Dear Colleagues,

At the CCW Fourth Review Conference High Contracting Parties acknowledged that “there remain ongoing concerns at the humanitarian suffering caused by mines other than anti-personnel mines” and went on to express “[t]heir commitment to consider further the implementation of international humanitarian law with regard to mines other than anti-personnel mines, acknowledging the call of United Nations Secretary-General Ban Ki-moon to this Conference”. In accordance with these commitments, High Contracting Parties took the decision to “convene an open-ended meeting of experts, under the overall responsibility of the Chairperson-designate of the 2012 Meeting of High Contracting Parties to the Convention, of three days in 2012 to discuss further the implementation of international humanitarian law with regard to mines other than anti-personnel mines, and to submit a report to the 2012 Meeting of the High Contracting Parties to the Convention.”

The open-ended Meeting of Experts will take place from 2 to 4 April 2012. I am pleased to inform you that Mr Jim Burke will be assisting me as Friend of the Chair on MOTAPM. Mr Burke has had a long involvement with the CCW and will be well known to many of you. In preparation for this meeting, I have asked the CCW Implementation Support Unit to prepare a list of issues for a food-for-thought paper on MOTAPM, which is set out below. The purpose of this list is to assist States in their preparations for and facilitate discussions at the Meeting of Experts. The list does not aim at taking any position on any of the issues contained therein, nor does it preclude any other issues.

The food-for-thought paper is essentially the first part of the ‘medical check’ on States parties’ views on the adequacy and applicability of IHL with regard to the use of MOTAPM. As is the case with any medical check there must be a prognosis and in this regard, I hope the report submitted to the Meeting of States Parties provides a comprehensive assessment of IHL and MOTAPM and determines the way forward on this issue of ongoing humanitarian concern.

If you have any questions or require further information please do not hesitate to contact either myself or the CCW Implementation Support Unit.

I look forward to working with you.

Yours faithfully,
Jesus Ricardo S. Domingo
Minister, Permanent Mission of the Philippines
Chairperson of the 2012 CCW Conference of the States Parties
Food-for-thought on Mines Other Than Anti-Personnel Mines

1. International Humanitarian Law (IHL) and MOTAPM:
   a. General principles and rules of IHL applicable to MOTAPM, including military necessity, distinction, discrimination, proportionality, precautions taken before and during an attack, superfluous injury/unnecessary suffering and environmental protection, any other principles and rules applicable to MOTAPM; and
   b. Specific IHL standards applicable to MOTAPM (Amended Protocol II).

2. National implementation of existing IHL on MOTAPM, including: MOTAPM-specific national legislation, if any; the use of MOTAPM in national defence doctrines; IHL on MOTAPM in military manuals and rules of engagement; and IHL dissemination to military personnel and civilians.

3. Humanitarian concerns associated with the use of MOTAPM.

4. Means and methods to implement the basic principles of existing international treaty and customary law and to minimise the humanitarian impact caused by the use of MOTAPM:
   a. Warnings to civilians;
   b. Protection of civilians and role of perimeter marked areas;
   c. Monitoring and security of minefields containing MOTAPM;
   d. Limitations on the use of remotely delivered MOTAPM;
   e. Facilitation of effective clearance, including through the use of MOTAPM which can be detected by commonly available mine detection equipment;
   f. Deploying MOTAPM with a limited operational lifespan (MOTAPM equipped with self-destruction or self-neutralization mechanisms or self-deactivation back-up features);
   g. The use of anti-handling devices on MOTAPM;
   h. Ensuring that MOTAPM fuses are not activated inadvertently by the presence, proximity or contact of a person;
   i. Addressing the rights and needs of victims of MOTAPM;
   j. International cooperation and assistance; and
   k. Any other issues.

5. Other issues concerning MOTAPM:
   a. The use of MOTAPM by non-State actors;
   b. Transfers of MOTAPM;
   c. Transparency and confidence building measures; and
   d. Any other relevant issues.