

**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

**PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE
AND TRANSFER OF MINES OTHER THAN ANTI-PERSONNEL
MINES**

Note by the Secretariat

Albania, Australia, Belgium, Bulgaria, Cambodia, Canada, Croatia, Denmark, Estonia, Finland, Germany, Greece, Guatemala, Hungary, Japan, Latvia, Lithuania, Luxembourg, Malta, Norway, Poland, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Switzerland, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and the United States of America, co-sponsors to the proposal for a protocol on prohibitions or restrictions on the use and transfer of mines other than anti-personnel mines, have requested the Secretariat that the text previously issued with the symbol CCW/GGE/VI/WG.2/WP.9 dated 20 November 2003 and CCW/GGE/VI/WG.2/WP.9/Corr.1 dated 28 November 2003 be reproduced as an annex to the present note.

Annex

**PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE
AND TRANSFER OF MINES OTHER THAN ANTI-PERSONNEL
MINES**

Proposal co-sponsored by Albania, Australia, Belgium, Bulgaria, Cambodia, Canada, Croatia, Denmark, Estonia, Finland, Germany, Greece, Guatemala, Hungary, Japan, Latvia, Lithuania, Luxembourg, Malta, Norway, Poland, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Switzerland, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and the United States of America.

**Article 1
General Provisions**

1. This Protocol relates to the use on land or transfer of mines other than anti-personnel mines, including such mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.
2. The definitions contained in paragraph 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 of Article 2 of Protocol II as amended on 3 May 1996 (hereinafter Amended Protocol II) are hereby incorporated by reference.
3. The provisions of Articles 3, 6(1), 9, 10, 11, 12 and 14 of Amended Protocol II as related to mines other than anti-personnel mines are hereby incorporated by reference.

**Article 2
Field of Application**

The application of the provisions of this Protocol is without prejudice to the application of the provisions of Amended Protocol II, save that where a party to this Protocol is also a party to Amended Protocol II, the provisions of Article 4 of this Protocol and not the provisions of Article 6(3) of Amended Protocol II shall apply.

**Article 3
Detectability**

1. It is prohibited to use mines other than anti-personnel mines which are not detectable, as specified herein.
2. With respect to mines other than anti-personnel mines produced after 1 January 2002, such mines shall incorporate in their construction a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grammes or more of iron in a single coherent mass.

3. With respect to mines other than anti-personnel mines produced before 1 January 2002, such mines shall either incorporate in their construction, or have attached prior to their emplacement, in a manner not easily removable, a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grammes or more of iron in a single coherent mass.

4. In the event that a High Contracting Party determines that it cannot immediately comply with paragraph 3, it may declare at the time of its notification of consent to be bound by this Protocol that it will defer compliance with paragraph 3 of this Article for a period not to exceed [__] years from the entry into force of this Protocol. In the meantime, it shall, to the extent feasible, minimize the use of mines other than anti-personnel mines that do not so comply.

Article 4 **Remotely-Delivered Mines Other Than Anti-personnel** **Mines**

1. It is prohibited to use remotely-delivered mines other than anti-personnel mines, unless they are equipped with an effective self-destruction or self-neutralization mechanism and have a back-up self-deactivation feature, as specified herein.

2. All remotely-delivered mines other than anti-personnel mines shall be designed and constructed so that no more than 10% of activated mines will fail to self-destruct or self-neutralize within 30 days after emplacement, and each mine shall have a back-up self-deactivation feature designed and constructed so that, in combination with the self-destruction or self-neutralization mechanism, no more than one in one thousand will function as a mine 120 days after emplacement.

Article 5 **Transfers**

1. In order to promote the purposes of this Protocol, each High Contracting Party that has accepted this Protocol:

(a) undertakes not to transfer, except for destruction, 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; and

(d) undertakes to ensure that any transfer in accordance with this Article takes place in full compliance, by both the transferring and the recipient State, with the relevant provisions of this Protocol and the applicable norms of international humanitarian law.

2. In the event that a High Contracting Party declares that it will defer compliance in accordance with article 3(4) of this Protocol, sub-paragraph 1 (a) of this Article shall however apply to such mines.

3. All High Contracting Parties that have accepted this Protocol, pending its entry into force, will refrain from any actions which would be inconsistent with sub-paragraph 1 (a) of this Article.
