
Geneva, 7-17 November 2006

**AN INTEGRATED APPROACH TO EFFORTS TO ENSURE MORE
EFFECTIVE PROTECTION OF CIVILIANS FROM MINES OTHER
THAN ANTI-PERSONNEL MINES**

Submitted by the Russian Federation

Introduction

1. This paper is submitted as a contribution by the Russian Federation to discussion of the problem of mines other than anti-personnel mines (MOTAPM).
2. The approaches to the MOTAPM problem contained in the paper are based on Russian experience in minefield clearance, the results of studies carried out in the GGE, the recommendations drawn up by the GGE Coordinators, and the existing rules of international humanitarian law.
3. The paper was drafted taking into consideration the fact that anti-personnel mines (APM) and MOTAPM are designed for different combat tasks, so that it is not justified to apply to MOTAPM technical standards on detectability and active life similar to those for APM.
4. Account is taken of the fact that nowadays improvised explosive devices, which cause victims among both civilians and combatants, present a major humanitarian risk. Accordingly, the States parties to the Convention on Certain Conventional Weapons (CCW) must consolidate their efforts to oppose the use of such devices.
5. In view of the diversity of options for resolving the MOTAPM problems that have been discussed in the GGE, this paper focuses on an integrated approach to efforts to ensure more effective protection of civilians from MOTAPM, which might be acceptable to all CCW States parties.

I. GENERAL PROVISIONS

6. With a view to enhancing the effectiveness of steps taken to implement the provisions of the CCW, the States parties to the Convention recommend that, where agreement is reached, States should:

- (i) Express their determination to take appropriate and effective steps to provide post-conflict humanitarian assistance and create conditions for the reconstruction and development of previously mined areas;
- (ii) Be guided by the intention to promote a sound balance between the humanitarian consequences of the use of MOTAPM and legitimate defence interests;
- (iii) Confirm that the use of MOTAPM by regular forces in accordance with national instructions and the rules of international humanitarian law makes it possible to reduce the risks associated with the use of such mines;
- (iv) Acknowledge the right of each State to determine independently how mines will be developed and how MOTAPM will be used, in accordance with existing obligations under international humanitarian law and the provisions of this paper;
- (v) Confirm their readiness to cooperate in exchanging MOTAPM detection technologies and equipment in accordance with their domestic legislation and with best practice relating to the exclusion of civilians from mined areas;
- (vi) Express their readiness to take appropriate measures to prevent the improper use of MOTAPM and their illegal transfer.

II. SCOPE OF APPLICATION

7. The present set of provisions apply to the use on land or the transfer of mines other than anti-personnel mines.

8. This paper is without prejudice to existing international humanitarian law, the provisions of the 1980 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 or other international instruments and decisions of the Security Council of the United Nations which provide for stricter obligations or have a wider scope of application.

III. DEFINITIONS

9. The definitions in this paper are those used in Amended Protocol II of 1996, plus the following:

- (i) “Mine other than anti-personnel mine” means a mine which is primarily designed to be exploded by the presence, proximity or contact of a tracked or wheeled vehicle and which can damage, incapacitate or destroy such a tracked or wheeled vehicle;

- (ii) “Remotely delivered mine” means a mine which is not directly emplaced but delivered by artillery, rocket, mortar or similar means, or dropped from an aircraft. Mines delivered by a land-based system from less than 500 metres, including scatterable mines, are not considered to be “remotely delivered”;
- (iii) “Self-destruction” means the automatic destruction (explosion) of a munition;
- (iv) “Self-neutralization” means automatically rendering a munition inoperable (ineffective for combat use);
- (v) “Minefield designation” means actions which are carried out by military or authorized personnel in order to prevent access by military personnel and civilians to a mined area, and which are organized through monitoring and protection of the minefield by those persons, or by using various means, including special means, to mark the minefield boundaries;
- (vi) “Minefield fencing” involves the installation along a minefield perimeter of means which as far as possible inform military personnel and civilians of the mine hazard and prevent the entry of individuals into the minefield;
- (vii) “Perimeter-marked area” means an area which, in order to ensure the effective exclusion of civilians, is monitored by military or other authorized personnel, or protected and marked by fencing or other means. During periods of active hostilities the marking requirements are not applied.

IV. GENERAL RESTRICTIONS ON THE USE OF MOTAPM

10. The use of MOTAPM is subject to the restrictions set out in article 3 of Amended Protocol II of 1996, as well as the following restrictions:

- (i) The indiscriminate use of MOTAPM is prohibited. Placement of MOTAPM against military objects is considered to be a legitimate use;
- (ii) To protect civilians from the effects of MOTAPM, all possible precautions shall be taken which are practicable taking into account all circumstances ruling at the time, including humanitarian and military considerations;
- (iii) Effective advance warning shall be given of any emplacement of MOTAPM and of areas which are dangerous for civilians owing to mines located therein, unless circumstances do not permit.

V. MEASURES TO REGULATE MINEFIELD LAYING, DETECTION, NEUTRALIZATION AND CLEARANCE

Measures to be taken by military personnel when laying minefields

11. As far as possible, the parties to a conflict must ensure that minefields are laid in strict compliance with national instructions and regulations, as well as the requirements set out in this paper and existing obligations under international humanitarian law.

12. When laying minefields, the parties to a conflict shall be obliged to record them as well as to organize their monitoring or their marking. If circumstances permit, the parties to a conflict shall take all possible measures to fence minefields in order to exclude civilians from mined areas.

13. The location of MOTAPM shall be recorded by mapping minefields and drawing up a minefield logbook.

14. A minefield logbook should include a text section, a diagram of the minefield and a reference diagram.

- (i) The text section shall contain information on the extent of the minefield, the types of mines, their quantity and method of emplacement, the types of fuses and their active life, the date and time of laying as well as any other information on the minefield laid;
- (ii) The minefield diagram indicates the location of the mines, the outline of the minefield, the location of rows, the distance between the rows and between the mines in a row, and the position of passages left free;
- (iii) The reference diagram indicates the outline of the minefield, one or two reference points, bearings and distances from reference points to the corners of the minefield.

15. The approximate location and area of remotely delivered MOTAPM shall be specified by means of coordinates of initial positions, corrected at the earliest opportunity and marked on the ground whenever feasible. The total number and types of MOTAPM laid, the date and time of emplacement and the deadlines by which they will self-destruct or be rendered inoperable shall also be recorded.

16. Copies of records shall be stored in such a way as to guarantee their safety.

17. The boundaries of a minefield shall be marked using natural or artificial landscape features or combinations thereof, and, when feasible, by installing warning signs in accordance with the requirements of Amended Protocol II of 1996.

18. Means of marking minefield boundaries may include, but shall not be limited to:

- (i) Mine-marking tape, wire, pickets (iron, timber, concrete, plastic or other) and signage;
- (ii) Painting of natural landscape features;
- (iii) Any other available hazard warning materials;
- (iv) In some cases, where prevailing circumstances so require, a marked State boundary in the area can be used to mark part of the minefield perimeter.

19. The markings should inform military personnel and civilians that they are approaching an area which is dangerous because of the presence of mines.

20. As far as possible, information on the means used to designate mine hazards shall be communicated to civilians.
21. Depending on evolving circumstances, the parties to a conflict may fence a minefield in addition to marking it.
22. To fence a minefield, barbed wire, mine hazard markers or other effective means shall be used.

Measures related to mine and minefield detection and clearance

23. The following guidelines related to clearance of MOTAPM from minefields and mined areas are recommended:
 - (i) States shall endeavour to equip their troops and mine clearance specialists with state-of-the-art mine detection technologies, and to provide technical and material assistance to States which face mine hazards;
 - (ii) In order to facilitate MOTAPM detection, States shall endeavour to produce mines which, once the military need for them has ceased, possess features which increase their detectability (change of colour of mine casing, change in plant cover in the mine emplacement area, display of visual and electronic markers, etc.);
 - (iii) Without delay, as soon as the situation permits after the cessation of active hostilities, all minefields and mined areas containing MOTAPM shall be cleared, removed, destroyed or maintained in compliance with the provisions of this paper;
 - (iv) At the earliest opportunity and to the extent feasible, all minefields within the territory controlled by the party concerned must be protected by military or other authorized personnel. To the extent feasible, all minefields shall be protected and marked by fencing or with other means in order to ensure the effective exclusion of military personnel and civilians from the mined area;
 - (v) After hostilities, military and civilian specialists shall be engaged to clear minefields under control of the State which laid them;
 - (vi) Organizations which are able to work with the specific types of mines that have been emplaced in the minefield and have effective mine detection equipment shall be engaged for humanitarian mine clearance;
 - (vii) When a State which has laid a minefield does not control the mined area, the minefield maps and logbooks shall be transferred to the State in control of the area, and cooperation between the parties shall be organized for the exchange of recommendations concerning best practice as regards mine clearance;
 - (viii) All technical requirements concerning MOTAPM detectability should be advisory in nature.

VI. SHORTENING THE LIFE CYCLE OF REMOTELY DELIVERED MINES

24. Insofar as they are technically and financially able, States shall strive to manufacture remotely delivered MOTAPM fitted with mechanisms (devices) limiting the period during which they are functional to the duration of military need.

25. States shall make efforts to ensure that the technical characteristics of mine self-destruction or deactivation mechanisms (devices) which they manufacture are such as to ensure that a minimum number of mines remain functional after they cease to be militarily necessary.

26. If a State determines that it cannot immediately begin to manufacture mines with self-destruction or deactivation mechanisms (devices), it shall wherever feasible minimize its use of MOTAPM not fitted with such mechanisms.

27. When deploying remotely delivered MOTAPM fitted with mechanisms (devices) to limit their active life cycle, States shall take steps to ensure that civilians are prevented from entering areas rendered hazardous by the placement of self-destroying mines.

28. All technical requirements relating to the limitation of the life cycle of remotely delivered MOTAPM shall be formulated as recommendations.

VII. COOPERATION AND ASSISTANCE

29. States shall be guided in their provision of cooperation and assistance by article 11 of Amended Protocol II, and by the following:

30. Each State in a position to do so shall enhance cooperation and assistance at bilateral, regional and international levels aimed at assisting the other States in the fulfilment of their obligations in respect of MOTAPM. Cooperation and assistance may be provided through humanitarian organizations. Such cooperation and assistance may include the following:

- (i) Provision of technical and financial assistance, including exchange of experience, technology other than weapons technology, and information, in order to facilitate efforts to improve the reliability of MOTAPM. Such assistance may also be used to facilitate the development, if feasible, of advanced mine detection equipment and to make such equipment readily available;
- (ii) Provision of human assistance for the rapid and effective clearance, removal or destruction of MOTAPM;
- (iii) Timely provision of graphic and technical information on MOTAPM to designated humanitarian missions and to the database on mine action maintained within the United Nations system;
- (iv) Cooperation and assistance on the provision of risk education for civilian populations;

- (v) Cooperation and assistance with the care and rehabilitation and the social and economic reintegration of victims of MOTAPM;
- (vi) To counter the risk of improvised explosive devices being used, States shall strive to cooperate with one another and exchange information on the basis of mutual agreements on the following matters:
 - (a) Analysis of the tactics of non-State groupings;
 - (b) Development of ways and means of detecting improvised explosive devices and rendering them harmless;
 - (c) Formulation of recommendations on the issues of jamming and destroying improvised explosive devices;
- (vii) Cooperation and assistance in the implementation of these provisions.

VIII. MEASURES TO RESTRICT THE INAPPROPRIATE USE OF MOTAPM

31. Each State shall take action with a view to limiting the irresponsible use of MOTAPM, which may include:

- (i) Establishment of adequate national systems and corresponding documentation;
- (ii) Adoption of such measures as may be necessary, including, where appropriate, penal sanctions, to prevent and suppress activities prohibited by these provisions;
- (iii) Suppression of activities related to the unlicensed production of MOTAPM;
- (iv) Greater cooperation for the purpose of giving effect to this set of provisions.

32. States, in accordance with their national procedures, shall adopt and enforce appropriate laws to prohibit the production, acquisition, possession, development, transport, transfer or use of MOTAPM by any non-State entity and complicity in, assistance with or the financing of any of the above-mentioned actions.

33. States shall adopt and enforce all feasible, effective and appropriate measures to establish national controls with a view to preventing the illicit spread of MOTAPM, and shall to that end:

- (a) Devise and apply measures to account for and ensure the safe keeping of MOTAPM during production, deployment, storage and transport;
- (b) Devise and apply measures of physical protection;
- (c) Devise and apply border-control and law-enforcement measures with a view to detecting, suppressing, preventing and countering, through international cooperation among other means, illegal traffic and brokering in MOTAPM in accordance with national legislation and international law;

(d) Establish, strengthen, review and support national-level controls on the export and transport in transit of such mines, including appropriate laws and regulations governing export control, transit, movement across borders and re-export; establish controls on the provision of facilities and services associated with such export and cross-border movement, financing and transport, for example, which might facilitate the spread [of MOTAPM], and introduce checks on end-users; and institute and enforce appropriate criminal and civil liability for breaches of such laws and regulations on export control.

IX. DESIGN OF MOTAPM FUZES AND SENSORS

34. In the future production of MOTAPM States shall, as far as is feasible, follow best practice in the manufacture of fuzes, designing them to minimize the possibility of involuntary or accidental activation of a mine by a person.

35. In the future production of fuzes States shall, as far as is financially and technologically feasible, strive to apply modern, including multi-sensor, technology, developing them with due regard for technological, life-cycle and environmental considerations.

X. TRANSFERS

36. In furtherance of the aims of this text, all States shall be guided in matters of MOTAPM transfer by article 8 of Amended Protocol II and by the following provisions:

- (i) They shall undertake not to transfer any MOTAPM without an end-user certificate;
- (ii) They shall undertake not to transfer any MOTAPM whose use is restricted by this text except for destruction purposes or for the development of new means and improved methods of detecting and destroying mines or rendering them harmless.

XI. PROTECTION OF HUMANITARIAN MISSIONS

37. Humanitarian missions shall be protected in accordance with article 12 of Amended Protocol II of 1996. Any humanitarian mission operating in the vicinity and monitored by military personnel shall be required to obtain approval for its operations from the military command and shall be strictly guided by the instructions it receives from the military command.

XII. TRANSPARENCY AND OTHER CONFIDENCE-BUILDING MEASURES

38. Each State shall provide to the Depositary, who shall circulate to the other States, information on the implementation of the provisions of this set of recommendations.

- (a) This information should include the following elements:
 - (i) An initial report, to be provided upon the entry into force of this set of recommendations for each State; and
 - (ii) Periodic updating of the report.

- (b) The report may include, inter alia:
- (i) Dissemination of information on the provisions of this set of recommendations to their armed forces and to the civilian population;
 - (ii) Mine clearance and rehabilitation programmes;
 - (iii) Steps taken to meet technical requirements of the provisions of this set of recommendations and any other relevant information pertaining thereto, other than that relating to weapons technology;
 - (iv) Legislative and other measures taken for the implementation of the provisions of this set of recommendations;
 - (v) Measures taken on cooperation and provision of assistance;
 - (vi) General information on national rules and requirements for transfers of MOTAPMs, and information on these transfers; and
 - (vii) Other related matters.
