Intervention following ICRC presentation on “Current status of IHL on MOTAPM”

My delegation would like to thank Peter Herby for the very informative presentation made this morning and the comprehensive background paper the ICRC generously prepared for this meeting.

After having listened carefully to questions that followed the presentation, I would like to make a comment. It was suggested this morning that, when looking at the humanitarian impact of MOTAPM, we should identify what is more significant: Weakness of existing rules, or weak implementation of those rules. This is a pertinent question. If weak implementation of existing rules causes harm to civilians, we indeed do have a shared responsibility to identify concrete steps to address this problem.

At the same time, one should caution to jump to conclusions too early. Enhanced implementation of existing rules and consideration of additional measures to address the humanitarian impact of a weapon in light of further experience – those two issues are not per se mutually exclusive.

In this regard, I would like to remind delegations that our past efforts to address the humanitarian impact MOTAPM can have on civilians have demonstrated considerable support amongst CCW High Contracting Parties to accept more stringent restrictions, in particular relating to the areas of detectability, limitation of active life and perimeter marking.

We need to ensure the prevention of humanitarian impacts of MOTAPM as best we can. The observation Peter Herby made in this context is at least thought-provoking: If the humanitarian problem persists, legitimacy of AV-mines as a weapon will be increasingly questioned.