Statement by Ms. Tamar Rahamimoff-Honig
Counsellor, Deputy Permanent Representative
to the Conference of Disarmament
on Current Status of IHL on MOTAPM

2 April 2012, Meeting of Experts on MOTAPM

Thank you Mr. Friend of the Chair,

We would like to thank Peter Herby of the ICRC for his presentation and the paper. There is indeed a lot of room for discussing this issue, as clearly relevant parties have different interpretations of this important subject, as could be seen from both this morning's session as well as from the negotiations conducted between 2001-2006.

One such issue that raises a question refers to the ICRC's doubt whether MOTAPM used outside of a PMA could be considered as justified or responsible. In this context we would like to ask whether MOTAPMs emplaced in the sight of a military convoy along the route it travels could not be seen as justifiable. We would suggest that it is.

Another question we have to ask pertains to the reference made earlier by the ICRC to the use of sensitive fuses and the claim that such use renders the MOTAPMs as de-facto AP mines and thus needs to be prohibited. We wonder why a call is made for a complete prohibition of
use rather than addressing the particular aspect of fuses through their design and use?

We would also seek a clarification as to the origin of the term "particular care" in rule 81 of the ICRC's study. This seems to be a new form of expression and we wonder from which existing instruments of IHL it is taken.

With regard to rule 83 of the ICRC's study, we wonder whether the ICRC interprets the term "render harmless" used by it, as including the option of properly maintain the minefield – an option that Amended Protocol II explicitly allows in article 10.

Thank you