

Draft
Anti-Aircraft
Bombs Treaty

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of this treaty

TREATY

on the Prohibition of the Use, Stockpiling, Production, and Transfer of Aircraft Bombs and on Their Destruction

Preamble

The States Parties,

DETERMINED to put an end to the suffering and loss of life caused by aircraft bombs, which claim hundreds of victims each year, including a large number of innocent and defenseless civilians, particularly children, who are killed or maimed; hinder economic development and reconstruction; prevent the repatriation of refugees and displaced persons to their home territories; and continue to have severe consequences years after their deployment.

CONVINCED that the removal of aircraft bombs scattered worldwide is a challenge requiring efficient and coordinated efforts from all parties and that it is necessary to ensure their destruction,

WISHING to do everything possible to provide assistance to the victims of aircraft bombs in the form of medical care and rehabilitation and to strive for their social and economic reintegration,

AWARE that a complete ban on aircraft bombs would also be an important confidence-building measure,

WELCOMING the adaptation of the Protocol on the Prohibition or Restriction of the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and in this context calling upon all States to ratify the Protocol as soon as possible, if they have not already done so,

ALSO WELCOMING the adoption by the United Nations General Assembly of resolutions urging all States to work toward the successful conclusion of negotiations on an effective and legally binding international agreement on the use, stockpiling, production, and transfer of aircraft bombs as soon as possible,

FURTHER WELCOMING the decisions on prohibition measures, restrictions, and moratoriums taken unilaterally or multilaterally in recent years regarding the use, stockpiling, production, and transfer of aircraft bombs,

EMPHASIZING the role of public awareness in reinforcing humanitarian principles, as demonstrated by the call for a total ban on aircraft bombs, and expressing appreciation for the efforts of the International Committee of the Red Cross, the United Nations, and numerous other non-governmental organizations worldwide,

RECALLING previous declarations calling upon the international community to negotiate a legally binding international agreement on the prohibition of the use, stockpiling, production, and transfer of aircraft bombs,

STRESSING the desirability of urging all States to join this Treaty and resolved to work vigorously for its universal application in all appropriate forums,

BASED ON the principle of international humanitarian law that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited, the principle that prohibits the use of weapons that may cause unnecessary suffering in armed conflicts, and the principle of distinction between civilians and combatants,

Have agreed as follows:

Article 1 General Obligations

1. Each State Party undertakes never under any circumstances to:
 - a) Use aircraft bombs;
 - b) Develop, produce, acquire in any way, stockpile, retain, or transfer to anyone, directly or indirectly, aircraft bombs;
 - c) Assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Treaty.
2. Each State Party undertakes to destroy or ensure the destruction of all aircraft bombs in accordance with the provisions of this Treaty.

Article 2 Definitions

For the purposes of this Treaty:

1. “**Aircraft bomb**” means an explosive weapon dropped or launched from the air, designed to detonate upon impact, proximity, or delayed timing, with indiscriminate effects or causing excessive suffering.
2. “**Cluster bomb**” means a type of aircraft bomb consisting of a container that disperses multiple submunitions, resulting in a wide and imprecise impact.
3. “**Transfer**” includes, in addition to physical movement, the transfer of ownership or control over aircraft bombs.
4. “**Bombed area**” means an area that is hazardous due to the actual or suspected presence of aircraft bombs.

Article 3 Exceptions

1. Notwithstanding the general obligations arising from Article 1, it is permitted to retain or transfer a certain number of aircraft bombs for the purpose of improving techniques for detecting, clearing, and destroying aircraft bombs or for providing training in these techniques. In such cases, the number of aircraft bombs must not exceed the minimum necessary to achieve these objectives.
2. The transfer of aircraft bombs for the purpose of destruction is permitted.

Article 4 Destruction of Stockpiled Aircraft Bombs

Subject to the provisions of Article 3, each State Party undertakes to destroy or ensure the destruction of all stockpiled aircraft bombs it owns or possesses or that are under its jurisdiction or control as soon as possible. This shall be completed no later than

four years after the entry into force of this Treaty for the respective State Party.

Article 5 Destruction of Aircraft Bombs in Bombed Areas

1. Each State Party undertakes to destroy or ensure the destruction of all aircraft bombs in bombed areas under its jurisdiction or control as soon as possible. This shall be completed no later than ten years after the entry into force of this Treaty for the respective State Party.
2. Each State Party shall endeavor to identify the location of all areas under its jurisdiction or control where aircraft bombs are actually or suspected to be present and shall, as soon as possible, ensure that all bombed areas under its jurisdiction or control containing aircraft bombs are marked along their entire perimeter, fenced off, or otherwise secured to effectively prevent civilians from entering until all aircraft bombs in these areas have been destroyed. Such marking shall at least comply with the provisions set forth in the Protocol on the Prohibition or Restriction of the Use of Aircraft Bombs, Cluster Bombs, and Other Mechanisms, as amended on 14 May 2025, annexed to the Convention on the Prohibition or Restriction of the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.
3. If a State Party is unable to destroy or ensure the destruction of all aircraft bombs referred to in paragraph 1 within the prescribed period, it may submit a request to the Meeting of States Parties or a Review Conference to extend the deadline for the complete destruction of aircraft bombs by a maximum of ten years.
4. The request shall include the following information:
 - a) The duration of the proposed extension;
 - b) A detailed justification for the proposed extension, including:
 - (i) The preparation and status of work carried out under national aircraft bomb clearance programs;

- (ii) The financial and technical resources available to the State Party to proceed with the destruction of all aircraft bombs; and
 - (iii) The circumstances preventing the State Party from destroying all aircraft bombs in bombed areas.
 - c) The humanitarian, social, economic, and environmental consequences of the extension; and
 - d) Any other relevant information regarding the proposed extension.
5. The Meeting of States Parties or the Review Conference shall evaluate the request based on the information provided in paragraph 4 and decide, by a majority vote of the States Parties present and voting, whether to grant the extension.
6. In accordance with paragraphs 3, 4, and 5 of this Article, such an extension may, upon request, be granted again. The State Party shall include in its request for an additional extension relevant information on the efforts made under this Article during the previous extension period.

Article 6

International Cooperation and Assistance

1. To fulfill the obligations arising from this Treaty, each State Party has the right to seek and receive assistance from other States Parties, as necessary and feasible.
2. Each State Party undertakes to facilitate the fullest possible exchange of equipment, materials, and scientific and technical information concerning the implementation of this Treaty and has the right to participate in such exchanges. States Parties shall not impose unnecessary restrictions on the provision of equipment for aircraft bomb clearance and related technological information for humanitarian purposes.
3. Each State Party in a position to do so shall provide assistance for the medical care, rehabilitation, and social and economic reintegration of victims of aircraft bombs and shall support awareness campaigns aimed at warning the population about the dangers of aircraft bombs. Such assistance may be provided, inter alia, through United Nations agencies, interna-

tional, regional, or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent Societies or their international federation, non-governmental organizations, or on a bilateral basis.

4. Each State Party in a position to do so shall provide assistance for aircraft bomb clearance or related activities. Such assistance may be provided, inter alia, through United Nations agencies, international or regional organizations or institutions, non-governmental organizations or institutions, or on a bilateral basis, or by contributing financially to the United Nations Voluntary Trust Fund for Aircraft Bomb Clearance or other regional aircraft bomb clearance funds.
5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled aircraft bombs
6. Each State Party undertakes to provide information for the United Nations database on aircraft bomb clearance, particularly information on various clearance methods and techniques, as well as lists of experts, specialized organizations, or national points of contact for aircraft bomb clearance.
7. States Parties may request the United Nations, regional organizations, other States Parties, or other competent intergovernmental or non-governmental organizations to assist them in developing a national aircraft bomb clearance program to address the following:
 - a) The scope and scale of the aircraft bomb problem;
 - b) The financial, technological, and human resources required to implement the program;
 - c) The estimated number of years needed to destroy all aircraft bombs in bombed areas under the jurisdiction or control of the requesting State Party;
 - d) Awareness-raising activities to inform the public about the dangers of aircraft bombs and to mitigate the consequences of injuries and loss of life associated with them;
 - e) Assistance to victims of aircraft bombs;
 - f) The relationship between the government of the requesting State Party and relevant governmental, intergovernmental, and

- non-governmental entities participating in the program.
8. States Parties providing or receiving assistance under this Article shall cooperate to ensure the prompt and full implementation of agreed assistance programs.
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Article 7

Transparency Measures

1. Each State Party shall submit to the Secretary-General of the United Nations, as soon as possible and no later than 180 days after the entry into force of this Treaty for that State, a report on:
 - a) The national implementation measures referred to in Article 9;
 - b) The total number of stockpiled aircraft bombs it owns or possesses or that are under its jurisdiction or control, including a breakdown by type, quantity, and, where possible, lot numbers for each type of stockpiled aircraft bomb;
 - c) To the extent possible, the location of all bombed areas under its jurisdiction or control where aircraft bombs are actually or suspected to be present, including as precise as possible details on the type and quantity of each type of aircraft bomb in each bombed area and the date of their deployment;
 - d) The type and quantity and, where possible, lot numbers of all aircraft bombs retained or transferred for the purpose of improving detection, clearance, or destruction techniques or for providing training in these techniques. Additionally, aircraft bombs transferred for destruction and the institutions authorized by a State Party to retain or transfer aircraft bombs in accordance with Article 3 shall be reported;
 - e) The status of conversion programs or the decommissioning of facilities producing aircraft bombs;
 - f) The status of programs for the destruction of aircraft bombs referred to in Articles 4 and 5, including details on the methods to be used for destruction, the locations where destruction will take place, and the safety and environmental protection regulations to be observed;

g) The type and total number of aircraft bombs destroyed after the entry into force of the Treaty for the respective State Party, including a breakdown by type of the number of aircraft bombs destroyed under Articles 4 and 5, and, where possible, the lot numbers of each type of aircraft bomb in the case of destruction under Article 4;

h) The technical characteristics of each type of aircraft bomb produced, to the extent known, and those currently owned or possessed by the State Party, including, to the extent possible, the kind of data that may facilitate their identification and removal; such data shall at least include dimensions, type of fuzing mechanism, explosive and metal content, color photographs, and any other information that may facilitate clearance; and

i) The measures taken to warn the population as quickly and effectively as possible about areas marked in accordance with Article 5, paragraph 2.

2. States Parties shall update annually the information provided under this Article for the previous calendar year and shall submit it to the Secretary-General of the United Nations no later than 30 April of the relevant year.
 3. The Secretary-General of the United Nations shall transmit the reports received to all States Parties.
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Article 8

Assistance and Clarification Regarding Compliance

1. States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Treaty and to facilitate compliance with their obligations under it.
2. If one or more States Parties wish to clarify matters regarding compliance with the provisions of this Treaty by another State Party, they may request additional information from the concerned State Party through the Secretary-General of the United Nations. The request shall be accompanied by all relevant information. States Parties shall refrain from making such requests without reasonable grounds and shall avoid abuse. The State Party receiving such a request shall provide

the requesting State Party, through the Secretary-General of the United Nations, with all relevant information clarifying the matter within 28 days.

3. If the requesting State Party does not receive a response or is not satisfied with the response provided within the stipulated period, it may submit the matter to the next Meeting of States Parties through the Secretary-General of the United Nations.
4. Pending the convening of the Meeting of States Parties, any concerned State Party may request the Secretary-General of the United Nations to mediate to facilitate the provision of the requested information.
5. The requesting State Party may propose, through the Secretary-General of the United Nations, the convening of an Extraordinary Meeting of States Parties to address the matter. The proposal and all information provided by the concerned States Parties shall be communicated by the Secretary-General to all States Parties, along with the question of whether they agree to convene an Extraordinary Meeting of States Parties to further examine the issue. If at least one-third of the States Parties express their agreement within 14 days of this communication, the Secretary-General shall convene the Extraordinary Meeting within an additional 14-day period. A quorum shall be reached if a majority of States Parties attend the Meeting.
6. The Meeting of States Parties or the Extraordinary Meeting, as the case may be, shall first determine whether further examination of the matter is warranted, taking into account all information provided by the concerned States Parties. The Meeting shall make every effort to reach a consensus decision. If consensus cannot be achieved, the matter shall be put to a vote, and a decision shall be taken by a majority of States Parties present and voting.
7. All States Parties shall fully cooperate with the Meeting or Extraordinary Meeting in the examination of the matter and with any fact-finding mission authorized under paragraph 8.
8. If additional clarification is required, the Meeting or Extraordinary Meeting may authorize a fact-finding mission, the mandate of which shall be determined by a majority of States Parties present and voting. The State Party to which the request is directed may, at any time, invite a fact-finding mission to

its territory without requiring a decision by the Meeting or Extraordinary Meeting. Such a mission shall consist of up to nine experts appointed and approved in accordance with paragraphs 9 and 10. The mission may gather information not only on-site but also in other locations directly related to the alleged non-compliance and under the jurisdiction or control of the State Party to which the request is directed.

9. The Secretary-General of the United Nations shall maintain an updated list of experts nominated by States Parties, including their names, nationalities, and other relevant biographical data, and shall transmit this list to all States Parties. Experts on the list shall be deemed appointed for all fact-finding missions unless a State Party objects in writing to their appointment. An expert whose appointment has been objected to by a State Party shall not participate in missions on the territory or under the jurisdiction or control of that State Party, provided the objection was communicated before the expert was appointed for such a mission.
10. Upon receiving a request from the Meeting or Extraordinary Meeting, the Secretary-General, in consultation with the State Party to which the request is directed, shall appoint the members and head of the mission. Nationals of States Parties requesting the mission or directly affected by it shall not be part of the mission. Members of the mission shall enjoy the privileges and immunities set forth in Article VI of the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946.
11. After being notified at least 72 hours in advance, the mission members shall proceed as soon as possible to the territory of the State Party to which the request is directed. That State Party shall take all necessary administrative measures to receive, transport, and accommodate the mission and shall, to the extent possible, ensure the safety of its members while they are in areas under its control.
12. Without prejudice to the sovereignty of the State Party to which the request is directed, the mission may bring onto its territory only equipment intended for gathering information on the alleged non-compliance. The mission shall inform the State Party in advance of the equipment it intends to use.
13. The State Party shall make every effort to enable the mission to interview any person who may provide relevant information

on the alleged non-compliance.

14. The State Party shall grant the mission access to all areas and facilities under its control where relevant facts regarding non-compliance may be gathered, subject to measures the State Party deems necessary to:

- a) Protect sensitive equipment, information, and areas;
- b) Safeguard constitutional obligations regarding property rights, searches, seizures, and other constitutional rights; or
- c) Ensure the physical protection and safety of mission members.

If the State Party takes such measures, it shall make every reasonable effort to demonstrate compliance through alternative means.

15. Unless otherwise agreed, the mission shall not remain on the territory of the State Party for more than 14 days, with no more than seven days spent at any specific location.

16. Information provided in confidence and unrelated to the mission's mandate shall be treated confidentially.

17. The mission shall submit its findings to the Meeting or Extraordinary Meeting through the Secretary-General.

18. The Meeting or Extraordinary Meeting shall review all relevant information, including the mission's report, and may request the State Party to take corrective measures within a specified timeframe.

19. The Meeting or Extraordinary Meeting may recommend measures and means to resolve the matter in accordance with international law, including through appropriate procedures. If non-compliance is due to circumstances beyond the State Party's control, the Meeting may recommend appropriate measures, including cooperation under Article 6.

20. The Meeting or Extraordinary Meeting shall strive to adopt decisions under paragraphs 18 and 19 by consensus or, if this is not possible, by a two-thirds majority of States Parties present and voting.

Article 9 National Implementation Measures

Each State Party shall take all appropriate legislative, administrative, and other measures, including imposing penal sanctions, to prevent and suppress any activity prohibited under this Treaty that is undertaken by persons or on territory under its jurisdiction or control.

Article 10 Settlement of Disputes

1. States Parties shall consult and cooperate to settle any dispute concerning the application or interpretation of this Treaty. Any State Party may submit the dispute to the Meeting of States Parties.
 2. The Meeting may assist in resolving the dispute by any means it deems appropriate, including offering mediation, requesting the parties to initiate agreed dispute settlement procedures, and recommending timeframes for such procedures.
 3. This Article is without prejudice to the provisions on assistance and clarification regarding compliance.
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Article 11 Meetings of States Parties

1. States Parties shall meet regularly to consider matters related to the Treaty's implementation, including:
 - a) The Treaty's operation and status;
 - b) Matters raised in reports submitted under the Treaty;
 - c) International cooperation and assistance under Article 6;
 - d) Developments in aircraft bomb clearance technology;
 - e) Requests by States Parties under Article 8; and

- f) Decisions regarding requests under Article 5.
2. The Secretary-General shall convene the first Meeting of States Parties within one year of the Treaty's entry into force and subsequent annual Meetings until the first Review Conference.
 3. The Secretary-General may convene Extraordinary Meetings of States Parties under Article 8.
 4. Non-States Parties, the United Nations, other relevant international and regional organizations, the ICRC, and relevant NGOs may be invited to attend as observers, in accordance with agreed rules of procedure.

Article 12 Review Conferences

1. The Secretary-General shall convene a Review Conference five years after the Treaty's entry into force and subsequent Conferences at the request of one or more States Parties, with intervals of at least five years. All States Parties shall be invited.
2. Review Conferences shall:
 - a) Review the Treaty's operation and status;
 - b) Assess the need for Extraordinary Meetings under Article 11;
 - c) Decide on requests under Article 5; and
 - d) Adopt conclusions on the Treaty's implementation.

Non-States Parties, the United Nations, other relevant organizations, and NGOs may attend as observers.

Article 13 Amendments

1. Any State Party may propose amendments after the Treaty's entry into force. The Depositary shall circulate proposals to all States Parties and inquire whether a Conference to consider the proposal should be convened. If a majority of States Parties support further consideration within 30 days, the Depositary shall convene an Amendment Conference, inviting all States Parties.
2. Non-States Parties, the United Nations, other organizations, and NGOs may attend as observers.
3. Amendment Conferences shall be held immediately after a Meeting or Review Conference unless a majority of States Parties request an earlier date.
4. Amendments shall be adopted by a two-thirds majority of States Parties present and voting. The Depositary shall notify all States Parties of adopted amendments.
5. An amendment shall enter into force for accepting States Parties once a majority have deposited their instruments of acceptance. For others, it shall enter into force upon deposit of their acceptance.

Article 14 Costs

1. Costs of Meetings, Extraordinary Meetings, Review Conferences, and Amendment Conferences shall be borne by States Parties and participating non-States Parties according to the UN scale of assessments.
2. Costs incurred by the Secretary-General under Articles 7 and 8 and for fact-finding missions shall be borne by States Parties under the UN scale.

Article 15 Signature

This Treaty, done at Warsaw, Poland, on 28 September 2039, shall be open for signature by all States at Rotterdam, Nether-

lands, from 14 May 2040, and at UN Headquarters in New York from 14 August 2040 until its entry into force.

Article 16

Ratification, Acceptance, Approval, or Accession

1. The Treaty is subject to ratification, acceptance, or approval by Signatories.
 2. It shall remain open for accession by any non-Signatory State.
 3. Instruments of ratification, acceptance, approval, or accession shall be deposited with the Depositary.
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Article 17

Entry into Force

1. The Treaty shall enter into force on the first day of the sixth month following the deposit of the 40th instrument of ratification, acceptance, approval, or accession.
 2. For each State depositing its instrument thereafter, it shall enter into force on the first day of the sixth month following deposit.
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Article 18

Provisional Application

A State may declare, upon ratification, acceptance, approval, or accession, that it will provisionally apply Article 1(1) pending the Treaty's entry into force.

Article 19

Reservations

No reservations may be made to the Treaty's articles.

Article 20

Duration and Withdrawal

1. The Treaty shall be of unlimited duration.
 2. Each State Party may withdraw by notifying the Depositary, other States Parties, and the UN Security Council. The instrument of withdrawal shall include a full explanation of reasons.
 3. Withdrawal shall take effect six months after receipt of the instrument, unless the withdrawing State is engaged in armed conflict, in which case withdrawal shall be deferred until conflict ends.
 4. Withdrawal shall not affect obligations under international law.
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Article 21

Depositary

The UN Secretary-General shall be the Depositary.

Article 22

Authentic Texts

The original Treaty, in Arabic, Chinese, English, French, Russian, and Spanish, shall be deposited with the UN Secretary-General, all texts being equally authentic.

Erik van Loon of 14mei.nl drafted this concept text for the 85th commemoration of the Rotterdam bombing (May 14, 1940). On the fourth day of the German invasion, a devastating air raid reduced the historic city center to rubble in just 15 minutes, leading to the Dutch surrender. Now, 85 years later, Van Loon presents the 'Anti-Aircraft Bomb Treaty'. During 'Four Days In May', interested parties can sign the treaty in Berlin (May 11), Warsaw (May 12), and Rotterdam (May 14).