

ARTICLE 2: DEFINITIONS

ISSUE: This Article sets out the definitions used in the Protocol and, as such, is essential to its interpretation. The outstanding major issues relate to controls on remote control mines and anti-handling devices.

BACKGROUND:

Many of the definitions in this section are found in the existing Convention. As a result, discussion at the RevCon will likely focus on the few new definitions and clarification of existing definitions.

The US will likely seek some way of excluding the Claymore anti personnel device from the scope of revised Protocol II. This is because the rules established in Protocol II Article 4 are not compatible with the normal doctrinal uses of the Claymore. The Claymore meets the definition of "other devices" (para.5) in that its normal mode of operation is actuation through remote control. It could also meet the definition of anti-personnel mine (APM) when it is actuated with a trip wire. It is the US Dept of Defence's position that the Claymore type devices is not contributing to the humanitarian problem that this Protocol is designed to address and is of such military importance that it should be excluded from the Protocol.

There are several ways to address the issue. "Other devices" could be excluded from the scope of Article 4 or the definitions could be adjusted such that Claymore type devices fitted with trip wires are not considered as APMs.

Another contentious issue is that of the definition of "anti-handling device" (para.14). Although at this time there is nothing in the Rolling Text which prohibits the use of anti-handling mines (other than a prohibition on a specific type of anti-handling device in Technical Annex, Article 2(c)), a prohibition on the use of anti-handling devices could be included in Article 3 or 4. France objects to the idea of including anti-handling devices as something which use should be controlled under the treaty and rejects this proposal. It therefore seeks the removal of this paragraph.

The rolling text includes definitions for "anti-personnel mine" (para.3), "self destructing mechanism" (para.10) and "self neutralizing mechanism" (para.11) which have been accepted. The definition of "self deactivating" (para.12) has brackets for technical reasons. No one objected to the idea of self deactivating mines, only to its technical definition as set out. The definitions of "minefield" (para.8) and "remote control" were also partially bracketed for technical clarification.