Anti-vehicle mines & the protection of civilians during and after conflict

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Definitions

Mine - a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.

AP Mine – designed to be detonated by a person

MOTAPM – Mine other than antipersonnel mine
- Landmines not detonated by a person
- Focus on anti-vehicle mines (not defined)
- Improvised mines are mines: not IEDs
Customary law applicable to weapon use

• The rule of distinction
• The prohibition on indiscriminate attacks
• The rule of proportionality
• The rule on feasible precautions
CCW Amended Protocol II

Rules on use

Prohibited to:

• direct AV mines at civilians or civilian objects or to use indiscriminately.

• use mines that are of a nature to cause superfluous injury or unnecessary suffering.

• use a mine that will detonate by presence of metal detectors; or

...with an anti-handling device that will function longer than the life of the mine.
CCW Amended Protocol II

Rules to limit indiscriminate effects

• Location of mines used must be recorded.
• Take “all feasible precautions” (during hostilities) to protect civilians from the effects of mines.
• Take all “necessary and appropriate measures” to protect civilians after active hostilities.
• Without delay after hostilities, mines must be cleared, removed, destroyed or maintained.
It is prohibited to use remotely delivered AV mines, unless, to the extent feasible, they employ SD/SN and a back-up SDA feature.

Article 6(3) CCW amended Protocol II.
Concluding observations

• IHL contains few rules specifically regulating AV mines.

• No requirement for AV mines to be detectable

• No specific restrictions on placement (i.e. use only in perimeter marked areas).

• No limits on active life