peace-keeping and certain other forces and missions

22 a. This paragraph applies to:

23 i. any United Nations force or mission performing peace-keeping,
24 observation or similar functions in any area in accordance with the Charter of the
25 United Nations;

26 ii. any mission established pursuant to Chapter VIII of the Charter
27 of the United Nations and performing functions in the area of conflict.

28 b. Each party to a conflict, if so requested by the head of a force or
29 mission to which this paragraph applies, shall:

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

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

36 iii. inform the head of the force or mission of the location of all known
37 minefields, mined areas, mines, booby-traps and other devices in the area in

1 which the force or mission is performing its functions and, so far as is feasible,
2 make available to the head of the force or mission all information in its
3 possession concerning such minefields, mined areas, mines, booby-traps and
4 other devices.

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

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

8 b. Each party to a conflict, if so requested by the head of the mission
9 to which this paragraph applies, shall:

10 i. Provide the personnel of the mission with the protections set out in
11 subparagraph 2(b)(i) of this section; and

12 ii. If access to or through any place under its control is necessary for
13 the performance of the mission's functions and in order to provide the personnel
14 of the mission with safe passage to or through that place:

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

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

21 4. Missions of the International Committee of the Red Cross

22 a. This paragraph applies to any mission of the International
23 Committee of the Red Cross performing functions with the consent of the State
24 as provided for by the Geneva Convention of 12 August 1949 and, where
25 applicable, their Additional Protocols.

26 b. Each party to a conflict, if so requested by the head of a mission to
27 which this paragraph applies, shall:

28 ii. provide the personnel of the mission with the protections set out in
29 sub-paragraph (2)(b)(i) of this section;

30 iii. take the measures set out in sub-paragraph (3) (b) (ii) of this
31 section.

32 5. Other Humanitarian Missions and Missions of Inquiry

33 a. Insofar as paragraphs 2, 3 and 4 above do not apply to them, this
34 paragraph applies to any of the following missions when they are performing
35 functions in the area of a conflict or to assist the victims of a conflict:

36 i. any humanitarian mission of a National Red Cross or Red Crescent
37 Society or of their International Federation;

1 ii. any mission of an impartial humanitarian organization, including
2 any impartial humanitarian demining mission; and

3 iii. any mission of inquiry established pursuant to the provisions of the
4 Geneva Conventions of 12 August 1949, and, where applicable, their Additional
5 Protocols.

6 b. Each party to a conflict, if so requested by the head of a mission to
7 which this paragraph applies, shall:

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

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

12 6. Confidentiality

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

17 7. Respect for laws and regulations

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

21 a. Respects the laws and regulations of the host State; and

22 b. Refrain from any action or activity incompatible with the impartial
23 and international nature of their duties.

24 **Section 16. Compliance by the Armed Forces of the Philippines -**

25 1. Pursuant to this Act, especially its total ban on anti-personnel mines,
26 the Armed Forces of the Philippines shall effect the corresponding changes in its
27 military doctrine.

28 2. The Armed Forces of the Philippines shall issue relevant military
29 instructions and operating procedures, including the notification of units and
30 enterprises involved in arms development, production, acquisition and transfer.

31 3. Armed forces personnel shall receive training commensurate with their
32 duties and responsibilities to comply with the provisions of this Act.

33 4. The Armed Forces shall develop and use alternatives to anti-personnel
34 mines for perimeter defense of its field detachments, such as various early
35 warning devices.

1 5. In cases of the reacquisition by the Armed Forces of Claymore mines,
2 it shall be ensured that these are usable and used in command-detonated mode
3 only.

4 **Section 17. Compliance by Rebel Groups –**

5 1. In addition to the enforcement of this Act vis-à-vis Philippine internal
6 armed conflicts and rebel groups, the State welcomes the voluntary compliance
7 by rebel groups with the norms established by the Ottawa Treaty and Amended
8 Protocol II, especially the total ban on anti-personnel mines, which they may
9 formalize through any of several available instruments.

10 2. The inclusion of the landmines agenda in peace processes with rebel
11 groups in the Philippines shall be pursued.

12 3. The State recognizes the special role of impartial humanitarian
13 organization in the engagement of rebel groups on a total ban on anti-personnel
14 mines and other humanitarian norms, and shall provide an enabling environment
15 for such engagement.

16 **Section 18. International Cooperation and Assistance –**

17 1. The State shall consult and cooperate with other State Parties
18 regarding the implementation of the provisions of the Ottawa Treaty and
19 Amended Protocol II, and to work together in a spirit of cooperation to facilitate
20 compliance by State Parties with their obligations under the aforesaid treaties.

21 2. In fulfilling the obligations under the Ottawa Treaty and Amended
22 Protocol II, the State shall seek assistance, where feasible, from other State
23 Parties to the extent possible.

24 3. The State shall undertake to facilitate and shall have the right to
25 participate in the fullest possible exchange of equipment, material and scientific
26 and technological information concerning the implementation of this Act. The
27 State shall not impose undue restrictions on the provision of mine clearance
28 equipment and related technological information for humanitarian purposes.

29 4. The State, if in a position to do so, shall provide assistance for the care
30 and rehabilitation and social and economic reintegration, of mine victims and for
31 mine awareness programs. Such assistance may be provided, *inter alia*, through
32 the United Nations System, international, regional or national organizations or
33 institutions, the International Committee of the Red Cross, National Red Cross
34 and Red Crescent Societies, and their International Federation, non-
35 governmental organizations, or on a bilateral basis.

36 5. The State, if in a position to do so, shall provide assistance for mine
37 clearance and related activities. Such assistance may be provided, *inter alia*,

1 through the United Nations System, international, regional or national
2 organizations or institutions, non-governmental organizations or institutions, or
3 on a bilateral basis, or by contributing to the United Nations Voluntary Trust
4 Fund for Assistance in Mine Clearance, or other regional funds that deal with
5 demining.

6 6. The State, if in a position to do so, shall provide assistance for the
7 destruction of stockpiled anti-personnel mines.

8 7. The State shall undertake to provide information to the database on
9 mine clearance established within the United Nations system, especially
10 information concerning various means and technologies of mine clearance, and
11 lists of experts, expert agencies or national points of contact on mine clearance.

12 8. The State may request the United Nations, regional organizations,
13 other State Parties or other competent intergovernmental or non-governmental
14 fora to assist their authorities in the elaboration of a national demining program
15 to determine, *inter alia*:

- 16 a. The extent and scope of the anti-personnel mine problem;
- 17 b. The financial, technological and human resources that are required
18 for the implementation of the program;
- 19 c. The estimated number of years necessary to destroy all anti-
20 personnel mines in mined areas under the jurisdiction or control of
21 the State;
- 22 d. Mine awareness activities to reduce the incidence of mine-related
23 injuries or deaths;
- 24 e. Assistance to mine victims;
- 25 f. The relationship between the government and the relevant
26 governmental, inter-governmental or non-governmental entities
27 that will work in the implementation of this program.

28 9. The State, when giving and receiving assistance under the provisions
29 of this section, shall cooperate with a view to ensuring the full and prompt
30 implementation of agreed assistance programs.

31 10. The State shall undertake to consult and cooperate with other State
32 Parties bilaterally, through the Secretary-General of the United Nations or
33 through other appropriate international procedures, to resolve any problems that
34 may arise with regard to the interpretation and application of the provisions of
35 the Ottawa Treaty and Amended Protocol II.

1 **Section 19. Transparency Measures –**

2 1. The State shall report to the Secretary-General of the United Nations
3 as soon as practicable:

- 4 a. The national implementation measures referred to in Article 9 of
5 the Ottawa Treaty;
- 6 b. The total of all stockpiled anti-personnel mines owned or possessed
7 by it, or under its jurisdiction or control, to include a breakdown of
8 the type, quantity and, if possible, lot numbers of each type of anti-
9 personnel mine stockpiled;
- 10 c. The location, to the extent possible, of all mined areas that contain
11 or are suspected to contain, anti-personnel mines under its
12 jurisdiction or control, to include as much detail as possible
13 regarding the type and quantity of each type of anti-personnel
14 mine in each mined area and when they were emplaced;
- 15 d. The types, quantities, and if possible, lot numbers of all anti-
16 personnel mines retained or transferred for the development of and
17 training in mine detection, mine clearance or mine destruction
18 techniques, or transferred for the purpose of destruction, as well as
19 the institutions authorized by a State Party to retain or transfer
20 anti-personnel mines.
- 21 e. The status of programs for the conversion or de-commissioning of
22 anti-personnel mine production facilities;
- 23 f. The status of programs for the destruction of anti-personnel mines
24 in accordance with Sections 11 and 12, including details of the
25 methods which will be used in destruction, the location of all
26 destruction sites and the applicable safety and environmental
27 standards to be observed;
- 28 g. The types and quantities of all anti-personnel mines destroyed after
29 the entry into force of the Ottawa Treaty for the State, to include a
30 breakdown of the quantity of each type of anti-personnel mine
31 destroyed, in accordance with Sections 11 and 12, along with, if
32 possible, the lot numbers of each type of anti-personnel mine in the
33 case of destruction in accordance with Section 11;
- 34 h. The technical characteristics of each type of anti-personnel mine
35 produced, to the extent known, and those currently owned or
36 possessed by the State, giving, where reasonably possible, such
37 categories of information as may facilitate identification and

1 clearance of anti-personnel mines; at a minimum, this information
2 shall include the dimensions, fusing, explosive content, metallic
3 content, color photographs and other information which may
4 facilitate mine clearance; and

5 i. The measures taken to provide an immediate and effective warning
6 to the population in relation to all areas identified under paragraph
7 2 of Section 12.

8 2. The information provided in accordance with this section shall be
9 updated by the State annually, covering the last calendar year, and reported to
10 the Secretary-General of the United Nations, not later than April 30 of each year.

11 3. The State shall provide annual reports to the Secretary-General of the
12 United Nations on any of the following matters:

13 a. dissemination of information on Amended Protocol II and this Act
14 to the armed forces and to the civilian population;

15 b. mine clearance and rehabilitation program;

16 c. steps taken to meet technical requirements under this Act and any
17 other information pertaining thereto;

18 d. legislation related to Amended Protocol II;

19 e. measures taken on international technical information exchange, on
20 international cooperation on mine clearance, and on technological
21 cooperation and assistance; and

22 f. other relevant matters.

23 4. In addition to the State's annual report to the Secretary-General of the
24 United Nations, the State welcomes and encourages the independent monitoring
25 and verification of state and non-state compliance with the Ottawa Treaty and
26 Amended Protocol II, as may be applicable, by impartial humanitarian
27 organizations and relevant non-governmental organizations.

28 5. The officials primarily responsible for the annual reports to the
29 Secretary-General of the United Nations shall have information-gathering powers,
30 including the requiring of disclosure of information on anti-personnel mines,
31 subject to constitutional rights. He or she may also report voluntarily on other
32 relevant matters not covered by the formal reporting requirements under Article
33 7 of the Ottawa Treaty or Article 13 of Amended Protocol II.

34 6. The State shall ensure full cooperation, access and security to a
35 peacekeeping, humanitarian, fact-finding or similar missions carrying out
36 activities on its territory or territory under its control, pursuant to Section 15

1 above (corresponding to Article 12 of Amended Protocol II) or to Article 8 of the
2 Ottawa Treaty.

3 7. It is prohibited to obstruct or deceive any member of such missions
4 exercising his or her functions or powers.

5 **Section 20. International Meetings -**

6 1. The Philippines shall participate actively in the following relevant
7 international meetings, among others:

- 8 a. Meetings of the State Parties, Review Conferences and Amendment
9 Conferences under the Ottawa Treaty; and
10 b. Annual and Review Conferences of the High Contracting Parties
11 under Amended Protocol II.

12 2. The Philippines shall endeavor to include one representative from a
13 relevant Philippine non-governmental organization or impartial humanitarian
14 organization in its delegations to major international meetings under the Ottawa
15 Treaty and Amended Protocol II.

16 **Section 21. Philippine Coordinating Committee on Landmines**
17 **(PCCL)** - There shall be created a Philippine Coordinating Committee on
18 Landmines which shall have the following powers and functions:

- 19 a. Coordinate, plan and monitor the Philippines' compliance with the
20 proper implementation of the Ottawa Treaty and Amended Protocol
21 II;
22 b. Prepare and submit annual reports under the two treaties;
23 c. Prepare position papers, briefing materials, amendment proposals
24 and possible delegates for major international meetings under the
25 two treaties;
26 d. Develop and implement plans and programs for the destruction of
27 anti-personnel mines, mine clearance, mine awareness and victim
28 assistance;
29 e. Issue implementing rules and regulations for the purpose of this
30 Act as may be deemed necessary;
31 f. Conduct information dissemination on this Act and the two treaties,
32 especially to the armed forces and rebel groups;
33 g. Initiate investigation of reported violations of this Act and, where
34 warranted, refer the matter for prosecution;
35 h. Coordinate international technical cooperation and assistance,
36 including providing information to the database on mine clearance
37 established within the United Nations system;

- 1 i. Recommend to the legislative and executive departments, including
- 2 the armed forces, effective measures for compliance with and
- 3 implementation of the two treaties;
- 4 j. Empower duly-authorized deputies to enter and search premises to
- 5 collect and transfer anti-personnel mines for destruction, subject to
- 6 constitutional guarantees;
- 7 k. Request the assistance of appropriate departments, bureaus,
- 8 offices or agencies in the performance of its functions; and
- 9 l. Exercise such other powers and functions necessary for the
- 10 effective implementation of its mandate as may be provided by law
- 11 or delegated by the President.

12 **Section 22. Composition of the PCCL** - The Philippine Coordinating
13 Committee on Landmines shall be composed of senior representatives of the
14 following agencies and organizations who shall elect a Chairperson and such
15 other officers as may be necessary from among themselves:

- 16 a. Department of Foreign Affairs, particularly its Office of the United
- 17 Nations and International Organizations;
- 18 b. Department of National Defense;
- 19 c. Armed Forces of the Philippines, including its Office of the Chief,
- 20 Ordinance and Chemical Services;
- 21 d. Department of the Interior and Local Government;
- 22 e. Philippine National Police;
- 23 f. Department of Justice;
- 24 g. Office of the Presidential Adviser on the Peace Process;
- 25 h. Department of Health;
- 26 i. Philippine National Red Cross, particularly its National IHL
- 27 Committee;
- 28 j. Philippine Campaign to Ban Landmines;
- 29 k. Philippine Chapter of the International Association of Bomb
- 30 Technicians and Investigators; and
- 31 l. Such other relevant agencies or organizations as may be
- 32 designated by the President through an executive order activating
- 33 this Committee.

34 **Section 23. Appropriations** - The amount necessary to carry out the
35 provisions of this Act shall be included in the General Appropriations Act of the
36 year following its enactment into law and thereafter.

1 **Section 24. Designation and training of special courts and**
2 **prosecutors** –

3 1. The appropriate instrumentalities of the State, namely the Supreme
4 Court and the Department of Justice shall respectively designate special courts,
5 prosecutors and investigators to investigate, prosecute and try, as the case may
6 be, violations of this law. The courts referred to here shall be at the Regional
7 Trial Court level and special divisions of the Court of Appeals.

8 2. The State shall ensure that judges, prosecutors and investigators,
9 especially those designated for purposes of this law, receive effective training in
10 international criminal law, international humanitarian law and human rights.

11 **Section 25. International law references** –

12 1. In the application and interpretation of this Law, the Court shall be
13 guided by:

- 14 a. The Ottawa Treaty;
15 b. Amended Protocol II;
16 c. Applicable rules and rulings of international humanitarian law and
17 international criminal law;
18 d. Relevant teachings of the most highly qualified publicists and
19 authoritative commentaries on the foregoing sources.

20 2. In case of conflict in the implementation and application of the
21 Ottawa Treaty and Amended Protocol II, the former shall prevail particularly as
22 far as anti-personnel mines are concerned.

23 3. The application and interpretation of this Act must be consistent
24 with internationally recognized human rights.

25 **Section 26. Repealing clause** - All laws, presidential decrees and
26 issuances, executive orders, rules and regulations or parts thereof inconsistent
27 with the provisions of this Act are hereby repealed or modified accordingly.

28 **Section 27. Separability clause** - If, for any reason, any part or
29 provision of this Act shall be held to be unconstitutional or invalid, other parts or
30 provisions hereof which are not affected thereby shall continue to be in full force
31 and effect.

32 **Section 28. Effectivity** - This Act shall take effect fifteen (15) days
33 after its complete publication in at least two (2) newspapers of general
34 circulation.

Approved,