



The
United
Nations
and
**MINE
ACTION**



**United Nations Regional Seminar: Promoting the Universality
of the CCW and its annexed Protocols in South and Southeast
Asia and the Pacific Islands**

(Kathmandu, Nepal, 17-18 December 2008)

Amended Protocol II to the CCW Convention

Presentation by

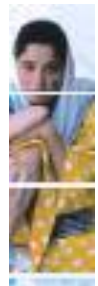
Gustavo Laurie, Liaison Officer in Geneva (glaurie@unog.ch)

UN Mine Action Service (UNMAS)

Amended Protocol II to the CCW

Prohibitions and Restrictions on:

- 1. Landmines**
- 2. Booby-traps**
- 3. Other devices**



Landmines

Mine-> 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.

a) Antipersonnel mines

b) Antivehicle mines -> Mines Other Than Antipersonnel Mines (MOTAPM)

Landmines

- 1. Remotely-delivered mine -> delivered by artillery, missile, rocket, etc. or from an aircraft.**
- 2. Not remotely-delivered-> directly emplaced**



Landmines - main principles and obligations

- **Responsibility of the user, including recording, clearance, removal, destruction or maintainance**
- **Antipersonnel mines have to be detectable**
- **Antipersonnel mines directly emplaced have to self-destruct (Exemption: (i) if areas are perimeter-marked/monitored/fenced, or (ii) cleared before abandoned)**



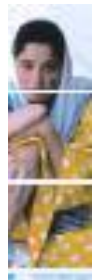
Landmines - main principles and obligations

- **Antipersonnel mines remotely-delivered are prohibited (Exception: (i) if recorded (i.e. coordinates) and (ii) self-destruct / self-deactivate**
- **MOTAPM remotely-delivered are prohibited (Exception: if recorded (i.e. Coordinates)**



Booby-traps (Article 7)

Booby-trap-> any device or material which is designed, constructed or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.



Booby-traps – main obligations

It is prohibited to use booby-traps attached to or associated with:

- Recognized emblems and signs (ie. Red Cross, UN)**
- Sick, wounded and dead persons/animals, carcasses**
- Medical facilities, equipment, supplies or transportation**
- Children's toys or other objects designed for their use**
- Historic monuments/places of cultural or religious heritage**



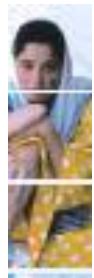
Booby-traps – main obligations

It is prohibited to use booby-traps attached to or associated with:

- **Kitchen utensils or appliances / food or drink**
- **Objects of religious nature**

It is prohibited to use booby-traps in any city, town, village or concentration of civilians where combat does not take place or does not appear to take place imminently.

User responsibility, including for recording, clearance, removal or maintenance



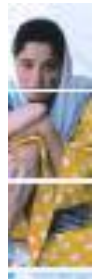
Other Devices (Article 7)

Other devices-> manually-emplaced munitions and devices including improvised explosive devices designed to kill, injure or damage and which are actuated manually, by remote control or automatically after a lapse of time.



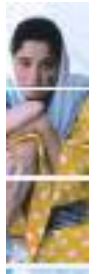
Other Obligations in Amended Protocol II Transfers (Article 8)

- **No Transfers of weapons which use is prohibited**
- **No Transfers to non-state actors**
- **No Transfer to a State Not Parties to APII (unless agrees to apply it)**



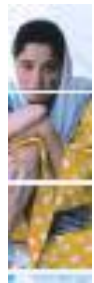
Other Obligations in Amended Protocol II Recording (Article 9)

- **All information regarding mines, booby-traps and other devices + minefield and mined areas : location (i.e. Coordonates), maps/diagrams, types/number/other technical information (Technical Annex)**
- **Retention of records**
- **Use the retained information to protect civilians**
- **Pass the information recorded to UN and other parties when no longer in control of territory**



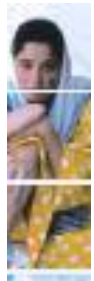
Other Obligations in Amended Protocol II Clearance/Removal (Article 10)

- **Removal after cessation of active hostilities (exceptions) if in control of territory**
- **Provision of technical and material assistance for removal if no longer in control of territory**



Other Obligations in Amended Protocol II

- **Technological cooperation and assistance (Article 11)**
- **Protection to peacekeepers, humanitarian and fact-finding missions, ICRC and other missions (Article 12)**
- **Implementation and Compliance:**
 - **Consultations of High Contracting Parties (Article 13)**
 - **Annual Reports (Article 13)**
 - **Compliance (Article 14)**



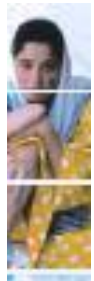
Limitations and Challenges?

- **Antipersonnel mines: APII or Antipersonnel Mine Ban Treaty?**
- **MOTAPM – new obligations needed**
- **Too many exceptions per each rule**
- **Difficult to implement**
- **Different interpretations**
- **Monitoring?**



Ways to overcome Limitations and Challenges?

- **Use of Consultations of High Contracting Parties**
- **Use of annual reports.**
- **Monitoring**
- **Training**
- **MOTAPM: New amendment?**
New treaty?





The
United
Nations
and
**MINE
ACTION**



For more information visit E-MINE

www.mineaction.org

Or contact us at
mineaction@un.org