



7 May 2018

To: All High Contracting Parties of the CCW

Re: Mines other than anti-personnel mines (MOTAPM) – Background note and informal consultations on June 14

Excellency,

In line with the request made by the 2017 meeting of High Contracting Parties to the CCW to the 2018 Chairperson to hold an informal open consultation on how best to address the continuing differences of views on “Mines Other than Anti-Personnel Mines” (MOTAPM), I wish to share the annexed Background Note with you and announce the first informal open consultation meeting.

The background note shall serve as basis for the first informal open consultation meeting, scheduled to take place on 14 June 2018 from 3 to 6 pm in Room XXIII at the Palais des Nations. The first informal meeting will allow States to continue the debate on various issues relevant to MOTAPM.

I kindly would like to invite High Contracting Parties to consider the following questions ahead of the meeting:

- I. How is the humanitarian and developmental impact of MOTAPM understood by HCP?
- II. Can specific technical measures mitigate some of the humanitarian concerns regarding the use of MOTAPM? Which types of technologies are currently available? Are there challenges in acquiring and/or applying these technologies?
- III. Are there other (non-technical) remedial measures that could be utilized to mitigate the civilian/humanitarian impact of use of MOTAPM?
- IV. Can military utility be retained while improving protection of civilians from the effects of MOTAPM?

- V. How can relevant data collection and analysis inform the efforts of States in taking all feasible precautions to avoid incidental loss of civilian life, injury to civilians and damage to civilian objects? Is more data and analysis needed? Are there challenges to collection and analysis of this information? What are main challenges related to reporting MOTAPM incidents?
- VI. What are the most pressing challenges related to clearance of MOTAPM?

Please accept, Excellency, the assurances of my highest consideration.

Chairperson of the 2018 Meeting of the
High Contracting Parties to the Convention

A handwritten signature in black ink, consisting of a large, stylized initial 'JK' followed by a long, sweeping horizontal line that ends in a small upward hook.

Jānis Kārklīš
Ambassador and Permanent Representative of Latvia
to the United Nations Office at Geneva

**Background Note on “Mines other than anti-personnel mines” (MOTAPM)
for informal, open consultations pursuant to the decision of the 2017 Meeting of the
CCW High Contracting Parties**

14 June 2018

I. Background

The issue of “mines other than anti-personnel mines” (MOTAPM), also referred as anti-vehicle mines (AVM), has emerged as a standalone matter of concern in the framework of the Convention on Certain Conventional Weapons (CCW) after the adoption of Amended Protocol II in 1996 (APII). Although part of the talks, during the APII negotiations, priority was given to the more urgent need to address the humanitarian crises provoked by anti-personnel mines and specific restrictions on the use of MOTAPM, which were supported by many states, were left for a later stage. As a result, since the Second CCW Review Conference in 2001, States have discussed additional legal regulations governing the use of munitions that are exploded by the presence, proximity or contact of an object, such as a vehicle, as opposed to a human being.

The term Mines other than anti-personnel mines derives from APII where it is directly referenced in Article 6.3 and is based on the definition of Mines in Article 2.1 and of anti-personnel mines in Article 2.3. MOTAPM is generally taken as synonymous with anti-vehicle mines. There is no legal definition of AVM in the CCW framework. MOTAPM are designed to immobilize or to destroy vehicles, typically tanks or armored personnel carriers, as well as trucks and other lighter vehicles and to shape the movement of adversary armored formations. MOTAPM pose distinct humanitarian and developmental concerns. They can cause civilian casualties as well as impede freedom of movement and deny the use of roads and land, including for humanitarian relief, peacekeeping, reconstruction and development activities. At the 2014 CCW Meeting of High Contracting Parties, the Secretary-General called upon States to “further explore ways to ensure that anti-vehicle mines no longer harm civilians, impede the delivery of humanitarian aid or obstruct social and economic development.”

Although an additional, legally binding protocol to the CCW on MOTAPM has not been concluded, the High Contracting Parties have remained seized of this matter throughout the Convention’s review cycles, including through about twenty meetings of governmental experts, some of which even considered a number of elements that could be part of a legally binding instrument.

A number of consultations and informal meetings also took place. More recently informal meetings were jointly convened by the UN Office for Disarmament Affairs (UNODA), the Geneva International Centre for Humanitarian Demining (GICHD) and the UN Mine Action Service (UNMAS) in 2015¹ and 2017² at which the humanitarian and developmental impact of MOTAPM were examined, as well as issues related to their military utility, including how such military utility can be retained while addressing humanitarian concerns. These meetings

¹ Report of the informal meeting on MOTAPM, CCW/CONF.V/WP.5.

² https://www.gichd.org/fileadmin/GICHD/what-we-do/events/Invitation-UNODA_UMMAS_GICHD-MOTAPM_Informal_Meeting-29_August_2017-Final.pdf

have also addressed the challenges associated with MOTAPM clearance and reporting.

Moreover, GICHD and the Stockholm International Peace Research Institute (SIPRI) have initiated and produced evidence-based research on the humanitarian impact of MOTAPM.³

The Fifth Review Conference held in 2016 affirmed the obligation of parties to a conflict to take “feasible precautions” in the use of MOTAPM, to avoid incidental loss of life, civilian injury or damage to civilian objects. The Conference decided to retain MOTAPM on the agenda of the 2017 Meeting of High Contracting Parties.

This Background Note is prepared following the 2017 Meeting of High Contracting Parties decision to mandate the Chairperson-elect of the 2018 meeting to hold an **informal, open consultation** on “**how best to address the continuing differences of views**” and to report to the High Contracting Parties in 2018.

II. Steps prior the 2018 Meeting of High Contracting Parties

Against this backdrop, **the first informal, open consultation is scheduled to take place on 14 June 2018 from 3pm to 6pm in conjunction with the series of CCW expert meetings.**

The first informal meeting will allow States to continue debate on various issues relevant to the MOTAPM. Participating States may wish to address the following questions:

- How is the humanitarian and developmental impact of MOTAPM understood by HCP?
- Can specific technical measures mitigate some of the humanitarian concerns regarding the use of MOTAPM? Which types of technologies are currently available? Are there challenges in acquiring and/or applying these technologies?
- Are there other (non-technical) remedial measures that could be utilized to mitigate the civilian/humanitarian impact of use of MOTAPM?
- Can military utility be retained while improving protection of civilians from the effects of MOTAPM?
- How can relevant data collection and analysis inform the efforts of States in taking all feasible precautions to avoid incidental loss of civilian life, injury to civilians and damage to civilian objects? Is more data and analysis needed? Are there challenges to collection and analysis of this information? What are main challenges related to reporting MOTAPM incidents?
- What are the most pressing challenges related to clearance of MOTAPM?

A second informal meeting in early fall could further elaborate on points of consensus and divergence.

Under the Chair’s responsibility, a summary of discussions will be prepared and presented to the 2018 Meeting of High Contracting Parties.

³ https://www.gichd.org/fileadmin/GICHD-resources/rec-documents/Humanitarian_Impact_from_MOTAPM.pdf