

GENEVA CONVENTIONS AND UNITED NATIONS PERSONNEL (PROTOCOLS) ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Amendments of the Geneva Conventions Act 1957

5. This section amends the Geneva Conventions Act 1957 to give effect to the Third Additional Protocol to the Geneva Conventions, adopted on 8 December 2005, which introduced a new humanitarian emblem, the Red Crystal. That emblem will have the same status as the existing Red Cross and Red Crescent. The Act provides protection under the criminal law against misuse of the new emblem. As a result of the amendment to section 1A of the 1957 Act, a grave breach of the Protocol will be punishable by up to thirty years' imprisonment. And as a result of the amendment to section 6 of the 1957 Act, unauthorised use of the emblem will be punishable by a fine up to level 5 on the standard scale.

Section 2: Amendments of the United Nations Personnel Act 1997

6. This section amends the United Nations Personnel Act 1997 to give effect to the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel, also adopted on 8 December 2005. This Optional Protocol extends the scope of legal protection to United Nations and associated personnel engaged in United Nations operations for delivering humanitarian, political or development assistance in peacebuilding, or for delivering emergency humanitarian assistance. The amendments made by the section will ensure that the offences under the 1997 Act (for example, an offence under section 1 relating to attacks on United Nations workers) will apply to United Nations workers engaged in such operations.