India, remarks on MOTAPM, 3 April 2012

Mr. Friend of the Chair, thank you for this opportunity to share India’s national perspective on the use of Mines Other than Anti-Personnel Mines (MOTAPM). Thank you also for your food for thought paper. You would recall that India participated actively in the deliberations on MOTAPM from 2002-2006 and engaged on all key issues, including detectability and limitations on the life span of MOTAPM in order to find the middle ground. We assure you of our full cooperation in discharging the mandate given to us by the 4th Review Conference under your leadership.

In general, India supports the approach enshrined in Amended Protocol II of striking a balance between humanitarian concerns on landmines and legitimate defence requirements, particularly those of States that have long borders. India’s policy on the use of MOTAPM takes into account India’s concern for the protection of civilian life from the threats posed by irresponsible use of MOTAPM including IEDs. India has fulfilled its obligations under Amended Protocol II related inter alia to non-production of non-detectable mines as well as rendering all anti-personnel mines detectable. In our view non-detectable MOTAPM do not offer significant military advantage; on the contrary detectability alleviates post conflict clearance and rehabilitation. India also observes a moratorium on the export and transfer of landmines. We support a complete ban on transfers to non-state actors.

In India, mines are sited, coordinated and laid as part of an obstacle plan during defensive phases of operations and are generally covered by observation and fire of the defender. Minefields are laid only if hostilities are imminent and are used by military forces to delay or disorganize an attack and cause attrition. As with other mines, MOTAPM too are planned, coordinated, laid and recorded as per procedure. Upon termination of conflict, mines are recovered by troops following strict procedure and are properly accounted for. They are, therefore, both laid and recovered with a deep sense of responsibility. Indian mine clearance professionals have contributed to both clearance and clearance training globally, including as part of UN Peace Keeping Operations, in countries such as Cambodia, Lao PDR and Benin. The prosthetic called “Jaipur foot” is symbolic of India’s contribution to victim assistance.

While I have the floor, I want to offer a few comments on the presentations made yesterday by UNMAS, GICHD and ICRC. We commend the dedication and courage of humanitarian personnel in the field. Their inputs are valuable in this exercise. While we can agree wholeheartedly with their description of the negative effects of MOTAPM use on the lives of people and on assistance and reconstruction work, we need to reflect on why and how such use takes place. Is
it due to lacunae in existing and applicable IHL? Or is it due to a situation of anomie created by collapse of legitimate state authority and civil war as well as illicit proliferation of mines and IED relevant material to armed groups and non-state actors? Clear answers to these questions will help us as we move forward.

Allow me to conclude by reiterating India’s commitment to the CCW framework. The CCW has proved to be a resilient instrument capable of addressing humanitarian concerns arising from the use of specific weapons and munitions while striking a balance with security concerns of states. We are ready to work with other High Contracting Parties to enlarge the CCW’s footprint, strengthen its implementation and raise awareness and common understanding of its provisions. Thank you.