

**GROUP OF GOVERNMENTAL EXPERTS OF THE STATES
PARTIES TO THE 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**

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Mines Other Than Anti-Personnel Mines (MOTAPM)

Working Group on Mines Other Than Anti-Personnel Mines (MOTAPM)

**Observations on Pertinent Issues Related to Mines Other than Anti-Personnel
Mines**

Prepared by Germany

Introduction

1. The subsequent observations build on the paper prepared by the Coordinator of the Working Group on Mines Other than Anti-Personnel Mines (MOTAPM) and entitled “Proposals and ideas on MOTAPM in the Group of Governmental Experts (GGE) with the purpose to provide a basis for further work” (CCW/GGE/X/WG.2/1; hereinafter referred to as “the Coordinator’s paper”). Germany is convinced that the Coordinator’s paper will facilitate tangible progress in the negotiations on mines other than anti-personnel mines (MOTAPM).

2. The overall humanitarian goal of the Federal Government is the ban of all those landmines, which endanger the civilian population. In the CCW process, States Parties are entrusted to strengthen the humanitarian aspects associated with MOTAPM. At the same time, it is generally recognized that MOTAPM are a defensive weapon permissible under international law, as there is the need to secure the operational capability of armed forces as well as their protection. Humanitarian aspects and military requirements need hence to be balanced.

Nonpersistence

3. Germany’s main interest is, therefore, focussed on obtaining consensus on legally binding regulations on nonpersistence of MOTAPM. Also, legally binding regulations on detectability as well as political recommendations (“best practice”) with respect to sensitive fuzes and anti-handling devices should be envisaged.

Sensitive fuzes

4. Best practice for fuze and sensor mechanisms employed in MOTAPM aims to reduce probable risks to human beings. The purpose of best practice is thus to determine suitable technical parameters for fuze mechanisms, which will increase the discriminatory capacity of MOTAPM

fuzes and sensors and which prevent them from being actuated accidentally by the presence, proximity or inadvertent contact of a person. Sensitive fuzes are those fuzes which, although designed to be activated by the presence, proximity or contact of *a vehicle*, are highly likely to be activated by the presence, proximity or contact of a *person*. It is the capability to distinguish between person and vehicle a best practice approach can and should address, not the issue of distinguishing between *civilian vehicles* and *military vehicles*.

5. Break wires, tilt rods and trip wires do not appear to be a recommended method of detonation, as it does not seem possible to design them in such a way that an individual cannot, within reason, initiate the mine.

6. Pressure sensors should, where possible, be subject to a minimum pressure force appropriate for the intended target in order to avoid being actuated accidentally by the presence, proximity or contact of a person.

Anti-handling devices

7. The use of MOTAPM *including those equipped with anti-handling devices* can cause humanitarian suffering and can be a serious impediment to humanitarian assistance, peacekeeping, peacemaking, reconstruction, social and economic development. Still, also MOTAPM equipped with anti-handling devices are a defensive weapon permissible under international law.

8. From a tactical point of view, MOTAPM equipped with anti-handling devices are largely used in situations, in which their continuous monitoring by own personnel cannot be ensured.

9. Pursuant to Article 2(14) of Amended Protocol II to the CCW Convention, an anti-handling device is defined as “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.”

10. Under Article 3(6) of Amended Protocol II to the CCW Convention, 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. This provision thus applies a holistic approach, allocating the anti-handling device an accessory role to the one assigned to the self-deactivating mine under applicable restrictions of their use.

11. Best practice for anti-handling device mechanisms employed in MOTAPM aims to reduce probable risks to human beings. The purpose of best practice is thus to determine aspects which prevent MOTAPM equipped with anti-handling devices from being actuated accidentally by the presence, proximity or inadvertent contact of a person.

12. Landmines, however, which are actuated accidentally by the presence, proximity or inadvertent contact of a person, regardless of their design and of their equipment with an anti-handling device, have to be treated as anti-personnel mines.

Taking action

13. In 2004, the Federal Minister of Defense approved the new “Defense Policy Guidelines” on the future strength and capabilities of the Federal Armed Forces. They entail as one conclusion that the future Response Forces as well as the Stabilization Forces will retain MOTAPM in their stocks. Military operations for crisis prevention and crisis management, including the fight against international terrorism, are the most likely tasks of the Federal Armed Forces and a crucial part of Germany’s security policy. These tasks require the continuous capability of establishing temporary mine barriers by MOTAPM—not least in the interest of protecting soldiers of own and allied forces.

14. Having completed the destruction of anti-personnel mines already in 1997, the Federal Armed Forces have since then undertaken considerable efforts to render MOTAPM safer. Only those MOTAPM which are nonpersistent will remain available for operations.
