

Convenzioni di diritto bellico ratificate o firmate dall'Italia fino all'anno 2004

INTRODUZIONE

L'Italia ha ratificato 36 trattati internazionali di diritto bellico e umanitario, inoltre è firmataria di altri 21 accordi.

I mezzi attraverso i quali l'ordinamento interno si adatta al diritto internazionale si distinguono sommariamente in *procedimenti ordinari* e *procedimenti speciali*.

Nel primo caso (ordinario), l'adattamento del diritto interno italiano a quello internazionale avviene mediante norme (costituzionali, amministrative, legislative) che formalmente non si distinguono in nulla dalle norme statali se non per il motivo (*occasio legis*) per cui vengono emanate.

Nel secondo caso (procedimento speciale o "mediante rinvio") la norma internazionale non viene riformulata all'interno dello Stato, ma gli organi preposti alle funzioni normative si limitano ad ordinare l'osservanza della o delle norme internazionali mediante l'ordine di esecuzione, contenuto nella legge che autorizza la ratifica del trattato e che rinvia ad esse.

È possibile poi che tale procedimento mediante rinvio (che pare comunque preferibile, almeno da un punto di vista del diritto internazionale) si diversifichi a seconda del caso in cui le norme del trattato internazionale siano, secondo i normali criteri di interpretazione, *self - executing* (direttamente applicabili senza necessità di intervento delle autorità statali) o *non self - executing* (non direttamente applicabili).

Secondo B. Conforti le norme non sono *self - executing* solo in due casi:

- 1) quando attribuiscano semplici facoltà agli stati;
- 2) quando, pur imponendo obblighi, non possano ricevere esecuzione in quanto non esistono gli organi o le procedure interne indispensabili alla loro esecuzione.

RATIFICHE

1. Convention for the Amelioration of the Condition of the Wounded in Armies in the Field. Geneva, 22 August 1864.

2. Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight. Saint Petersburg, 29 November - 11 December 1868.

3. Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 29 July 1899.

4. Convention (III) for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention of 22 August 1864. The Hague, 29 July 1899.

5. Declaration (IV,1), to Prohibit, for the Term of Five Years, the Launching of Projectiles and Explosives from Balloons, and Other Methods of Similar Nature. The Hague, 29 July 1899.

6. Declaration (IV,2) concerning Asphyxiating Gases. The Hague, 29 July 1899.

7. Declaration (IV,3) concerning Expanding Bullets. The Hague, 29 July 1899.

8. Convention for the Exemption of Hospital Ships, in Time of War, from The Payment of all Dues and Taxes Imposed for the Benefit of the State. The Hague, 21 December 1904.

9. Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field. Geneva, 6 July 1906.

10. Convention (X) for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention. The Hague, 18 October 1907.

11. Treaty relating to the Use of Submarines and Noxious Gases in Warfare. Washington, 6 February 1922.

12. Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. Geneva, 17 June 1925.

13. Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field. Geneva, 27 July 1929.

14. Convention relative to the Treatment of Prisoners of War. Geneva, 27 July 1929.

15. Treaty for the Limitation and Reduction of Naval Armaments, (Part IV, Art. 22, relating to submarine warfare). London, 22 April 1930.

16. Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948.

17. Geneva Conventions of 12 August 1949.

18. Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, 14 May 1954.

19. Protocol for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, 14 May 1954.

20. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. Opened for Signature at London, Moscow and Washington. 10 April 1972.

21. Convention on the prohibition of military or any hostile use of environmental modification techniques, 10 December 1976.

22. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

23. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.

24. 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. Geneva, 10 October 1980.

25. Protocol on Non-Detectable Fragments (Protocol I). Geneva, 10 October 1980.

26. Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II). Geneva, 10 October 1980.

27. Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III). Geneva, 10 October 1980.

28. International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 4 December 1989.

29. Convention on the Rights of the Child, 20 November 1989.

30. Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction, Paris 13 January 1993.

31. Protocol on Blinding Laser Weapons (Protocol IV to the 1980 Convention), 13 October 1995.

32. Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II to the 1980 Convention as amended on 3 May 1996).

33. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 September 1997.

34. Rome Statute of the International Criminal Court, 17 July 1998.

35. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 25 May 2000.

36. 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. Geneva, 10 October 1980. Amendment article 1, 21 December 2001.

FIRME

- 1. Additional Articles** relating to the Condition of the Wounded in War. Geneva, 20 October 1868.

- 2. Final Act** Of the International Peace Conference. The Hague, 29 July 1899.

- 3. Final Act** of the Second Peace Conference. The Hague, 18 October 1907.

- 4. Convention (III)** relative to the Opening of Hostilities. The Hague, 18 October 1907.

- 5. Convention (IV)** respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907.

- 6. Convention (V)** respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land. The Hague, 18 October 1907.

- 7. Convention (VI)** relating to the Status of Enemy Merchant Ships at the Outbreak of Hostilities. The Hague, 18 October 1907.

- 8. Convention (VII)** relating to the Conversion of Merchant Ships into War-Ships. The Hague, 18 October 1907.

- 9. Convention (VIII)** relative to the Laying of Automatic Submarine Contact Mines. The Hague, 18 October 1907.

- 10. Convention (IX)** concerning Bombardment by Naval Forces in Time of War. The Hague, 18 October 1907.

11. Convention (XI) relative to certain Restrictions with regard to the Exercise of the Right of Capture in Naval War. The Hague, 18 October 1907.

12. Convention (XII) relative to the Creation of an International Prize Court. The Hague, 18 October 1907.

13. Convention (XIII) concerning the Rights and Duties of Neutral Powers in Naval War. The Hague, 18 October 1907.

14. Final Protocol to the Naval Conference of London, 26 February 1909.

15. Declaration concerning the Laws of Naval War. London, 26 February 1909.

16. Final Act of the Diplomatic Conference. Geneva, 27 July 1929.

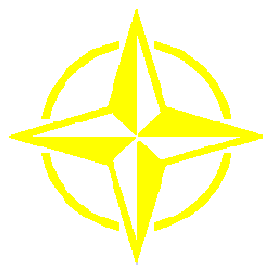
17. Procès-verbal relating to the Rules of Submarine Warfare set forth in Part IV of the Treaty of London of 22 April 1930. London, 6 November 1936.

18. Final Act of the Diplomatic Conference of Geneva, 12 August 1949.

19. Final Act of the Intergovernmental Conference on the Protection of Cultural Property in the Event of Armed Conflict. The Hague, 14 May 1954.

20. Final Act of the Diplomatic Conference of Geneva of 1974-1977.

21. Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict The Hague, 26 March 1999.



Internet Service

<http://www.internetsv.info>