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### **Current AV Mine Specific Restrictions under International Law**

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This paper provides a brief description of current restrictions under conventional International Law of anti-vehicle mines (AVM). It is not exhaustive but is intended to provide a concise summary of relevant conventional provisions.

AVMs, as weapons of war, are subject to the customary rules and principles of armed conflict that concern weapons and their use, in particular the principles of discrimination and proportionality. The most recent and relevant international instrument addressing AVMs is the Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices adopted at Geneva on May 3, 1996 (the Amended Mines Protocol or AMP) of the Convention on Conventional Weapons (CCW). The unamended form of the Protocol, adopted in 1980, also addresses AVMs although it does not distinguish between AVMs and anti-personnel mines (APLs), as the AMP does. The 1980 Protocol addresses landmines generically and its provisions are consistent with general norms of the law of armed conflict.

#### **Definition**

The AMP defines "mines" as a "munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle."

It provides an explicit definition for APL, defining an "anti-personnel mine" as "a mine primarily designed to be exploded by the presence, proximity or contact of a person . . ."

It refers to "mines other than anti-personnel mines" (*see* Article 6(3)) but does not explicitly provide a definition either of that term or AVM as the meaning was understood to be implicitly clear from the definition of "mines" and "anti-personnel mines" read together.

#### **Substantive Provisions**

The AMP's substantive provisions dealing with mines address either "mines" generically or "anti-personnel mines" specifically. Generic provisions are understood to apply to all landmines and therefore are applicable to the subset of "mines other than anti-personnel mines" or AVM. The following Articles of the AMP are, therefore, relevant to AVM: Article 3 (General Restrictions), Article 6 (Restrictions on the use of remotely-delivered mines), Article 8 (Transfers), Article 9 (Recording and use of information on minefields, mined areas, mines, booby traps and other devices), Article 10 (Removal of minefields, mined areas, mines, booby-traps and other devices and international cooperation), Article 11

(Technological cooperation and assistance), Article 12 (Protection from the effects of minefields, mined areas, mines, booby-traps and other devices), Article 13 (Consultations of High Contracting Parties), Article 14 (Compliance), as well as corresponding sections of the Technical Annex.

### Key Provisions of Note

Among these Articles, there are a number of provisions which regulate AVMs in ways which are especially noteworthy. They include:

Paragraphs 5 and 6 of Article 3 which provide as follows:

5. It is prohibited to use mines, booby-traps or other devices 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.

6. 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.

Paragraph 3 of Article 6 which provides as follows:

It is prohibited to use remotely-delivered mines other than anti-personnel mines, unless, to the extent feasible, they are equipped with an effective self-destruction or self-neutralization mechanism and have a back-up self-deactivation feature, which is designed so that the mine will no longer function as a mine when the mine no longer serves the military purpose for which it was placed in position.

Paragraph 1 of Article 8 which provides as follows:

In order to promote the purposes of this Protocol, each High Contracting Party:

- (a) undertakes not to transfer any mine the use of which is prohibited by this Protocol;
- (b) undertakes not to transfer any mine to any recipient other than a State or a State agency authorized to receive such transfers;
- (c) undertakes to exercise restraint in the transfer of any mine the use of which is restricted by this Protocol.

### Comment

It is sometimes claimed that AVMs are generally unregulated under international law. While it is correct that the 1997 Ottawa Convention on the Prohibition of Anti-Personnel Mines (APL) addresses, by its terms, APL and not anti-vehicle mines, the AMP (as well as the original 1980 Mine Protocol) deal with all landmines, including anti-vehicle mines. Whether the conventional rules found therein are sufficient normatively to address continuing humanitarian concerns regarding their use remains, however, a question currently under consideration by governmental experts within the framework of the CCW.

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