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**Elements for an EU paper on AVM
(18.06.2002)**

0. Objective:

The European Union acknowledges that irresponsible use of AVM causes serious humanitarian problems. These landmines can cause humanitarian suffering and be a serious impediment to humanitarian assistance, peace-keeping, reconstruction and development. On the other hand, AVM serve a distinct military purpose. Therefore it is the intention of the European Union to promote appropriate measures which can help to reduce the threat these weapons might pose to civilians. These measures need to take into account military needs as well as humanitarian concerns.

This discussion paper seeks to contribute to the deliberations of the Group of Experts which was mandated by the Second Review Conference to the CCW to "further explore the issue of mines other than anti-personnel mines".

I. Scope of the problem:

The European Union believes that it would be beneficial if more detailed data to define the extent of the humanitarian impact could be made available to States Parties. The EU looks forward to an exchange of views on this aspect with States Parties, ICRC and relevant NGOs. The European Union believes that the problems caused by AVM are such that they need to be addressed even if they do not occur on the same scale as those caused by APM or submunitions.

It might also be useful to discuss the "material scope": Do all AVM have to be addressed or would it be sufficient to concentrate on certain types of AVM? This raises the question of the description of AVM. Would "mines other than anti-personnel mines" be an appropriate definition?

It could also be investigated what exactly causes the humanitarian impact of AVM. While it could be concluded that responsible use of AVM could limit the humanitarian impact, the European Union believes that it does not seem appropriate to concentrate only on exploring provisions on responsible use. Certain technical shortfalls should be addressed.

II. Already existing regulations:

The European Union believes that it is important to take stock of already existing regulations in order to be able to identify possible shortfalls.

Currently, only Amended Protocol II addresses "mines other than anti-personnel mines" (i.e. Art. 6 Nr. 3) specifically. In addition, Protocol II and Amended Protocol II contain important measures on use, clearance, recording of mine fields etc. that apply to mines in general. It could be argued, however, that some of these measures are not comprehensive and of a non-compulsory nature ("to the extent feasible").

In order to facilitate stocktaking of already existing measures, the European Union has prepared the following list of regulations pertaining to AVM already contained in Protocol II and Amended Protocol II.

◆ Protocol II:

Art. 3 (all mines), Art. 4 (mines other than remotely delivered mines), Art. 5 (remotely delivered mines), Art. 7 (all mines), Art. 8 (all mines), Art. 9 (all mines), Technical Annex (all mines)

◆ Amended Protocol II:

Art. 3 Nr. 3 (all mines), Art. 3 Nr. 5 (all mines), Art. 3 Nr. 6 (all mines), Art. 6 Nr. 1 (remotely delivered mines), Art. 6 Nr. 3 (remotely delivered mines other than anti-personnel mines), Art. 6 Nr. 4 (remotely delivered mines), Art. 8 (all mines), Art. 9 (all mines), Art. 10 (all mines), Art. 12 (all mines) and technical annex Nr 1. (mines other than remotely delivered mines).

III. Possible measures:

In order to address the issue of AVM, states could envisage various kinds of measures:

1. Preventive measures:

Preventive measures could focus on the operational practice of AVM use. It could be examined which measures could be taken in order to reduce a possible risk to civilians. The regulations existing in Protocol II, Amended Protocol II and existing humanitarian law could be studied with a view to identifying whether they are sufficient or should be improved.

States Parties could also discuss the influence certain technical features could have on reducing risks created by AVM after they served their military purpose. Such features could be e.g. detectability, self-destruction or self-neutralization, self-deactivation. In this context, sensitive fuses and anti-handling devices could also be discussed. States Parties could also discuss a transfer ban on AVM which do not meet the new standards.

2. "Post-conflict" measures:

The European Union believes that "post-conflict" measures are important. It is essential that rapid and safe clearance of AVM be ensured. All information concerning minefields and mines must be recorded and measures to protect civilians must be taken. In this context, the European Union underlines the importance of the provisions already contained in Amended

Protocol II (Art. 9, 10 and 12). The threat posed by AVM could be considerably reduced if all mine-users complied with the provisions already contained in these articles.

3. Assistance measures:

Art. 11 of Amended Protocol II contains provisions on technological cooperation and assistance. States Parties might want to consider whether additional measures need to be taken.

4. Nature of possible measures:

If States Parties consider that it would be appropriate to take additional measures pertaining to AVM, the following additional questions would need to be answered:

- ◆ What could be the scope for a possible further protocol to the CCW on AVM's?
- ◆ Would there be a role for measures such as a declaration of "Best Practices" or a "Code of Conduct" as a possible interim measure?

The EU is willing to consider various options and proposals and is confident that the Group of Experts will make progress in further exploring the issue of AVM before the next meeting of States Parties in December 2002.
