Mr Chair

We thank the presenters yesterday who outlined the humanitarian and some of the developmental challenges of MOTAPM use.

Australia recognises the particular challenges faced by Cambodia, Iraq and South Sudan with anti-vehicle mines – the contamination is significant and the presenters clearly set out the terrible consequences mines have posed for the security and economic development of those societies.

For our part, Australia is committed to assisting Cambodia, Iraq and South Sudan with clearing and destroying their mines, and assisting the survivors and their families and communities

- just last week, Australia’s Foreign Minister announced a further contribution to Cambodia’s clearance efforts of $6.2 million over the next three years. Our assistance there has helped to clear nearly 4,500 hectares of land and 10,000 survivors of mines to receive prosthetics, wheelchairs and access to physiotherapy;
- in Iraq last year we provided $3 million enhancing operational capacity for clearance, MRE and VA; and
- we continue to provide resources to UNMAS for its ongoing work in South Sudan.

Examples from Cambodia, Iraq and South Sudan are good demonstrations of the effects of MOTAPM use in countries – they prevent humanitarian access to communities in need, they hamper development, including through restricting movement which inhibits education, health and commercial activities, they cause injury and death to civilians, and decrease security for affected communities. The national presentations and reports from UNMAS and GICHD amply point to these impacts. These circumstances clearly arise from both new use of mines and from long existing and persistent mine fields.

Of course it bears remembering that the mines affecting these countries and many others were emplaced in times when the constraints of Amended Protocol II did not
apply, or they were used by non-State actors which often do not feel compelled to comply with international humanitarian law.

We agree that full implementation of the rules of Amended Protocol II (and the provisions of Protocol V) would go some way to assisting the humanitarian situation in these countries. One important step would have been the comprehensive clearance of anti-vehicle mines after the cessation of active hostilities. However, this is often not taking place, either as a humanitarian imperative or under legal obligations under the CCW.

Mr Chair

To us, four pertinent points stand out from the presentations and our discussions:

− firstly, Amended Protocol II does not have stringent rules on the use or design of MOTAPM. A close reading of Amended Protocol II shows that the limited rules that exist do not tend to go beyond basic precautions and existing customary IHL. Full implementation of these rules would only go so far to providing a satisfactory humanitarian and security outcome. Similar to the restrictions that apply to anti-personnel mines in Amended Protocol II, we see value in strengthening the restrictions around the use and perhaps design of MOTAPM;

− secondly, while some of the problematic use of MOTAPM seems to stem from use by non-State actors in non-international armed conflicts, it is essential that the basic parameters by which a weapon can be used be established by States. Minimum standards established in the CCW help to set the baseline of acceptable behaviour in armed conflict, and these standards can have a normative effect through their implementation in domestic law, military doctrines, and dissemination and education on IHL. States need to be able to agree on a firm floor of acceptable use of MOTAPM if we are to have any chance of raising standards globally, including with armed groups;

− thirdly, the case studies presented yesterday demonstrated the need for us to consider more stringent rules on the transfer of MOTAPM. Amended Protocol II already includes some constraints on transfers, in Article 8 – but a close examination of these rules shows that, in practice, there are few, if any, genuine prohibitions or restrictions. An important prohibition – on transfers to any recipient other than a State or State agency – is clearly not effective when we see evidence of armed groups having relatively easy access to anti-vehicle mines; and

− fourthly, the importance of providing cooperation and assistance to partner States affected by MOTAPM use and organisations, to clear contaminated land, assist survivors and build national capacity. It is through such partnership that many hazards will be effectively dealt with. There is the potential to consider in the CCW framework how to strengthen the international cooperation and assistance regime for dealing with mines, including MOTAPM.