8-2016

Report of the Informal Meeting on Mines Other Than Anti-Personnel (MOTAPM or anti-vehicle mines)

GICHD
Geneva International Centre for Humanitarian Demining (GICHD)

United Nations Mine Action Service
UNMAS

United Nations Office for Disarmament Affairs
UNODA

Recommended Citation

UNODA | UNMAS | GICHD

Report of the informal meeting on

Mines other Than Anti-Personnel Mines (MOTAPM or anti-vehicle mines)[1]

Friday 6 November 2015, Geneva

Jointly hosted by the United Nations Office for Disarmament Affairs (UNODA), the United Nations Mine Action Service (UNMAS) and the Geneva International Centre for Humanitarian Demining (GICHD)

---

[1] In the report, the weapon system addressed is referred to both as MOTAPM and anti-vehicle mines (AVMs).

I. Introduction

1. Mines other than anti-personnel mines (MOTAPM), sometimes also referred to as anti-vehicle mines, are designed to immobilize or to destroy vehicles, usually tanks or armoured personnel carriers, but also trucks and lighter vehicles; and to shape the movement of enemy armoured formations by presenting an obstacle to movement. The humanitarian and developmental impact of persistent and low-metal content MOTAPM has been a matter of concern for several years but no specific international action has been taken to date despite different initiatives and demarches by, *inter allia*, states, the United Nations and ICRC. The United Nations Secretary General Ban Ki-Moon in his statement to the 2014 Meeting of States Parties to the Convention on Certain Conventional Weapons (CCW) called on States to "further explore ways to ensure that anti-vehicle mines no longer harm civilians, impede the delivery of humanitarian aid or obstruct social and economic development."

2. Accordingly, the United Nations Office for Disarmament Affairs (UNODA), the United Nations Mine Action Service (UNMAS) and the Geneva International Centre for Humanitarian Demining (GICHD) jointly hosted an informal one day meeting. The purpose of the meeting was to examine the humanitarian and developmental impact of MOTAPM, discuss possible solutions and highlight the need for the international community to move forward and take specific action on MOTAPM. In their opening remarks, the joint hosts UNODA[2], UNMAS[3] and GICHD[4] emphasized that the meeting was convened not as an academic exercise, but to once again draw attention to the humanitarian and developmental challenges posed by MOTAPM and the reality for clearance operators dealing with this weapon.

3. The meeting took place on Friday 6 November 2015 in Geneva. Upwards of 80 delegates attended the meeting, which included representatives from over 50 states, the United Nations, the International Committee of the Red Cross, non-governmental organizations and individual experts.

---

[2] Marco Kalbusch, Officer-In-Charge of UNODA – Geneva Branch.
[3] Bruno Donat, Chief of the UNMAS Geneva Office.
[4] Ambassador Stefano Toscano, Director of GICHD.

II. Opening Session

4. This session set the scene for the informal meeting by examining how militaries deploy MOTAPM and the evolution of military doctrine concerning this weapon. The second part of the session examined the current rules of IHL which are applicable to MOTAPM.

Evolution of military doctrine on the use of MOTAPM (keynote speaker: Brigadier William Sowry, Head Australian Defence Staff – London)

5. MOTAPM typically weigh 5 to 10 kilogrammes and are approximately the size of a dinner plate. Anti-handling devices[5] can be built into MOTAPM in order to act as a deterrent to any tampering. The two predominant types of MOTAPM are blast mines and shaped charge mines. Blast mines use explosive power to destroy the target and are increasingly metal free, which makes them difficult to detect. Shaped charge mines are designed in such a way that they focus the energy of the explosive effect in order to penetrate the target. These types of mines contain metal and are therefore easier to detect.

6. Although doctrines may vary from country to country, most states and their militaries use MOTAPM predominantly as a defensive weapon to protect their positions, borders, bases, equipment, and personnel. Used in either protective or tactical minefields, MOTAPM are aimed at either disrupting, turning, or blocking enemy formations. Such tactics can delay, restrict or direct the movement of enemy formations. Most modern disciplined armies mark mined areas to protect civilians and record the placement of MOTAPM, which in turn will facilitate clearance operations once active hostilities have ceased.

7. Experience from the field has shown that non-state actors are likely to use MOTAPM to restrict the movement of opposing military forces and often of civilians. They tend to be less disciplined in their use of MOTAPM and as such, are less likely than state forces to record the placement of their mines, making clearance difficult.

8. When assessing the detectability of mines, the standard most often used is the ability to detect mines by using commonly available metal detection systems, which focus on the mines having a minimum set amount of metal (or higher) content in the mine. For example, in Amended Protocol II[6] annexed to the CCW[7], the standard for the detectability of anti-personnel mines produced after 1 January 1997 is that the mine can "be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grammes or more of iron in a single coherent mass."[8] Detectability is also governed by time (day/night), weather, environmental (soil type, foliage, moisture, terrain etc.) and operational conditions. When militaries encounter minefields they

---

[5] A device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with the mine, Article 2.14 of Amended Protocol II.

[6] Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996.

[7] 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.

[8] Protocol on Prohibition or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996, Part 2(a) of the Technical Annex.

will often prefer to breach the minefield quickly by using mainly mechanical methods. Given the operational realities, non-detectable mines have limited military value.

9. There are a number of unresolved questions regarding MOTAPM, such as the differing standards used by militaries for the marking and monitoring of minefields and the minimal metal content of MOTAPM. Setting of agreed common standards would facilitate more effective clearance operations, particularly for humanitarian demining purposes. Much more needs to be done to ensure that States share information on the location and type of MOTAPM used during a conflict and that such information informs clearance operations once active hostilities have ceased.

Current status of International Humanitarian Law (IHL) on the use of MOTAPM (keynote speaker: Mr. Louis Maresca, ICRC)

10. The humanitarian problems caused by MOTAPM arise from both the design of these weapons and the way in which they are often used. Similar to anti-personnel landmines, MOTAPM are "victim-activated", which means that they are designed to be detonated by the presence, proximity or contact of a vehicle. As seen from many conflicts, the effects of MOTAPM and their severe impact on civilians and civilian communities are felt not only during, but also many years after the end of hostilities.

11. There is no specific treaty dedicated to comprehensively regulating MOTAPM. For States that are not party to the CCW, the use of MOTAPM is governed by the general rules of IHL regulating the conduct of hostilities which apply to all weapons. These rules restrict how MOTAPM may be used in armed conflict. The most relevant rules applicable to MOTAPM are:

   (a) the rule of distinction which requires the parties to a conflict to distinguish at all times between civilians and combatants and to only direct attacks against military objectives;

   (b) the prohibition on indiscriminate attacks;

   (c) the rule of proportionality which prohibits attacks that may be expected to cause incidental harm to civilians or civilian objects that is excessive in relation to the concrete and direct military advantage anticipated; and

   (d) the requirement for the parties to the conflict to take all feasible precautions to protect civilians from the effects of an attack.

12. In addition to these general rules, the 2005 ICRC study on customary IHL identified three specific customary IHL rules intended to limit the impact of landmines on civilian populations, including MOTAPM. These are:

   (a) when landmines are used, particular care must be taken to minimize their indiscriminate effects;

   (b) a party to the conflict using landmines must record their placement, as far as possible; and

(c) at the end of active hostilities, a party to the conflict which has used landmines must remove or otherwise render them harmless to civilians, or facilitate their removal.

13. CCW Amended Protocol II, which applies to both international and non-international armed conflict, seeks to limit the indiscriminate effects of landmines and other similar devices. It contains a number of restrictions on the design and use of mines, which have implications for the employment of MOTAPM. These are:

(a) It is prohibited to use any mine which is designed or of a nature to cause superfluous injury or unnecessary suffering. (Article 3.3);

(b) It is prohibited to use mines which employ a mechanism or device specifically designed to detonate the munition by the presence of commonly available mine detectors as a result of their magnetic or other non-contact influence during normal use in detection operations. (Article 3.5);

(c) It is prohibited to use a self-deactivating mine equipped with an anti-handling device that is designed in such a manner that the anti-handling device is capable of functioning after the mine has ceased to be capable of functioning (Article 3.6);

(d) It is prohibited to use remotely-delivered mines other than anti-personnel mines, unless, to the extent feasible, they are equipped with a self-destruction [9] or self-neutralization mechanism [10] as well as a back-up self-deactivation feature [11] (Article 6.3); and

(e) It is prohibited to direct mines, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians or civilian objects (Article 3.7).

14. Amended Protocol II reinforces and builds upon the general rules of IHL. It includes specific prohibitions on the indiscriminate use of mines (Article 3.8) and requires the parties to a conflict to take a range of specific measures to protect civilians from the effects of mines and to facilitate the rapid clearance of these devices after the end of active hostilities. These include requirements to take all feasible precautions to protect the civilian population and to record the location of all mines laid or deployed (Articles 3.10 and 9.1). In addition, Amended Protocol II requires that all mines, minefields and mined areas be cleared, removed, destroyed or maintained "without delay after the cessation of active hostilities" (Article 10).

15. The only regulation in the protocol specific to MOTAPM is the obligation for remotely delivered MOTAPM, to the extent feasible, to have a self-destruction or self-neutralization mechanism, and a back-up self-deactivation feature (Article 6.3). Beyond this, neither the general rules of IHL nor Amended Protocol II outline specific requirements for MOTAPM to

---

[9] An incorporated or externally attached automatically-functioning mechanism which secures the destruction of the munition into which it is incorporated or to which it is attached, idem Article 2.10.
[10] An incorporated automatically-functioning mechanism which renders inoperable the munition into which it is incorporated, idem Article 2.11.
[11] A feature automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example, a battery, that is essential to the operation of the munition, idem Article 2.12.

be detectable, to limit the lifespan of those that are hand-emplaced or to limit the use of MOTAPM to perimeter marked areas.

16. Overall, IHL contains very few rules specifically regulating MOTAPM. The rules applicable to MOTAPM are general and limited. There are no requirements to ensure MOTAPM are detectable, nor are there restrictions or regulations on their placement outside marked-perimeters. Only remotely delivered MOTAPM require a self-destruction or self-neutralization mechanism and have a back-up self-deactivation feature (Article 6.3), to the extent feasible, otherwise there is no requirement to limit the lifespan of MOTAPM.

Discussion

17. A number of questions were raised in this session and included the following: whether MOTAPM are offensive or defensive weapons and if they are necessary from a military's operational perspective; to what extent are the problems caused by non-State actors and how does IHL deal with this; would it be useful to have an export control regime for MOTAPM; and should MOTAPM be specifically prohibited. A question was also raised that if the purposes of using MOTAPM are to deny military routes and instil fear into the local population, are these purposes in fact violations of IHL.

18. It was noted that MOTAPM do have military utility and armed forces are generally reluctant to give them up. MOTAPM are a primarily defensive weapon, though there are times when the mines can be used offensively to cut off a retreating enemy, for example. The advantages of MOTAPM are that they cover ground that a military could not cover with other military capabilities, they are generally considered effective against armoured vehicles and to degrade an enemy's mobile operations and capabilities. The negatives are that it takes time to lay MOTAPM and, as it has been proved, there can be high costs for civilians. In a free moving battle it is possible that a military may have to attack an area which it mined earlier and this may result in a military restricting its own movements. When using MOTAPM, professional militaries can take measures to minimise the harm to civilians. It is not sufficient to mark and/or fence minefields; they also need to be monitored.

19. It was also outlined that the problems caused by MOTAPM may arise from their use both by State armed forces and non-state armed groups. Both the general rules of IHL and the specific rules of Amended Protocol II apply in international and non-international conflicts and thus they apply equally to the armed forces of states and non-state armed groups. MOTAPM directed at the civilian population, whether to instil fear or for any other reason would be a violation of existing IHL rules. It was underlined that the ICRC is very concerned about the humanitarian impact of MOTAPM and supports the development of new rules, although it has not thus far called for their prohibition.

III. Challenges faced by affected States

20. The second session focused on the impact of MOTAPM on affected States. These included the difficulties of clearing MOTAPM, the ongoing dangers for local populations, the security of MOTAPM stockpiles and the overall impact on an affected State's development and in particular its social and economic progress.

The Humanitarian and Developmental Impact of MOTAPM use (keynote speaker: Ms Rachel Irwin, Stockholm International Peace Research Institute)

21. As a single AVM can cause multiple casualties, such an incident has far reaching complications and may occur long after a conflict has ended. In communities affected by AVMs, people are afraid to use roads and the land, especially for agriculture. Assessing the overall humanitarian and developmental impact of AVM has been difficult due to the poor reporting of incidents involving these weapons. A key problem is inaccurate reporting on mine accidents, which often does not include information on the type of mine that caused the incident. To overcome this problem, the Stockholm International Peace Research Institute (SIPRI) and the Geneva International Centre for Humanitarian Demining continue to research and collect data on the humanitarian and developmental impact of AVMs.[12] The first part of the project runs from 2015 to 2018 and records incidents involving AVMs. In the first three quarters of 2015, there have been 137 such incidents, which killed 232 people and injured 259. The states with the highest numbers of AVM incidents were: Syria (17), Mali (17), Ukraine (14), Cambodia (14), Afghanistan (13) and Yemen (13). The majority of casualties (54%) were civilian. The data collected is available online through an interactive and quarterly-updated map.[13]

Case studies (keynote speakers: Mr. Nazir Ahmad Foshanji, Permanent Mission of Afghanistan; Permanent Mission of Cambodia[14]; and Mr. Paul Grimsley, UNMAS Libya)

22. MOTAPM pose a range of serious challenges to affected states. Since 1979, MOTAPM have been used throughout Afghanistan often indiscriminately and without their location and type being recorded. Many of the MOTAPM used have only a minimal metal content, which poses a major clearance challenge. In addition, the MOTAPM are not equipped with self-neutralization devices or self-deactivation features and are often laid deep into the ground. The presence of MOTAPM in Afghanistan has had a significant economic, social and environmental impact. Many of the planned development projects in the country are affected by the presence of MOTAPM. As roads and agricultural lands are contaminated, internally displaced persons (IDPs) cannot return to their homes. Combined, these different factors have had a significant impact on Afghan society.

---

[12] GICHD and SIPRI's work can be viewed at the following link: http://www.gichd.org/what-we-do/policy/anti-vehicle-mines-avm/#.VsGZcfkrJ9M.

[13] *Ibid*.

[14] written contribution.

23. By September 2015, Cambodia had recorded 64,553 casualties and injuries from landmines and explosive remnants of war (ERW). From 2010 to 2014, more than 57 percent of landmine casualties were caused by MOTAPM. MOTAPM were laid by the Khmer Rouge on roads, paths in rural areas and routes through forests. These paths were largely unused for many years. However, with the increased demand for agricultural production, farmers through using ploughs and harvesting equipment have led to the increase in MOTAPM accidents.

24. In Libya MOTAPM have caused a range of problems. For example, large stockpiles of MOTAPM have fallen out of government control due to ammunition storage facilities being looted or taken over by non-state forces. Such MOTAPM can then be used for the manufacturing of improvised explosive devices and may be transferred across borders. The presenter appealed to parties to conflicts to ensure MOTAPM are detectable and not fitted with anti-handling devices or have sensitive fuzes.

Difficulties in Detection and Clearance of MOTAPM (keynote speaker: Mr. Tim Lardner, UNMAS South Sudan)

25. MOTAPM were and continue to be used in South Sudan. The detection and clearance of MOTAPM have posed a range of challenges. One of the major problems for UNMAS in South Sudan is that the scale of the problem is unknown. There are no records of the number of mines laid and their location. Other factors complicating the situation are: (i) over thirty different types of MOTAPM have been found in the country; (ii) among these different types of mines are ones with minimal metal content, which further hinders detection; (iii) it is a challenge to clear MOTAPM which have been used in a mixed minefield (with anti-personnel mines); (iv) clearance is carried out using machines and these are frequently damaged when an explosion occurs; (v) the climate and terrain of the country poses challenges. For example, the rainy season restricts the movement of clearance personnel.

26. On the impact of MOTAPM in South Sudan, the number of casualties is relatively low as the population refrains from travelling due to the unstable security environment in the country. However, this number is expected to rise once the security situation improves and the population starts to travel again. There has already been an incident when a commercial bus transporting passengers between towns hit a MOTAPM resulting in 6 people killed and 10 wounded. The presence of MOTAPM limits access throughout the country to both civilians and the United Nations peace keeping missions.

Discussion

27. Questions were raised concerning the data available on MOTAPM incidents. For example, is data collected on the use by state and non-state actors; is the data collection aimed at States Parties to Amended Protocol II and their compliance with that instrument; is data collected on when a mine was placed; and does the United Nations have to invest additional resources into overcoming the problems posed by MOTAPM.

28. It was emphasized by the presenters that the collection of data is challenging and once a mine explodes, it is difficult to ascertain its type, but SIPRI and GICHD are working to

overcome this issue. Also, on the basis of clearance data there will be some indications as to what type of mines were used. It is even more difficult to find out who was responsible for laying a particular mine.

IV. Measures to address the humanitarian impact of MOTAPM use

29. The third session drew on the experiences of clearance specialists and organizations to continue to examine the challenges of clearing AVMs and the measures to overcome these problems and ultimately address the humanitarian impact of AVM use.

Design of existing anti-vehicle mines and possible future developments (keynote speaker: Mr. Colin King, Fenix Insight Ltd.)

30. Originally MOTAPM were made of either wood or metal, but now they are predominantly made from plastics. The use of plastics has made the production of MOTAPM easier and at the same time less easy to detect than mines made with metal cases. A second development was the introduction of MOTAPM with shaped charges designed to penetrate armored vehicles. This type of MOTAPM contains more metal and is therefore more easily detected. The lifespan of MOTAPM depends on their quality and a variety of environmental factors; however, if not damaged by corrosion, they may pose a long term risk for many years after the end of active hostilities.

31. There are two types of safeguard methods for mitigating the risks of MOTAPM to civilians: procedural and technical. Procedural safeguards include those measures which seek to protect civilians through procedural arrangements. Examples are the fencing and marking of mined areas, monitoring of mined areas, and awareness raising and mine risk education. Drawbacks of these particular measures are that they rely on the discipline of the conflicting party using the mines and their willingness to provide oversight following the conflict. In addition, barriers and demarcations run the risk of being lost or removed before mines are cleared.

32. Technical safeguards include measures that use technical means to mitigate the threat of MOTAPM including for example, by increasing the detectability of MOTAPM by attaching metal plates to plastic mines. Other examples included electronic or mechanical mechanisms that would self-destruct or self-neutralize MOTPAM or lead to self-deactivation of the mine. It was underlined that these mechanisms run the risk of malfunction, especially in difficult conditions such as warfare, which cannot be simulated through testing. Self-deactivation is the most reliable safeguard. Self-deactivation is a feature that will over the passage of time automatically and irreversibly render a fuze inoperable, such as by the exhaustion of a battery that is essential to fuze operation.

33. There is a trend towards using fewer mines, but ones that are more destructive, intelligent and better able to discriminate between targets. MOTAPM are a long term threat and their safeguard mechanisms have the inherent threat of malfunctioning due to the difficult

operational environments. Therefore, a combination of safeguards would be the preferred approach to mitigate the threat of MOTAPM to civilians.

Recent incidents and measures to mitigate impact and improve quality of reporting (keynote speaker: Mr. Guy Rhodes, Geneva International Centre for Humanitarian Demining)

34. The ongoing research project of SIPRI and the GICHD on the humanitarian and developmental impact of anti-vehicle mines utilizes data from governments, mine action authorities and media reports. By using multiple sources, this work seeks to provide a comprehensive overview of the impact of MOTAPM. As the project increases its ability to cover more information sources, the number of casualties resulting from MOTAPM is expected to rise. National mine action authorities should do much more to record casualties and injuries resulting from MOTAPM. For example, states may reinforce their capacities to better disaggregate information on the type of mine involved in an incident and to focus greater attention on differentiating between ordnance types. It would also be useful if states further standardize hazard and victim reporting forms. MOTAPM are often omitted from mine awareness education and more needs to be done to raise awareness of the issue. Finally, the presenter emphasized that there is a need for further regulation on the use of MOTAPM.

A perspective from the field on clearance of AVM (keynote speaker: Mr. Calvin Ruysen, HALO Trust)

35. One of the biggest challenges for HALO in their operations has been the clearance of MOTAPM with a minimal metal content, which have often proven to be more difficult to clear than small anti-personnel mines. HALO has an extensive clearance operation in Somaliland. There are 180 hazardous areas remaining in Somaliland of which 162 are roads with a total surveyed length of 1,119 kilometres. The mines on the roads are often MOTAPM with a minimal metal content and HALO has used non-technical surveys to identify which areas require clearance and which areas require verification. If these mines had been metal cased the clearance would have been far easier and expedient. Somaliland could have been 'mine free' by 2012 and the donor community could have saved approximately US$ 30 million. The use of mechanized mine clearing systems and ground penetrating radars are becoming more effective, but are expensive to deploy. These methods are not effective in all environments and the use of mechanical clearing methods can degrade the quality of the soil.

36. The method used to lay MOTAPM impacts on the clearance operation. The three types of methods described were as follows:

(i) Structured minefields: HALO encounters such minefields in Angola where they can find in excess of 1000 MOTAPM. In this type of minefield the mines are usually at 2 metre spacings and the minefields are mixed with anti-personnel mines.

(ii) Laying in open areas sparsely mined to defeat or channel movement of vehicles. In an example from Herat, Afghanistan, HALO found one MOTAPM for every 50,000 meters squared cleared.

(iii) Occasional mines laid on roads and tracks. On roads in Angola, HALO found on average one MOTAPM every 26 kilometres.

37. Structured minefields are quite straightforward to clear. More complicated to clear are sparsely mined areas, where the presence of a few mines can render large areas of land unusable for agriculture or construction. The same is true for occasional mines laid on roads and tracks, where only a few mines planted along many kilometers of road can block access to long stretches of road. Locating and the subsequent clearance of these MOTAPM laid using the two latter methods is much slower than clearing high numbers of mines in structured minefields. While HALO will continue to develop its methods and technology for the clearance of MOTAPM, the greatest technical challenge it faces is the clearance of MOTAPM with a minimal metal content in sandy soils.

Cooperation and assistance for clearance of anti-vehicle mines (keynote speaker: Mr. Mark Versteden, Permanent Representation of the Kingdom of the Netherlands)

38. The Netherlands is the fifth largest donor to mine action and does not approach the issue of MOTAPM separately within its overall policy on humanitarian mine action. Since 2012, the Netherlands uses multi-annual budget cycles for mine action. This has been done to increase transparency and improve the quality of the programs supported. Multi-annual budgets provide mine action organizations with stability and assist them in coping with unexpected circumstances. It was stressed that a tailor-made approach is needed for each individual country affected by mines. The differing economic, political and technical challenges of each country require an individual approach, which in turn underlines the importance of good coordination between like-minded countries that provide assistance.

National Measures on MOTAPM within the CCW framework (keynote speaker: Mr. Bantan Nugroho, CCW Implementation Support Unit)

39. States Parties to the Convention on Certain Conventional Weapons have carried out intense work in the past on MOTAPM. Within the framework of the CCW, some States Parties have set out the national measures they apply to MOTAPM and which go beyond the requirements of current international law. For example, during the 2006 CCW Third Review Conference, a group of States put forward a declaration in which they detailed their national measures on the use, detectability, and technical requirements concerning the lifespan of MOTAPM.[15] One State made a separate declaration during the same Review Conference in 2006, which also set out its practices on the use, detectability, and technical measures concerning the lifespan of MOTAPMs as matter of national policy.[16] The agenda for the CCW Meeting of States Parties includes the item "Other issues relevant to the Convention, including mines other than anti-personnel mines",[17] and this is an opportunity for States to provide updates on their national policies on MOTAPM.

---

[15] *Declaration on Anti-vehicle mines*, CCW/CONF.III/WP.16, 16 November 2006.
[16] *Declaration on MOTAPM*, CCW/CONF.III/WP.17, 16 November 2006.
[17] For example, see Agenda Item 9, CCW/MSP/2015/1, 30 January 2015.

Discussion

40. The United States of America stated that it supports the draft protocol which was negotiated in the CCW and then rejected in 2006. The United States only uses detectable mines, has fitted all of its MOTAPM with self-destruct and self-deactivation features and only retains a small number of plastic MOTAPM for testing purposes. Further, the United States applies its national standards to the mines that it transfers internationally. Therefore, the United States will not transfer any mines that its own military would not use.

41. Questions were raised as to whether it is preferable to introduce technical solutions or simply to prohibit the use of MOTAPM. It was noted that MOTAPM are a relatively cheap weapon, but the more sophisticated versions inevitably cost more. Therefore, how could these costs be addressed and are there any developments on fusing that could incorporate more advanced mechanisms.

42. Mr. King noted that improved technology – such as that used in mobile phones - is readily and cheaply available. Stockpiled mines can also be retro-fuzed. Testing of such mines is a problem as combat conditions produce a range of factors that are not included in test scenarios.

43. The Mines Advisory Group (MAG) stated that anti-handling devices pose a real threat to demining staff. It also noted that the impact of a community or individual's fear of MOTAPM is not taken into account when assessing the overall humanitarian impact of this weapon system. Ireland supported the call for more accurate reporting of mine incidents. It noted that there is a tendency to treat improvised explosive devices and landmines as two separate issues, but in reality there is considerable overlap. Accurate information is important for having a properly informed discussion on MOTAPM.

V. Future activities and possible way forward

44. The final session set out the work that had been carried within the CCW on MOTAPM and explored the possibilities for moving forward and addressing the humanitarian impact of this weapon.

Background to and current status of issue within the Convention on Certain Convectional Weapons Framework (keynote speaker: Mr. Peter Kolarov, UNODA)

45. The humanitarian concerns related to MOTAPM were raised during the negotiations of Protocol II in the 1970s and later during the First Review Conference in 1995-1996, where Amended Protocol II was negotiated. However, as the efforts mostly focussed on anti-personnel mines, only specific restrictions for anti-personnel mines were prioritised in the text of Amended Protocol II. The regulations on MOTAPM were limited to a rather soft prohibition on the use remotely-delivered MOTAPM, unless, to the extent feasible, they are equipped with a self-destruction or self-neutralization mechanism as well as a back-up self-deactivation feature (Article 6.3) and to a number of general restrictions on the use of all mines, as contained in several provisions of Article 3.

46. At the Preparatory Committee for the Second Review Conference in 2000 to 2001 an official proposal for a new stand-alone Protocol on MOTAPM was tabled[18] containing provisions on the detectability and the limitation of the lifespan of MOTAPM. Due to persistent divergent views among State Parties, the Second Review Conference did not adopt a new Protocol on MOTAPM and instead decided that the newly established open-ended Group of Governmental Experts (GGE) should address the issue. The GGE met between 2001 and 2006, in which various new ideas were brought forward for the development of more effective controls over the design and the use of MOTAPM.[19] This led to the development of a comprehensive draft Protocol.

47. At the Third Review Conference in 2006, it became clear that consensus could not be achieved on a new Protocol on MOTAPM. Despite the work of the GGE, it was not possible to eliminate differences regarding the issues of detectability and active life. In the absence of a new Protocol, a group of CCW States Parties committed to a political declaration with the intention to take the necessary steps to adopt as a matter of national policy the practices that were developed in the draft Protocol on MOTAPM.[20]

48. From 2006 to 2011, the attention of the international community on MOTAPM faded and instead focused on cluster munitions, leaving once again the issue of MOTAPM as unfinished business. At the Fourth Review Conference in 2011, it was decided to further examine the implementation of international humanitarian law applicable to MOTAPM and to submit a report to the 2012 Meeting of the High Contracting Parties to the Convention.[21] Although, that CCW Meeting "welcomed the Report of the Meeting of Experts on MOTAPM", the states parties were unable to reach agreement on further work on this matter.[22]

Possible additions to or clarification of existing International Humanitarian Law (keynote speaker: Mr. Peter Herby)

49. The issue with MOTAPM is that they are victim activated and this can often be an indiscriminate function. IHL defines indiscriminate attacks as "those that cannot be directed at a specific military objective" and weapons that are "of a nature to strike military objectives and civilians or civilian objects without distinction". The question that states must answer is whether the indiscriminate nature of MOTAPM should be mitigated. If not, then consequently there is a major problem at hand in terms of violations of IHL.

50. The options of non-use, exclusion of civilians from mined areas, self-destruction and self-neutralization mechanisms or self-deactivation features, and rapid clearance were discussed through a framework of international law, and national and multilateral levels. Six

---

[18] Denmark, Finland, Germany, Japan, Poland, the United Kingdom and the United States of America, *Protocol on Mines Other Than Anti-Personnel Mines*, CCW/CONF.II/PC.3/WP.11.
[19] For an overview of the work carried out between 2001 and 2006 see
http://www.unog.ch/80256EE600585943/(httpPages)/7FAEF7CE8B841EFAC12579C1002CAF88?OpenDocument.
[20] *Declaration on Anti-vehicle mines*, CCW/CONF.III/WP.16, 16 November 2006.
[21] *Final Declaration*, Decision 1, Part II, CCW/CONF.IV/4/Add.1, 15 December 2011.
[22] *Final report*, paragraph 23, CCW/MSP/2012/9, 30 November 2012.

possible options as part of a broader process to strengthen the legal and technical governance of the humanitarian threat of MOTAPM were put forward, which were:

(i) Engage in consistent reporting on current policy and practice (concerning points 1-4).
(ii) Strengthen national policy and practice.
(iii) Increase clearance resources in affected States.
(iv) Respond to failure to clear as an IHL violation.
(v) Prohibit transfers to parties that engage in irresponsible use of MOTAPM.
(vi) Negotiate new international norms in the context of CCW and Amended Protocol II.

Discussion

51. Concern was expressed that the call for action on MOTAPM was an attempt to diminish the military capacity of certain states, when in fact the problems caused by these weapons was due to their "irresponsible" use by non-State actors and states outside of Amended Protocol II. The technical solutions proposed would not resolve the humanitarian impact as these were prone to failure. It was also noted that to a certain extent all weapons are indiscriminate and for some developing States MOTAPM is a useful weapon system. One question was whether the issues raised by Mr. Herby could be addressed within the context of the Arms Trade Treaty (ATT). Also, could the problems caused by MOTAPM be addressed by the implementation in good faith of Amended Protocol II? Mines could be included in the ATT, but the problem is that any transfer prohibition would be based on existing international law which is ambiguous. In the twenty years since its adoption, Amended Protocol II has not managed to address the concerns associated with the use of MOTAPM. Moreover, the Protocol is still not universal and does not specifically and efficiently regulate the issues that have been identified as being the main cause for the humanitarian and developmental impact of MOTAPM, including the limitation of their active life, their detectability by standard metal detection equipment, the use of MOTAPM with sensitive fuzes, the effective protection of civilians and others.

VI. Conclusion

51. The one day meeting on MOTAPM was aimed at focusing the attention of the international community on the still unsolved problem of MOTAPM. The meeting was not planned as a goal in itself, but as one step in a continuing process aimed at increasing knowledge and awareness on the humanitarian and development impact of the use of MOTAPM and an opportunity for an open and informal dialogue on the measures that could be undertaken by the international community to address this impact. The organizers, based on their expertise and experience from the field, have been engaged for a number of years in advocacy in favour of the adoption of a number of efficient legal and other measures, that would address the humanitarian concerns associated with MOTAPM. Against this background the organizers will continue their work on MOTAPM in all relevant fora and, in particular, look forward to the opportunity for further franc and fruitful discussion on this

issue which the Fifth Review Conference of the States Parties to the CCW to be held in December 2016 represent.

52. In his closing address to the meeting, Michael Møller, Director-General of the United Nations Office at Geneva and Secretary-General of the Conference on Disarmament, stated, "Looking forward, the Fifth Review Conference of the Convention on Certain Conventional Weapons (CCW) will provide us with the opportunity to take action on anti-vehicle mines. This action can take place within the CCW framework as in other disarmament fora. But, I would like to encourage States and Civil Society Organisations alike to continue the pursuit of effective regulation for these weapons."

_____