



**THE MANUAL OF THE LAW OF ARMED CONFLICT –
AMENDED TEXT 01/04**

**Produced by:
Joint Doctrine and Concepts Centre
Legal Cell
MOD
Shrivenham
Swindon
SN6 8RF**

THE MANUAL OF THE LAW OF ARMED CONFLICT – AMENDED TEXT

The text of the Manual of the Law of Armed Conflict should be read in the light of the following amendments.

Insert the following text after paragraph 12.14 and before the sub-heading “Air defence regions, air policing areas, and air defence identification zones.” (p313)

Neutral Airspace

12.14A Belligerent military and auxiliary aircraft may not enter neutral airspace. Should they do so, the neutral State shall use the means at its disposal to require the aircraft to land within its territory and shall intern the aircraft and its crew for the duration of the armed conflict. Should the aircraft fail to follow the instructions to land, it may be attacked, subject to the special rules relating to medical aircraft in Paragraphs 12.14B to 12.14D.¹

12.14B Belligerent medical aircraft shall not enter neutral airspace except by prior agreement. When within neutral airspace pursuant to agreement, medical aircraft shall comply with the terms of the agreement. The terms of agreement may require the aircraft to land for inspection at a designated airfield within the neutral State. Should the agreement so require, the inspection and follow-on action shall be conducted in accordance with Paragraphs 12.14C and 12.14D.²

12.14C Should a medical aircraft, in the absence of an agreement or in deviation from the terms of an agreement, enter neutral airspace, either through navigational error or because of an emergency affecting the safety of flight, it shall make every effort to give notice and to identify itself. Once the aircraft is recognised as a medical aircraft by the neutral State, it shall not be attacked but may be required to land for inspection. Once it has been inspected, and if it is determined in fact to be a medical aircraft, it shall be allowed to resume its flight.³

12.14D If the inspection reveals that the aircraft is not a medical aircraft, it may be captured, and the occupants shall, unless agreed otherwise by the neutral State and the parties to the conflict, be detained in the neutral State where so required by the rules of international law applicable in armed conflict, in such a manner that they cannot again take part in the hostilities.⁴

(3) Insert the following text between the end of paragraph 13.9 and the beginning of the section on International Straits and Archipelagic Sea Lanes (e.g. between the end of page 351 and the top of page 352).

13.9A Belligerent forces may not use neutral waters as a sanctuary.⁵

¹ SRM 18

² SRM 181

³ SRM 182

⁴ SRM 183

⁵ SRM 17

13.9B Subject to Paragraphs 13.16 and 13.20, a neutral State may, on a non-discriminatory basis, condition, restrict or prohibit the entrance to or passage through its neutral waters by belligerent warship and auxiliary vessels.⁶

13.9C Subject to the duty of impartiality, and to Paragraphs 13.9D and 13.10-13.20, and under such regulations as it may establish, a neutral State may, without jeopardising its neutrality, permit the following acts within its neutral waters:

- a. passage through its territorial sea and, where applicable, its archipelagic waters by warships, auxiliary vessels and prizes of belligerent States; warships, auxiliary vessels and prizes may employ pilots of the neutral State during passage;
- b. replenishment by a belligerent warship or auxiliary vessel of its food, water and fuel sufficient to reach a port in its own territory; and
- c. repairs of belligerent warships or auxiliary vessels found necessary by the neutral State to make them seaworthy; such repairs may not restore or increase their fighting strength.⁷

13.9D A belligerent warship or auxiliary vessel exercising rights of passage through neutral waters should do so continuously and expeditiously unless unable to do so on account of damage, the stress of weather or by *force majeure*.

13.9E Should a belligerent State be in violation of the regime of neutral waters, as set out in this manual, the neutral State is under an obligation to take the measures necessary to terminate the violation. If the neutral state fails to terminate the violation of its neutral waters by a belligerent, the opposing belligerent must so notify the neutral State and give that neutral State a reasonable time to terminate the violation by the belligerent. If the violation of the neutrality of the State by the belligerent constitutes a serious and immediate threat to the security of the opposing belligerent and the violation is not terminated, then that belligerent may, in the absence of any feasible and timely alternative, use such force as is strictly necessary to respond to the threat posed by the violation.

⁶ SRM 19

⁷ SRM 20