



CCW Meeting of High Contracting Parties

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Conference on Disarmament**

Mines other than Anti-Personnel Mines

23 November 2017

Thank you Mr Chair.

New Zealand remains concerned about the humanitarian harm caused by the use of mines other than anti-personnel mines (MOTAPM). We note in this regard the statistics from GICHD that, in 2016, there were 423 casualties from the use of MOTAPM. Some 40% of the victims of MOTAPM during times of conflict were civilian, a figure that rose to 87% for the casualties incurred in post-conflict situations. We note also that five percent of the victims of MOTAPM in 2016 were peacekeepers. I would also like to thank Afghanistan for its very insightful presentation on MOTAPM and to take this opportunity to welcome it to the CCW.

As the ICRC has highlighted, international humanitarian law contains few rules specifically regulating anti-vehicle mines. There is no requirement for such mines to be detectable, no specific restrictions on their placement and no limits on their active life. This lack of regulation amplifies our concerns about such mines.

In highlighting these concerns, Mr Chair, we do not ignore the fact that MOTAPM are widely viewed as having military utility. Instead, we recognise that the challenge before us is to preserve that utility while reducing the humanitarian harm arising from the use of MOTAPM. This requires the identification and implementation of procedures and technical features that will enhance the protection of civilians during conflict and facilitate rapid post-conflict clearance.

Many such proposals have been put forward over the years by a range of stakeholders and were helpfully summarised by the UN Mine Action

Service at the informal meeting on MOTAPM this summer. They include that all MOTAPM should contain a self-destruct mechanism so that they have a limited life span, and that MOTAPM should be detectable by commonly available mine-detection equipment. Other measures include that MOTAPM should not be fitted with anti-handling devices or sensitive fuses and that measures should be in place to prevent the illicit transfer and diversion of such mines. In addition, States using MOTAPM should fence, mark and monitor all mined areas, and ensure appropriate mine risk education.

Mr Chair,

The New Zealand Defence Force already applies a number of these (and other) restrictions to its use of anti-vehicle mines. Members of the NZDF are not to use anti-vehicle mines without the express authority of the Commander Joint Forces New Zealand – and, wherever practicable, that authority is to be granted only after advice has been received from the NZDF legal adviser. Members of the NZDF who lay anti-vehicle mines are to accurately record the location of the minefield and the type, number, emplacing method, type of fuse and life time, date and time of laying, anti-handling devices (if any) and other relevant information on mines laid.

In addition to provisions relating to fundamental IHL principles including distinction and proportionality, the NZDF manual on the Law of Armed Conflict provides that the NZ Defence Force cannot use anti-vehicle mines that are designed to detonate by the presence of a mine detector, or that use an anti-handling device that can function after the mine has ceased to be capable of functioning. NZDF personnel are also to take all feasible precautions to protect civilians from the effects of MOTAPM, including measures such as fencing, signs, warning and monitoring.

The NZ Defence Force employs the principle that anti-vehicle minefields are used to channel and obstruct enemy forces. Unmarked “nuisance” minefields have little military value in proportion to the humanitarian danger that they present. Only in limited circumstances, such as special forces operations, is use of mines outside of marked fields likely to be authorised. If authorised to use AVMs outside a perimeter-marked area,

members of the NZDF may only do so where the mines are detectable and contain a self-destruct or self-neutralisation mechanism designed to ensure that no more than 10 percent of activated mines fail to self-destruct within 45 days. Such mines must also contain a back-up self-deactivation feature.

Finally, Mr Chair, New Zealand hopes that it will be possible for High Contracting Parties to this Convention to show the flexibility needed to make progress on this important humanitarian issue. In this regard, we welcome Ireland's proposal for a draft decision by this Conference to hold an informal meeting of experts for up to two days in 2018 to further consider the implementation of IHL with regard to the use of MOTAPM, and to report to the 2018 Meeting of High Contracting Parties. New Zealand certainly supports such a decision and looks forward to the opportunity to continue work on MOTAPM next year.

Thank you Mr Chair.

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