

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



Sixteenth Congress
First Regular Session

House Bill No. **3082**

Introduced by AKBAYAN Representatives
Ibarra "Barry" M. Gutierrez III and Walden F. Bello

EXPLANATORY NOTE

Based on figures in the United Nations Demining Database, there are an estimated one hundred ten million active mines scattered in over seventy countries all over the world. These landmines were once described as "fighters that never miss, strike blindly, do not carry weapons openly, and go on killing after hostilities are ended." Landmines, in other words, are the greatest violators of international humanitarian law, the most ruthless of terrorists, and "weapons of mass destruction in slow motion."

The landmine problem is not much felt in the Philippines because of its limited and discriminate use in internal armed conflicts with various rebel groups. But the problem exists, no matter how limited.

When the Philippines ratified the *Ottawa Treaty* (1997 Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction) and *Amended Protocol II* (1996 Amended protocol on prohibitions or restrictions on the use of mines, booby-traps and other devices, 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), as a State Party it took on the obligation to pass local legislation and other measures to suppress use of landmines, booby-traps and other similar devices.

While the *Ottawa Treaty* provides for a total ban on anti-personnel landmines, *Amended Protocol II* merely restricts the use of landmines, whether anti-personnel or anti-vehicle. This bill seeks to enact local legislation that would implement and resolve conflicting provisions of these treaties. Through this proposed local legislation, the Philippines will not only address its own landmine problem but also contribute to the overall humanitarian effort to solve the global scourge of anti-personnel landmines. This is in keeping with the Constitutional mandate to adhere to rule of law, human rights and international humanitarian law.

Among the original, innovative or cutting-edge features of the bill are:

1. Defines anti-personnel mines (a) based on impact or effect, not just on design, (b) as victim-activated, not command-detonated, and (c) by including 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.
2. Includes a technical definition of command-detonation.
3. Includes a provision on a total ban on transit and carrying by visiting foreign military vessels and forces of anti-personnel mines.
4. Contains universal jurisdiction and extraterritorial application.
5. Provides for zero retention of anti-personnel mines.
6. Provides on a ban on technology transfer regarding anti-personnel mines.
7. Contains provisions for compliance by the Armed Forces of the Philippines, rebel groups, and inclusion of a landmines agenda in peace processes.
8. Creation of a Philippine Coordinating Committee on Landmines.

The soonest approval of this bill is therefore most earnestly sought.



WALDEN F. BELLO



IBARRA "BARRY" M. GUTIERREZ III

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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,
FOR THE CREATION OF 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 Comprehensive Law on*
2 *Landmines.*”

3
4 **SECTION 2. *Declaration of Principles and Policies.***—

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

9
10 (b) The State adopts the international humanitarian law principle that the right of parties to an
11 armed conflict to choose methods or means of warfare is not unlimited, that the use of

1 weapons, projectiles and materials and methods of warfare of a nature to cause injury or
2 unnecessary suffering is prohibited, and that a distinction must be made between civilians
3 and combatants.

4
5 (c) The State recognizes its contribution to the overall humanitarian effort to put an end to the
6 suffering and casualties caused by anti-personnel landmines that kill or maim hundreds of
7 people, mostly innocent and defenseless civilians and children every week world-wide, that
8 obstruct economic development and reconstruction, and that inhibit the return of refugees
9 and internally displaced persons.

10
11 (d) The State shall take all appropriate measures to implement and to reconcile the
12 implementation of the *Ottawa Treaty* and *Amended Protocol II*. For this purpose, the State
13 adopts a total ban on anti-personnel landmines and obligates the Armed Forces of the
14 Philippines to effect corresponding changes in military warfare, including the development
15 and use of alternative equipment for perimeter defense of its field detachments. This total
16 ban shall be made to apply to the transit and carrying by visiting foreign military vessels and
17 forces, including in joint military exercises, of anti-personnel landmines within the Philippine
18 territory.

19
20 (e) The State shall pursue landmines agenda in peace processes with rebel groups.

21
22 (f) The State considers a violation of this Act as a war crime and shall exercise universal
23 jurisdiction over and extraterritorial application of this law to persons, whether Filipinos or
24 foreigners, who commit the prohibited acts abroad.

25
26 **SECTION 3. *Scope of Application.*—**

27
28 (a) This Act relates to the use on land of the mines, booby-traps and other devices defined
29 herein, including landmines on interdict beaches, waterway crossings or river crossings:
30 *Provided*, That this Act does not apply to the use of anti-ship mines at sea or in inland
31 waterways: *Provided, further*, That the total ban on anti-personnel landmines shall apply to the
32 transit and carrying by visiting foreign military vessels and forces, including those in joint
33 military exercises, in Philippine territory.

(b) This Act shall apply to situations referred to in Article 1 of the 1980 Weapons Convention and to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949: *Provided*, That this Act shall apply to armed conflict which are not of an international character occurring within the territory of the Philippines: *Provided, however*, That this Act 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, which are not armed conflicts.

(c) Nothing in this Act shall be invoked for the purpose of affecting the sovereignty of the Philippines or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in its jurisdiction or to defend national unity and territorial integrity; or 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 Philippines in the territory where said conflict occurs.

(d) The application of the provisions of this Act to a party to a conflict, which is not a State, shall not change their legal status of a disputed territory, either explicitly or implicitly.

(e) The State shall exercise jurisdiction over all persons, natural or juridical, military or civilian, Filipino or foreign, who commit acts prohibited by this Act, no matter where these acts were committed. The same applies even if the acts were committed in the territory of another State, or involve suspects or victims who are not nationals of the Philippines, or who pose no direct threat to the State's own particular security interests.

SECTION 4. Definitions.—As used in this Act, the following terms shall mean:

(a) “*Anti-handling device*” refers to a device intended to protect a landmine. It may be a part of, linked to, attached to or placed under the landmine, and is activated whenever an attempt is made to tamper with the landmine.

(b) “*Anti-personnel mine*” refers to a victim-activated landmine designed to be, or has the effect of being, exploded by the presence, proximity or contact of a person: *Provided*, That this definition includes similarly designed (a) improvised explosive devices, (b) anti-vehicle mines

1 equipped with anti-handling devices, and (c) Claymore mines which are activated with
2 tripwire: *Provided, further*, That this definition excludes those which are command-detonated.

3
4 (c) “*Anti-vehicle mine*” refers to a landmine designed to be detonated by the presence, proximity
5 or contact of a vehicle.

6
7 (d) “*Booby trap*” refers to an apparently harmless object, device or material which functions
8 unexpectedly to kill or injure.

9
10 (e) “*Civilian objectives*” refer to all objects other than a “*military objective*.”

11
12 (f) “*Command-detonation*” means a mechanism by which a person manually detonates a mine by
13 an electric firing mechanism allowing total control over the mine’s effect but requires a
14 person to be present. *Command-detonation* is normally used with directional mines such as
15 Claymore mines.

16
17 (g) “*Landmine*” or “*mine*” refers to munitions or explosive weapons placed under, on or near the
18 ground or other surface area, and designed to be exploded by the presence, proximity or
19 contact of a person or vehicle.

20
21 (h) “*Military objective*” refers to an object which, by its nature, location, purpose or use, makes an
22 effective contribution to military action, and whose total or partial destruction, capture or
23 neutralization, in the circumstance ruling at the time, offers a definite military advantage.

24
25 (i) “*Minefield*” refers to a defined area in which mines have been emplaced: *Provided*, That the
26 term includes phony minefields or those areas which, although free of mines, simulates a
27 minefield.

28
29 (j) “*Mined area*” refers to an area which is dangerous due to the presence of mines.

30
31 (k) “*Other devices*” refer to manually emplaced munitions and devices, including improvised
32 explosives, made to kill, injure or damage, whether designed to be activated manually, by
33 remote control, or automatically after a lapse of time.

(l) “*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, booby-traps and other devices.

(m) “*Remote control*” means control by commands made from a distance.

(n) “*Remotely-delivered mine*” refers to a mine which is not directly emplaced: *Provided*, That mines falling in this definition but which are delivered from a land-based system from less than five hundred (500) meters are not “*remotely delivered*.”

(o) “*Self-deactivating*” refers to the automatic and irreversible exhaustion of an essential component of munitions, which renders munitions inoperable.

(p) “*Self-destruction mechanism*” refers to an automatically functioning mechanism, whether incorporated or externally attached to a device, which secures the destruction of munitions.

(q) “*Self-neutralization mechanism*” refers to an incorporated and automatically functioning mechanism, which renders munitions inoperable.

(r) “*Transfer*” refers to (1) the physical movement of mine within, into or from national territory, (2) the transfer of title to and control over the mines, and (3) the transfer of technology, patents and intellectual property rights for anti-personnel mines: *Provided*, That the term does not refer to the transfer of territory containing emplaced mines.

(s) “*Victim-activated*” mines are those which are not command-detonated.

SECTION 5. Total Ban on Anti-Personnel Mines.—The following acts comprise the total ban on anti-personnel mines:

(a) It is prohibited for all persons, natural and juridical, under any circumstances, to:

(1) Use anti-personnel mines;

(2) Develop, produce, or otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines; or

(3) Assist, encourage or induce, in any way, anyone to engage in any activity prohibited under this Act.

(b) The State undertakes to destroy or ensure the destruction of all anti-personnel mines on territory under its jurisdiction or control in accordance with the *Ottawa Treaty*.

(c) There shall be no retention of any number of anti-personnel mines for any purpose.

(d) Only the transfer of anti-personnel mines for the purpose of destruction is permitted. Prohibited transfer includes technology transfer.

(e) The transit and carrying of anti-personnel mines by visiting foreign military vessels and forces, including in joint military exercises, in Philippine territory is prohibited.

SECTION 6. *General Restrictions on the Use of Mines, Booby-traps and Other Devices.*—

(a) This Section applies to the following:

(1) Mines, in general, including anti-vehicle mines;

(2) Booby-traps; and

(3) Other devices.

(b) Each Party to a conflict is, in accordance with the provisions of this Act, responsible for all mines, booby traps and other devices employed by it and undertakes to clear, remove, destroy or maintain them as specified in this Act.

(c) It is prohibited, under all circumstances, to use any mine, booby-trap or other device which is designed or is of a nature to cause grave injury or unnecessary suffering.

- (d) Weapons to which this Section applies shall strictly comply with the standards and limitations specified in the *Technical Annex of Amended Protocol II* with respect to each particular category.
- (e) 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 the magnetic or other non-contact influence of mine detectors used in normal detection operations.
- (f) 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 becomes inoperable.
- (g) It is prohibited, in all circumstances, including in acts in offense, defense or by way of reprisal, to direct mines, booby-traps or other devices against the civilian population, individual civilians or civilian objects.
- (h) The indiscriminate use of mines, booby-traps or other devices is prohibited. "*Indiscriminate use*" is any placement of mines, booby-traps or other devices, which:
- (1) 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.
 - (2) Employs a method or means of delivery which cannot be directed at a specific military objective.
 - (3) May be expected to cause (i) incidental loss of civilian life, (ii) injury to civilians, (iii) damage to civilian objects, or (iv) a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.
- (i) 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.

(j) All feasible precautions shall be taken to protect civilians from the effects of mines, booby-traps or other devices. “Feasible precautions” are 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:

- (1) Both the short and long-term effect of mines upon the local civilian population for the duration of the minefield;
- (2) Possible measures to protect civilians including, but not limited to putting up of fences, signs and warnings, and monitoring;
- (3) Availability and feasibility of using alternatives; and
- (4) Both short and long-term military requirements for a minefield.

(k) Effective advance warning shall be given of any emplacement of mines, booby-traps and other devices which may affect the civilian population, unless impossible under the circumstances.

SECTION 7. *Restrictions on the Use of Remotely-Delivered Mines.*—

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

(b) It is prohibited to use remotely-delivered mines other than anti-personnel mines, unless, to the extent feasible, these are equipped with the following:

- (1) Effective self-destruction or self-neutralization mechanism; and
- (2) Back-up self-deactivation feature.

(c) Effective advance warning shall be given of any delivery of remotely-delivered mines which may affect the civilian population, unless circumstances do not permit.

SECTION 8. *Prohibitions on the Use of Booby-Traps and Other Devices.*—

(a) Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited, under all circumstances, to use booby-traps and other devices attached to or associated with any of the following:

- (1) Internationally recognized protective emblems, signs or signals;
- (2) Sick, wounded or dead persons;
- (3) Burial or cremation sites or graves;
- (4) Medical facilities, medical equipment, medical supplies or medical transportation;
- (5) Portable objects or products specially designed for the feeding, hygiene, clothing or education of children, including children's toys;
- (6) Food or drink;
- (7) Kitchen utensils or appliances except in military establishments, military locations or military supply depots;
- (8) Objects clearly of a religious nature;
- (9) Historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; or
- (10) Animals or their carcasses.

(b) 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.

(c) Without prejudice to the provisions of Section 6, it is prohibited to use booby-traps and other devices in any city, town, village or other area containing a concentration of civilians on which combat between ground forces is not taking place or does not appear to be imminent, unless:

- (1) The booby-traps and other devices are placed on or in close vicinity of a military objective; or
- (2) Measures are taken to protect civilians from their effects including, but not limited to, posting of warning sentries, issuing of warnings or putting up fences.

SECTION 9. *Transfers.*—

(a) In order to promote the purposes of this Act, the State undertakes:

(1) Not to transfer any mine the use of which is prohibited by this Act.

(2) Not to transfer any mine to any recipient other than a State or a State agency authorized to receive such transfers.

(3) To exercise restraint in the transfer of any mine regulated by this Act.

(4) To ensure that any transfer in accordance with this Section takes place in full compliance, by both the transferring and recipient State, with the relevant provisions of this law and the applicable norms of international humanitarian law.

(b) In the event that the State declares that it will defer compliance with specific provisions on the use of certain mines, as provided for in the *Technical Annex of Amended Protocol II*, subparagraph (a)(1) of this Section shall however apply to such mines.

(c) The State, pending the effectivity of this Act, will refrain from any action which would be inconsistent with subparagraph (a)(1) of this Section.

(d) This Section shall be without prejudice to the prohibition on the transfer of anti-personnel mines except for the purpose of destruction. Prohibited transfer includes technology transfer.

SECTION 10. *Penalties.*—

(a) Imprisonment of five (5) years to twenty (20) years for acts constituting a violation of Sections 5 and 8 of this Act.

(b) Imprisonment of three (3) years to fifteen (15) years for acts constituting a violation of Sections 6 and 7 of this Act.

(c) Imprisonment of one (1) one to ten (10) years for acts constituting a violation of Section 9 and 19(g) of this Act.

1 In addition to imprisonment, violations of this Act may be punished, in the discretion of the
2 court, with the following accessory penalties:

3
4 (a) Fine, and/or

5 (b) Seizure or forfeiture of anti-personnel mines or components thereof.
6

7 **SECTION 11. *Destruction of Stockpiled Anti-Personnel Mines.***—The State undertakes,
8 as soon as possible, to destroy or ensure the destruction of all stockpiled anti-personnel mines it
9 owns or possesses, or that are under its jurisdiction or control: *Provided*, That the destruction
10 thereof shall not be later than four (4) years after the effectivity of this Act.
11

12 **SECTION 12. *Destruction of Anti-Personnel Mines in Mined Areas.***—
13

14 (a) The State undertakes to destroy or ensure the destruction of all anti-personnel mines in
15 mined areas under its jurisdiction or control, as soon as possible, but not later than ten (10)
16 years after the effectivity of this Act.
17

18 (b) The State shall (1) make every effort to identify all areas under its jurisdiction or control
19 where anti-personnel mines are known, or suspected, to be emplaced, (2) ensure, as soon as
20 possible, that all anti-personnel mines in mined areas under its jurisdiction are perimeter-
21 marked, monitored and protected by fencing or other means, for the effective exclusion of
22 civilians, until all anti-personnel mines contained therein have been destroyed. The marking
23 shall comply with the standards set out in *Amended Protocol II*.
24

25 **SECTION 13. *Recording and Use of Information on Minefields, Mined Areas, Mines,***
26 ***Traps and Other Devices.***—All information concerning minefields, mine areas, mines, booby
27 traps and other devices shall be recorded in accordance with the provisions of the *Technical*
28 *Annex of Amended Protocol II*.
29

30 All such records shall be retained by the Parties to a conflict, who shall, without delay after the
31 cessation of active hostilities, take all necessary and appropriate measures, including the use of
32 such information, to protect civilians from the effects of minefields, mined areas, mines, booby-
33 traps and other devices in areas under their control.

1
2 At the same time, Parties to a conflict shall also make available to the other Party or Parties to
3 the conflict and to the Secretary-General of the United Nations all such information in their
4 possession concerning minefields, mined areas, mines, booby-traps and other devices laid by
5 them in areas no longer under their control; *Provided, however,* That, subject to reciprocity, where
6 the forces of a Party to a conflict are in the territory of an adverse party, either Party may
7 withhold such information from the Secretary General and the other Party, to the extent that
8 security interests require such withholding, until neither Party is in the territory of the other. In
9 the latter case, the information withheld shall be disclosed as soon as those security interests
10 permit. Whenever possible, the Parties to the conflict shall seek, by mutual agreement, to provide
11 for the release of such information at the earliest possible time in a manner consistent with the
12 security interests of each Party.

13
14 This Section is without prejudice to the provisions of Sections 14 and 15 of this Act.

15
16 **SECTION 14. *Removal of Minefields, Mined Areas, Mines, Booby-Traps and Other***
17 ***Devices.—***

- 18
19 (a) Without delay after the cessation of active hostilities, all minefields, mined areas, mines,
20 booby-traps and other devices shall be cleared, removed, destroyed or maintained in
21 accordance with Section 6 of this Act.
22
23 (b) The Parties to a conflict are responsible with respect to minefields, mined areas, mines,
24 booby-traps and other devices in areas under their control.
25
26 (c) With respect to minefields, mined areas, mines, booby-traps and other devices laid by a Party
27 in areas over which it no longer exercises control, such Party shall provide to the Party in
28 control of the area pursuant to subparagraph (b) of this Section, to the extent permitted by
29 such a Party, technical and material assistance necessary to fulfill such responsibility.
30
31 (d) At all times necessary, the Parties shall endeavor to reach agreement, both among themselves
32 and, where appropriate, with other States and with international organizations, on the

1 provision of technical and material assistance, including, in appropriate circumstances, the
2 undertaking of joint operations necessary to fulfill such responsibilities.

3
4 **SECTION 15. *Protection from the Effects of Minefields, Mined Areas, Mines, Booby-***
5 ***Traps and Other Devices.*—**

6
7 (a) *Application*

8
9 (1) With the exception of the forces and missions referred to in subparagraph (b)(1)(i) of
10 this Section, this Section applies only to missions which are performing functions in an
11 area with the consent of the State on whose territory the functions are performed.

12 (2) The application of the provisions of this Section to Parties in a conflict which are not
13 States shall not change their legal status or the legal status of a disputed territory,
14 explicitly or implicitly.

15 (3) The provisions of this Section are without prejudice to existing international
16 humanitarian laws, and other international instruments as applicable, or decisions by the
17 Security Council of the United Nations, which provide for a higher level of protection to
18 personnel functioning in accordance with this Section.

19
20 (b) *Peace-keeping, and other forces and missions*

21
22 (1) This paragraph applies to:

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

25 (ii) Any mission established pursuant to Chapter VIII of the Charter of the United
26 Nations and performing functions in the area of conflict.

27 (2) Each party to a conflict, if so requested by the head of a force or mission to which this
28 paragraph applies, shall:

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

31 (ii) If necessary, in order to effectively protect such personnel, remove or render
32 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 missions all information in its possession concerning such minefields, mined areas, mines, booby-traps and other devices.

(c) *Humanitarian and fact-finding missions of the United Nations System*

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

(2) Each party to a conflict, if so requested by the head of the mission to which this paragraph applies, shall:

(i) Provide the personnel of the mission with the protections set out in subparagraph

(b)(2)(i) of this Section; 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 the safe passage to or through that place:

(ii.1) Unless on-going hostilities prevent, inform the head of the mission of a safe route to that place if such information is available; or

(ii.2) If information identifying a safe route is not provided in accordance with sub-paragraph (ii.a), so far as is necessary and feasible clear a lane through minefields.

(d) *Missions of the International Committee of the Red Cross*

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

(2) Each 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 subparagraph

(b)(2)(i) of this Section; and

(ii) Take the measures set out in subparagraph (c)(2)(ii) of this Section.

1
2 (e) *Other Humanitarian Missions and missions of enquiry*
3

4 (1) Insofar as paragraphs (b), (c) and (d) above do not apply to other humanitarian missions
5 and missions of enquiry, this paragraph applies to any of the following missions when
6 they are performing functions in the area of a conflict or to assist the victims of a
7 conflict:

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

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

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

14 (2) Each party to a conflict, if so requested by the head of a mission to which this
15 paragraph applies, shall:

16 (i) Provide the personnel of the mission with the protections set out in subparagraph
17 (b)(2)(i) of this Section; and

18 (ii) Take the measures set out in sub-paragraph (c)(2)(ii) of this Section.
19

20 (f) *Confidentiality*
21

22 All information provided in confidence pursuant to this Section shall be treated by the
23 recipient in strict confidence and shall not be released outside the force or mission
24 concerned without the express authorization of the provider of the information.
25

26 (g) *Respect for laws and regulations*
27

28 Without prejudice to such privileges and immunities as they may enjoy or to the
29 requirements of their duties, personnel participating in the force and missions referred to in
30 this section shall:

31
32 (1) Respect the laws and regulations of the host State; and

- 1 (2) Refrain from any action or activity incompatible with the impartial and international
2 nature of their duties.
3

4 **SECTION 16. *Compliance by the Armed Forces of the Philippines.*—**
5

- 6 (a) Pursuant to this Act, especially its total ban on anti-personnel mines, the Armed Forces of
7 the Philippines shall effect the corresponding changes in its military doctrine and warfare.
8
9 (b) The Armed Forces of the Philippines shall issue relevant military instructions and operating
10 procedures, including the notification of units and enterprises involved in arms development,
11 production, acquisition and transfer.
12
13 (c) Personnel of the Armed Forces of the Philippine shall receive training commensurate with
14 their duties and responsibilities to comply with the provisions of this Act.
15
16 (d) The Armed Forces of the Philippines shall develop and use alternatives to anti-personnel
17 mines for perimeter defense of its field detachments, such as various early warning devices.
18
19 (e) In cases of reacquisition by the Armed Forces of the Philippines of Claymore mines, it shall
20 be ensured that these are usable and used in command-detonated mode only.
21

22 **SECTION 17. *Compliance by Rebel Groups.*—**
23

- 24 (a) In addition to the enforcement of this Act *vis-a-vis* Philippine internal armed conflicts and
25 rebel groups, the State welcomes the voluntary compliance by rebel groups with the norms
26 established in the *Ottawa Treaty* and *Amended Protocol II*, especially the total ban on anti-
27 personnel mines, which they may formalize through any of several available instruments.
28
29 (b) The inclusion of the landmines agenda in peace processes with rebel groups in the
30 Philippines shall be pursued.
31

- 1 (c) The State recognizes the special role of impartial humanitarian organizations in the
2 engagement of rebel groups on a total ban on anti-personnel mines and other humanitarian
3 norms, and shall provide an enabling environment for such engagement.
4

5 **SECTION 18. *International Cooperation and Assistance.*—**
6

- 7 (a) The State shall consult and cooperate with other States Parties regarding the implementation
8 of the provisions of the *Ottawa Treaty* and *Amended Protocol II*, and to work together in a spirit
9 of cooperation to facilitate compliance by States Parties with their obligations under the
10 aforesaid treaties.
11

- 12 (b) In fulfilling the obligations under the *Ottawa Treaty* and *Amended Protocol II*, the State shall
13 seek assistance, where feasible, from other State Parties to the extent possible.
14

- 15 (c) The State undertakes to facilitate and shall have the right to participate in the fullest possible
16 exchange of equipment, material and scientific and technological information concerning the
17 implementation of this Act. The State shall not impose undue restrictions on the provisions
18 of mine clearance equipment and related technological information for humanitarian
19 purposes.
20

- 21 (d) The State, if in a position to do so, shall provide assistance for the care and rehabilitation and
22 social and economic reintegration, of mine victims and for mine awareness programs. Such
23 assistance may be provided, *inter alia*, through the United Nations System, international,
24 regional or national organizations or institutions, the International Committee of the Red
25 Cross, National Red Cross and Red Crescent societies, and their International Federation,
26 non-governmental organizations, or on a bilateral basis.
27

- 28 (e) The State, if in a position to do so, shall provide assistance for mine clearance and related
29 activities. Such assistance may be provided, *inter alia*, through the United Nations System,
30 international, regional or national organizations or institutions, non-governmental
31 organizations or institutions, or on a bilateral basis, or by contributing to the United Nations
32 Voluntary Trust Fund for Assistance in Mine Clearance, or other regional funds that deal
33 with demining.

- 1
- 2 (f) The State, if in a position to do so, shall provide assistance for the destruction of stockpiled
- 3 anti-personnel mines.
- 4
- 5 (g) The State undertakes to provide information to the database on mine clearance established
- 6 within the United Nations system, especially information concerning various means and
- 7 technologies of mine clearance, and lists of experts, expert agencies or national points of
- 8 contact on mine clearance.
- 9
- 10 (h) The State may request the United Nations, regional organizations, other States Parties or
- 11 other component intergovernmental or non-governmental forums to assist their authorities
- 12 in the elaboration of a national demining program to determine, *inter alia*:
- 13
- 14 (1) The extent and scope of the anti-personnel mine problem;
- 15 (2) The financial, technological and human resources that are required for the
- 16 implementation of the program;
- 17 (3) The estimated number of year necessary to destroy all anti-personnel mines in mined
- 18 areas under the jurisdiction or control of the State;
- 19 (4) Mine awareness activities to reduce the incidence of mine-related injuries or deaths;
- 20 (5) Assistance to mine victims; and
- 21 (6) The relationship between the government and the relevant governmental, inter-
- 22 governmental or non-governmental entities that will work in the implementation of this
- 23 program.
- 24
- 25 (i) The State, when giving and receiving assistance under the provisions of this Section, shall
- 26 cooperate with a view to ensuring the full and prompt implementation of agreed assistance
- 27 programs.
- 28
- 29 (j) The State undertakes to consult and cooperate with other State Parties bilaterally, through
- 30 the Secretary-General of the United Nations or through other appropriate international
- 31 procedures, to resolve any problems that may arise with regard to the interpretation and
- 32 application of the provisions of the *Ottawa Treaty* and *Amended Protocol II*.
- 33

1 **SECTION 19. *Transparency Measures.*—**

2
3 (a) The State shall report to the Secretary-General of the United Nations as soon practicable,
4 and in any event not later than one hundred eighty (180) days after the effectivity of this Act
5 on the following:

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

fusing, explosive content, metallic content, color photographs and other information which may facilitate mine clearance; and

(9) The measures taken to provide an immediate and effective warning to the population in relation to all areas identified under subparagraph (b) of Section 12.

(b) The information provided in accordance with this Section shall be annually updated by the State, covering the last calendar year, and reported to the Secretary-General of the United Nations, not later than April 30 of each year.

(c) The State shall provide annual reports to the Secretary-General of the United Nations on any of the following matters:

(1) Dissemination of information on Amended Protocol II and this Act to the Armed Forces of the Philippines and to the civilian population;

(2) Mine clearance and rehabilitation program;

(3) Steps taken to meet technical requirements under this Act and any other information pertaining thereto;

(4) Legislation related to Amended Protocol II;

(5) Measures taken on international technical information exchange, on international cooperation on mine clearance, and on technological cooperation and assistance; and

(6) Other relevant matters.

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

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

(f) The State shall ensure full cooperation, access and security to a peacekeeping, humanitarian, fact-finding or similar missions carrying out activities on its territory or territory under its control, pursuant to Section 15 above (corresponding to Article 12 of *Amended Protocol II*) or to Article 8 of the *Ottawa Treaty*.

(g) It is prohibited to obstruct or deceive any member of such missions exercising his or her functions or powers.

SECTION 20. *International Meetings.* –

(a) The Philippines shall participate actively in the following relevant international meetings, among others:

(1) Meetings of the State Parties, Review Conferences and Amendment Conferences under the *Ottawa Treaty*; and

(2) Annual and Review Conferences of the High Contracting Parties under Amended Protocol II.

(b) The Philippines shall endeavor to include one representative from a relevant Philippine non-governmental organization or impartial humanitarian organization in its delegations to major international meetings under the *Ottawa Treaty* and *Amended Protocol II*.

SECTION 21. *Philippine Coordinating Committee on Landmines (PCCL).*—

(a) A Philippine Coordinating Committee on Landmines shall be created with the following functions and powers:

(1) Coordinate, plan and monitor Philippine compliance with and implementation of the *Ottawa Treaty* and *Amended Protocol II*;

(2) Prepare and submit annual reports under the two treaties;

(3) Prepare position papers, briefing material, amendment proposals and possible delegates for major international meetings under the two treaties;

- (4) Develop and implement plans and programs for the destruction of anti-personnel mines, mine clearance, mine awareness and victim assistance;
- (5) Issue implementing rules for this law only as may be necessary;
- (6) Conduct information dissemination on this law and the two treaties, especially to the armed forces and rebel groups;
- (7) Initiate investigation of reported violations of this law and, where warranted, refer the matter for prosecution;
- (8) Coordinate international technical cooperation and assistance, including providing information to the database on mine clearance established within the United Nations system;
- (9) Recommend to the legislative and executive departments, including the armed forces, effective measures for compliance with and implementation of the two treaties;
- (10) Empower duly-authorized deputies to enter and search promises to collect and transfer anti-personnel mines for destruction, subject to constitutional guarantees;
- (11) Request the assistance of appropriate departments, bureaus, offices or agencies in the performance of its functions; and
- (12) Exercise such other powers and functions necessary for the effective implementation of its mandate as may be provided by law or delegated by the President.

(b) The Philippine Coordinating Committee on Landmines shall be composed of senior representatives of the following agencies and organizations who shall elect a Chairperson and such other officers as may be necessary from among themselves:

- (1) Department of Foreign Affairs, particularly its Office of the United Nations and International Organizations;
- (2) Department of National Defense;
- (3) Armed Forces of the Philippines, including its Office of the Chief, Ordinance and Chemical Services;
- (4) Department of the Interior and Local Government;
- (5) Philippine National Police;
- (6) Department of Justice;
- (7) Office of the Presidential Adviser on the Peace Process;
- (8) Department of Health;

- (9) Philippine National Red Cross, particularly its National IHL Committee;
- (10) Philippine Campaign to Ban Landmines;
- (11) Philippine Chapter of the International Association of Bomb Technicians and Investigators; and
- (12) Such other relevant agencies or organizations as may be designated by the President through an executive order activating this Committee.

- (c) For the initial operating expense of the Philippine Coordinating Committee on Landmines, the amount of twenty million pesos (P20,000,000.00) is hereby appropriated. Thereafter, it shall submit to the Department of Budget and Management its proposed budget for inclusion in the General Appropriations Act.

SECTION 22. *Designation and training of special courts and prosecutors.*—

- (a) The appropriate instrumentalities of the State, namely the Supreme Court and the Department of Justice shall respectively designate special courts, prosecutors and investigators to investigate, prosecute and try, as the case may be, violations of this Act. The courts referred to here shall be at the Regional Trial Court level and special divisions of the Court of Appeals.
- (b) The State shall ensure that judges, prosecutors and investigators, especially those designated for purposes of this Act, receive effective training in international criminal law, international humanitarian law and human rights.

SECTION 23. *International law references.* —

- (a) In the application and interpretation of this Law, the Court shall be guided by:
- (1) *The Ottawa Treaty*;
- (2) *Amended Protocol II*;
- (3) Applicable rules and rulings of international humanitarian law and international criminal law;

(4) Relevant opinions and publications of the most highly qualified publicists and authorities.

(b) In case of conflict in the implementation and application of the *Ottawa Treaty* and *Amended Protocol II*, the former shall prevail particularly as far as anti-personnel mines are concerned.

(c) The application and interpretation of this Act must be consistent with internationally recognized human rights.

SECTION 24. *Repealing Clause.*—All laws, presidential decrees and issuances, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 25. *Separability Clause.*—If any part or provision of this Act shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 26. *Effectivity.*—This Act shall take effect fifteen (15) days after its complete publication in two (2) national newspapers of general circulation. The publication shall not be later than seven (7) days after the approval hereof.

Approved,