General comments regarding MOTAPMs

Mr. Chairman,

Today, we turn again to the topic of land-mines other than anti-personnel mines (MOTAPM).

Some time ago we had spent over four years on discussing this topic. This work turned to be more difficult than expected. In our view, however, it was quite natural since the problem presented itself in more dimensions than it seemed to us at a first glance.

In its work on MOTAPM topic the Delegation of Russia proceeded first of all from the understanding of the importance of strengthening the International Humanitarian Law (IHL). One can hardly argue the need to elaborate measures aimed at alleviating the suffering of civilian population and restoring social and economic life on post-conflict territories.

At the same time we should always keep in mind that the discussions of such kind directly touch on defense capabilities of states. Indeed, the decisions to limit the use of or to introduce special technical limitations on the anti-vehicle or anti-tank mines could entail significant politico-military and financial implications. Therefore, in considering this topic it was important to preserve the balance between humanitarian considerations and defense interests. Have we managed to achieve this as a result of many years of discussions on MOTAPM issue in GGE format?

Unfortunately, we cannot give a positive answer to this question.

Mr. Chairman,

We know that the main argument in favor of developing the understandings on MOTAPM was the thesis that this type of weapons presents a “particular humanitarian threat”. On our part, in our many statements, presentations and working papers we tried to prove that the potential threat from MOTAPM does not exceed the threat coming from other types of munitions.

We have not received yet any justified reaction to our arguments. Furthermore, our numerous requests to our partners and relevant NGOs to present justified and documented evidence that precisely MOTAPM “are guilty” for causing humanitarian damage to civilian population or civilian vehicles remained unanswered. All information received in this regard was based on media reports rather than serious expert analysis.

Conclusions on MOTAPM inherent humanitarian threat could not be substantiated by materials to prove that the cause of the tragic incidents that took place are exactly MOTAPM rather than any other explosive devices, such as improvised devices.

However, the statistics of recent years coming from conflict regions clearly prove that exactly the IEDs are the main reason of casualties among the combatants and civilians.

Therefore, we believe there is no reason to additionally develop the IHL norms customized for MOTAPM.

Another thesis actively used by the advocates of additional measures regarding MOTAPM is the so called “irresponsible use” of these munitions.
It seems unacceptable for us to recognize this thesis with regard to regular Armed Forces of the Russian Federation and generally to CCW states parties. This can only be a case of non-state actors or "irresponsible" use of mine weapons or IEDs for terrorist purposes. However, this topic can hardly be a subject of agreements within the CCW.

Among the military technical arguments that justify the discussion and even negotiations on this topic in the view of the supporters of MOTAPM agreements is the MOTAPM detectability issue.

The Russian positions on this issue had been repeatedly stated and presented in working papers and presentations in the past – they are more than ten.

The idea is clear – we recognize the right to mine detectability in the post-conflict period. We fully realize, nevertheless, that the factor of land-mine non-detectability during an armed conflict plays an important role. Moreover, we believe that such things as undetectable mines simply do not exist. All depends on detection means and techniques.

The so called remotely-delivered MOTAPM are another example. We once agreed with the idea that these mines should have a limited service life. However, the elaboration or adoption of any unified standards both with regard to their service life and their reliability rate seemed and still seem unrealistic.

We could continue the list of problems where we have failed yet to find an agreement or mutually acceptable compromises.

Mr. Chairman,

Summing up, let me emphasize that many years of our work on this topic in GGE format were useful.

We learned much from each other. We believe that we managed to realize as much as possible the importance of a comprehensive solution to the problems related to the post-conflict protection of civilian population.

We believe, however, that it should be honestly recognized – over a lengthy period of its work the GGE has not been able to reach a common understanding on many issues of principle. Nevertheless, this failure should not be seen as a lack of political will from any states. Simply, we have confronted a complex and in many respects contradictory problem. As a result, we objectively recognized that there had been substantial contradictions on this topic by the time of the Third CCW Review Conference.

We believe it is important to bear in mind all these factors during current discussion of this topic.

It is also important to highlight a significant humanitarian potential embodied in the CCW and, especially, in its Amended Protocol II regarding limitation of use of mines of any type, including MOTAPM, for protection of civilians. It is crucial to fully engage this potential.

However, the MOTAPM are a separate class of mines and an automatic extension of some requirements applied to anti-personnel mines to MOTAPM seems unsubstantiated.

Our specific suggestions as to how we can engage the AP II potential will be presented later.

Once again we confirm our readiness for a constructive exchange of views. Thank you for attention.