

**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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Working Group on Mines Other Than Anti-Personnel Mines

**Landmines other than anti-personnel mines emplaced
outside fenced and marked areas**

Prepared by the Russian Federation

1. Russian experts have carefully examined the proposals prepared by the delegation of Ireland on restricting the use of landmines other than anti-personnel mines (MOTAPMs) emplaced outside of fenced and marked areas. The proposals are aimed at restricting the use of the MOTAPMs dispensed by land-based systems from a distance of up to 500 metres for lengthy periods of time.
2. It is proposed that such mines, as well as “long-life” mines emplaced manually and by mechanical means should be emplaced only within areas having fenced and marked perimeters. The corresponding requirements are set forth in the United States-Danish proposal on MOTAPMs.
3. The Russian Federation has spoken out repeatedly against the drafting of a new protocol, and now again underlines its readiness to discuss this problem in the framework of the mandate for research.

4. The Russian Federation believes it is necessary to share the following views regarding the Irish proposals.

5. First, as to the mines dispensed using land-based systems from a distance of up to 500 metres.

6. In the Amended Protocol II there are a sufficient number of proposals which, we are profoundly convinced, embrace all the humanitarian aspects related to restriction of the use of landmines.

7. That equally pertains to the scatterable mines dispensed with the use of land-based systems at random from a distance of up to 500 metres. Provided the provisions of articles 5 and 6 of the Protocol are observed, such mines are not considered as “remotely delivered mines”. In this case their use is limited by the application of articles 2, 9 and 10, which contain organizational and technical requirements aimed at reducing the risk of use of all types of landmines. Meeting the requirements of those articles makes it possible to keep a balance between the humanitarian and military aspects of the use of mines, including MOTAPMs.

8. The presence of scatterable mines and of the means of their emplacement ensures that the defending side has an opportunity to react fast to a breakthrough by the aggressor’s mobile assault units by placing obstacles directly in front of the aggression. It is obvious that it is not expedient for military reasons to effect the fencing and the marking of such mines in the course of a battle.

9. Existing practice in the development of such mines in various countries shows that over 90-95 per cent of them are equipped with self-destruction and self-deactivation mechanisms. Besides, such scatterable mines that have been dispensed are easily seen on the ground. Thus all the technical requirements of Protocol II are satisfied in practice regarding such mines.

10. In this connection we believe that it is not expedient to single out scatterable MOTAPMs dispensed by land-based mine emplacement systems from a distance of up to 500 metres into a separate group. They should be regarded as mechanically emplaced mines, and the corresponding limitations of Amended Protocol II should apply to them.

11. Second, in respect of manually and mechanically emplaced MOTAPMs.
12. In fact, it is proposed to restrict the use of manually and mechanically emplaced MOTAPMs which are not equipped with highly efficient self-destruction mechanisms and self-deactivation elements, as was done in Amended Protocol II in respect of anti-personnel mines.
13. The implementation of that requirement with respect to countries that do not possess sufficient quantities of the mines meeting the new requirements but are in need of effective defensive weapons would result in additional financial and material expenses connected with the development of new types of mines. Moreover, we estimate that the fencing and marking of minefields with MOTAPMs would lead to a doubling or tripling of efforts and expenditure needed for the installation of fences, which would drastically reduce the scope for the defending side to rebuff the attack, reduce the effectiveness of obstacles made up of mines and other explosives, and increase the offensive capacity of the aggressor's troops. The adoption of new restrictions would reduce the defensive capability of such States.
14. The Russian Federation believes that the existing principles of international law reflected in Protocol II adequately protect civilians from damage from MOTAPMs. That has to do with the principle of proportionality and the principle of precaution in time of hostilities, i.e. the use of such mines only within the limits of military objectives and in the quantities dictated by military needs.
15. Analysis of recent armed conflicts shows that manually or mechanically emplaced MOTAPMs are used by the armed forces, as a rule, outside densely populated civilian zones, mainly in the areas of operation of the opposing side's mechanized forces. Their location is recorded, and subsequently the minefields are maintained by the armed forces and are demined after the cessation of hostilities, so that in this case the humanitarian risk related to their use is minimal. At the same time, illegal armed formations and terrorists generally use improvised explosive devices not only against troops but also against the civilian population. It is such actions that should be adequately evaluated by the international community. The Russian Federation believes that this is one of the key approaches to the solution of the mines problem at the present stage.

16. For our part, we should like to suggest for discussion the following issues related to “best practice” in regulating the use of MOTAPMs:

- Introduction of a moratorium on the transfer to other countries of the mines which cause the greatest humanitarian concern;
- A procedure for recording information on minefield locations;
- Improvement of methods of fixation, subsequent marking and fencing of areas in which remotely delivered mines have been emplaced;
- Taking into account of local conditions in areas where such mines have been emplaced for the purpose of preventing “migration” of the mines outside the limits of such areas (at the time of river spates, floods, sand or soil shifts, etc.).
