



## ANALYSIS

1. Short title

2. Schedule

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**2011, No. 6**

An Act to amend the Geneva Conventions and Additional Protocols Act 2002 to enable effect to be given to Protocol Additional III to those Conventions adopted at Geneva on 8 December 2005 and for related purposes

**(14 July 2011)**

**BE IT ENACTED** by the Parliament of the Cook Islands in Session assembled and by authority of the same as follows:

1. Short title – This Act may be cited as the Geneva Conventions and Additional Protocols Amendment Act 2011.

2. Schedule - Each provision that is specified in the Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule, and every other item in the Schedule has effect according to its tenor.

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This Act is administered by the Ministry of Foreign Affairs and Immigration

**SCHEDULE**

<b>Provision Amended</b>	<b>How amended</b>
<b>Section 3(1)</b>	<p>Insert after the definition of “The Second Protocol” the following definition:</p> <p>““The Third Protocol” means the Protocol Additional to the Geneva Conventions of August 1949, and relating to the Adoption of an Additional Distinctive emblem, adopted at Geneva on 8 December 2005”</p>
<b>Section 3(1)</b>	<p>Delete the definition of “The Protocols” and insert:</p> <p>““The Protocols” means the First Protocol, the Second Protocol and the Third Protocol”</p>
<b>Section 3(2)</b>	<p>Delete section 3(2) and replace with:</p> <p>“(2) If any accession or succession on behalf of the Cook Islands to any of the Conventions or to any of the Protocols is subject to a reservation or is accompanied by a declaration, that Convention or Protocol for the purposes of this Act, has effect, and must be construed subject to and in accordance with, the reservation or declaration”</p>
<b>Section 5(2)</b>	<p>Insert the following paragraph after paragraph (e)</p> <p>“(f) a grave breach of the Third Protocol is any misuse of the third Protocol emblem amounting to perfidious use in the meaning of Article 85 paragraph 3 of the First Protocol.”</p>
<b>Section 10(1)</b>	<p>After paragraph (c), insert the following paragraph:</p> <p>“(ca) the emblem in red on, and completely surrounded by, a white ground, that is to say a red frame in the shape of a square on edge (whether or not incorporating within its centre another emblem or sign or combination thereof in accordance with Article 3, paragraph 1 of Additional Protocol III), or the designation “Red Crystal”, or the designation “third Protocol emblem;”</p>
<b>Section 11(d)</b>	<p>Delete section 11(d) and replace with:</p> <p>“(d) For the purpose of giving effect to Article 38 or Article 39 of the First Protocol and the Third Protocol, prohibiting or restricting the use of such flags, emblems, designations, signals, uniforms, or insignia as may be specified in the regulations;</p>