

## ARTICLE 4: RESTRICTIONS ON USE

**ISSUE:** The major issue surrounds the incorporation of self-neutralizing (SN), self-destructing (SD) or passive self-deactivating (PSD) features in landmines, and involves the questions of which features to employ, in which types of mines, and the phase-in period for conversion.

### **BACKGROUND:**

The current convention contains restrictions and prohibitions on the use of mines, both remotely delivered and conventionally laid. These have proven to be ineffective, not so much because the controls themselves are inadequate but because indiscriminate use of mines has been the norm in internal conflicts. In addition to pressure to extend the convention to internal conflicts, this has led to attempts to minimize the effects on civilians by ensuring that all mines, or at least all Anti-Personnel Landmines (APLs) are SN or SD. In addition, because of a mistaken perception that SN/SD landmines have a high failure rate, there is a constituency (largely headed by NGOs such as the ICRC and DHA) which advocates the inclusion of PSD features in SN/SD mines. Another issue is that of border versus tactical minefields. If the final convention allows the use of "dumb" mines in some circumstances, there are those who would restrict that use to fixed defences on international borders (e.g. between the Koreas). Others would allow "dumb" mines to be used when the minefield is recorded, fenced and marked with internationally accepted warning signs, as is allowed under the current convention.

### **CANADIAN POSITION:**

Canada lays, marks and records minefields in accordance with NATO Standardization Agreement (STANAG) 2036, upon which the CCW is based. Nevertheless, Canada is prepared to incorporate those features into our APLs which would render them harmless after a given period of time. As the cost to retrofit is prohibitive, it means a wholesale replacement of inventories. To accommodate a shrinking defence budget, we have a preferred minimum implementation time of at least 20 years but could manage with 15. Canada shares the Australian goal of the eventual elimination of the use, with certain exceptions, of all APLs that do not employ one or more of these features but prefers a reasonable phase-in phase-out period. We do not see the necessity of incorporating these features in anti-tank (AT) mines but if that becomes a requirement, would opt again for the same implementation period. With respect to the matter of when "dumb" mines can be used, Canada is somewhat compelled to follow NATO standards, i.e. the legitimate use of "dumb" mines within properly recorded, fenced and marked tactical