

**"Anti-vehicle" mines with sensitive fuses
Positions and relevant practice of States Parties
on Article 2 of the Ottawa Convention**

Background

The Convention on the Prohibition of Anti-personnel Mines (the Ottawa Convention) bans the use, production, stockpiling and transfer of anti-personnel mines. Such mines are defined as those mines that are designed to be exploded by the presence, proximity or contact of a person. There are, however, certain mines that can be detonated by a person even though they are primarily intended for use against tanks, armoured personnel carriers and other military vehicles. These mines often employ "sensitive fuses" such as trip wires, break wires, tilt rods or pressure-sensitive fuses that will initiate detonation under a pressure of less than 150 kilograms.

There is an ongoing discussion among States Parties on whether "anti-vehicle" mines with sensitive fuses are prohibited by the Ottawa Convention. Thus far, there is no common understanding or practice. Yet, most States that have spoken on this matter consider such mines to be banned by the Convention. Several States, however, take a contrary view. This document provides an overview of the statements of the States Parties to the Convention that have clearly indicated their position. It also highlights the views of the International Committee of the Red Cross (ICRC), the International Campaign to Ban Landmines (ICBL) and State practice related to the implementation or interpretation of Article 2 of the Convention.

The ICRC welcomes corrections and amendments to the statements and practice identified in this document. It also encourages States not listed here to record their views on this important issue.

Definitions, Article 2 of the Ottawa Convention

1. "Anti-personnel Mine" means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered to be anti-personnel mines as a result of being so equipped.
2. "Mine" means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.

I. States that consider mines with sensitive fuses to be covered by the Convention

State	Position on Article 2
Australia	<p>"Australia's legislative interpretation of the difference between an anti-personnel mine and an anti-vehicle mine is based on the function of the munition. It follows that Australia considers AVMs fused in such a way that they could be detonated on contact with a person, rather than a vehicle, to be anti-personnel mines and therefore prohibited under Ottawa." <i>(Statement to be made to the Standing Committee on the General Status and Operation of the Convention, Geneva, 17 June 2005).</i></p>
Austria	<p>"In our view, the definition of AP Mines is straightforward. It is a mine which is designed to be exploded by the presence, proximity or contact of a person... In this respect, we completely agree with the argument put forward by the ICRC in its Working Paper of January 2002, that any mine - regardless of how it is labelled - is banned by the Convention "if the design is such that it would detonate by the presence, proximity or contact of a person".</p> <p>"The exception from this general rule is found in the 2nd part of Art. 2 para 1 which says – as is well known – that an AV-Mine that is equipped with an AHD is not to be considered as an AP-mine, as a result of being so equipped. The definition of an AHD is found in Article 2 para 3 to be a device intended to protect a mine...and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine." <i>(Statement to the Standing Committee on the General status and Operation of he Convention, Geneva, 31 May 2002, cited in Landmine Monitor Report 2002, p. 89).</i></p>
Brazil	<p>The wording of Article 2, paragraph 3, makes clear that antivehicle mines equipped with antihandling devices, "which may be detonated by the unintentional act of a person constitute, for all practical purposes, anti-personnel mines, and are therefore banned by the Convention. Brazil calls upon all States Parties to reaffirm that understanding." <i>(Statement to the Fourth Meeting of the States Parties, Geneva, 18 September 2002, cited in Landmine Monitor Report 2004, p. 222).</i></p>
Canada	<p>"Anti-vehicle mines with fusing devices which cause mines to function as antipersonnel mines, fall under Article 2 of the Ottawa Convention and are thus prohibited by the Convention."</p> <p>"Because they could be inadvertently detonated by a person, the Canadian forces consider tilt rod activated anti-tank mines to be anti personnel mines and thus banned by the Ottawa Convention".</p> <p>"Canada is also of the view that pressure activated anti-vehicle mines should not be capable of being activated at pressures less than 150 kg." <i>(Statement to the ICRC Technical Expert Meeting on AV mines with sensitive fuses or with sensitive AH devices, Geneva, March 2001).</i></p>

Croatia	<p>"Croatia is prepared to discuss, in the context of Article 2, the issue of anti-vehicle mines equipped with tilt rods as these mines could be activated by the unintentional act of a person." <i>(Report of the Standing Committee on the General Status and Operation of the Convention, Geneva, 16 May 2003).</i></p>
Ireland	<p>One of 9 States at the Standing Committee on General Status and Operation (January 2000) that supported the Human Rights Watch summary of the Convention's negotiations indicating that anti-vehicle mines that function like anti-personnel mines are banned by the Convention. <i>(Report of the Standing Committee of Experts on the General Status and Operation of the Convention, 16 May 2000; ICBL SCE Report on Committee 5, 20 January 2000).</i></p>
Italy	<p>Italian legislation defines an anti-personnel mine to include mines that could function or that could be adapted to function like anti-personnel mines. <i>(Report of the Standing Committee on the General Status and Operation of the Convention, Geneva, February 2003).</i></p>
Kenya	<p>"[A]ny mine that functions as an anti-personnel mine or can be modified to function like an anti-personnel mine, should be considered an anti-personnel mine and therefore banned within the context of the definition of a mine and in cognizance of the letter and spirit of the Convention. (...) The defining characteristic of any weapon system is based on both its design and effect. "Anti-vehicle" mines with sensitive fuses and anti-handling devices have the same effects as all other anti-personnel mines and must therefore be classified as such regardless of its other capabilities in targeting vehicles." <i>(Statement on Matters pertaining to Article 2 at the 5 MSP, Bangkok, 17 September 2003).</i></p> <p>"We share the position held by a growing number of States, the ICRC and ICBL that an anti-vehicle mine, regardless of its design, intent or label, with a fuse or anti-handling device capable of being activated by the un-intentional act of a person, squarely fits within the definition of an anti-personnel mine and is therefore prohibited by the treaty." <i>(Statement by Hon. Amb. Ali C. Mwakere, Minister of Foreign Affairs of Kenya, on the Review of the Operation and Status of the Convention, at the Nairobi Summit on a Mine-Free World (the First Review Conference), 29 November 2004).</i></p>

<p>Mexico</p>	<p>"Mi delegación respalda plenamente lo expresado por la delegación de Noruega y por el Comité Internacional de la Cruz Roja respecto de las definiciones previstas en el artículo 2 de la Convención." <i>(Statement on Matters pertaining to Article 2 at the 5MSP, Bangkok, 17 September 2003).</i></p> <p>("My delegation fully supports what was stated by the delegation of Norway and by the International Committee of the Red Cross regarding the definitions provided in Article 2 of the Convention." - Unofficial translation by the ICRC.)</p>
<p>The Netherlands</p>	<p>"Any mine that functions like an antipersonnel mine, i.e. explodes from an unintentional act of a person, is considered to be an antipersonnel mine. Such a mine is therefore banned under the Convention. Consequently, States Parties, in our view, ought to review anti-vehicle mines in their inventories to ascertain that they do not function like Antipersonnel mines. " <i>(Statement on Matters pertaining to Article 2 at the 3MSP, Managua, September 2001).</i></p>
<p>New Zealand</p>	<p>"New Zealand regards anti-vehicle mines that can be 'exploded by the presence, proximity or contact of a person' to be anti-personnel mines. That is, we align ourselves with the countries [that consider mines with sensitive fuses to be covered by the Convention]."</p> <p>"Certainly consideration of this issue in the context of the CCW doesn't preclude its consideration under the Ottawa process."</p> <p>"Much has been made of the 'design' argument and that mines designed in good faith to be detonated by a vehicle would in most instances be subject to the exception under Article 2.1. (...) While the "design" argument on the face of it may have a literal basis, we believe that the strict interpretation of Article 2 would conflict with the objectives of the Convention. It would leave open the possibility that state parties could deploy excessively sensitive AVMs, which were capable of being detonated by the presence of a person, relying on the exception under Article 2.1 as a defence by asserting that the mines were designed to be detonated by vehicles. Such an interpretation would leave a worrying loophole in the Convention, effectively giving State parties scope to interpret their obligations under this provision in a manner that could compromise the humanitarian objectives of the Convention." <i>(Statement to the Standing Committee on the General Status and Operation of the Convention, Geneva, 9 February 2004)</i></p>

<p>Norway</p>	<p>"The definition of AP mines was subject to a number of discussions [in the Oslo negotiations] leading up to the negotiating process. Some countries argued that the definition of an AP mine should be identical in the two instruments [Amended Protocol II and Mine Ban Convention], so that an AP mine would be defined as a mine <i>primarily</i> designed to be exploded by the presence of a person etc. In Oslo there was strong support for <i>not</i> including the term <i>primarily</i>. By omitting that term it was made clear that the definition in the Mine Ban Convention would cover a wider scope of mines, not just those primarily designed to be AP mines, but those <i>functioning</i> as anti-personnel mines.</p> <p>"The definition of an anti-personnel mine in the Mine Ban Convention simply lays down that any mine designed to explode by human contact is defined as an anti-personnel mine. This is the <i>ordinary meaning</i> to be given to the text, in accordance with the principles of international law mentioned above. It does not matter whether the main purpose of usage for that mine is directed towards vehicles. It does not matter whether it is called something else than anti-personnel mine. If it falls within the definition, then it is an anti personnel mine." <i>(Statement on Matters pertaining to Article 2 at the 5MSP, Bangkok, September 2003).</i></p>
<p>Portugal</p>	<p>"Regarding Portugal's position on antivehicle mines with sensitive fuzes and antihandling devices, an official said, 'We are completely interested in banning this type of mine, or any such thing that leads to the same situation, ... that function[s] in an indiscriminate way'. " <i>(Landmine Monitor Report 2003, p. 403).</i></p>
<p>Slovakia</p>	<p>"Slovakia's contribution to the cause of total and definite elimination of the scourge of the weapons in question has widely been known. In this respect, let me mention some of the latest measures taken in relation to anti-vehicle mines with sensitive fuses and anti-handling devices. Slovakia has applied so called "best practices" and either adapted these weapons so as not to function in any circumstances as anti-personnel mines or eliminated them from the stocks of the Slovak Armed Forces." <i>(Address by H.E. Mr. Eduard Kukan, Minister for Foreign Affairs of the Slovak Republic, at the First Review Conference, Nairobi, 3 December 2004.)</i></p> <p>➤ see also section III below</p>

<p>South Africa</p>	<p>One of 9 States at the Standing Committee on General Status and Operation (January 2000) that supported the Human Rights Watch summary of the Convention's negotiations indicating that anti-vehicle mines that function like anti-personnel mines are banned by the Convention. <i>(Report of the Second Meeting of the Standing Committee of Experts on the General Status and Operation of the Convention, May 2000; ICBL SCE Report on Committee 5, 20 January 2000).</i></p> <p>The national legislation of South Africa incorporates the definition of an anti-personnel mine of the Convention and bans devices that act as anti-personnel mines by virtue of their indiscriminate effect, despite being named otherwise. <i>(Report of the Standing Committee on the General Status and Operation of the Convention, Geneva, May 2002).</i></p>
<p>Switzerland</p>	<p>One of 9 States at the Standing Committee on General Status and Operation (January 2000) that supported the Human Rights Watch summary of the Convention's negotiations indicating that anti-vehicle mines that function like anti-personnel mines are banned by the Convention. <i>(Report of the Second Meeting of the Standing Committee of Experts on the General Status and Operation of the Convention, May 2000; ICBL SCE Report on Committee 5, 20 January 2000).</i></p>
<p>Zambia</p>	<p>" 'anti-personnel mine' means -- (a) a mine designed to be exploded by the presence, proximity or contact of a person and to incapacitate, kill or injure one or more persons; and (b) for the purposes of this Act, a mine other than an anti-personnel mine shall be considered to be an anti-personnel mine if it is designed to be or can be detonated by (i) a trip-wire or break-wire; (ii) a direct or indirect weight less than one hundred and fifty kilograms; (iii) a sensitive fuse which can be unintentionally activated by the presence, proximity or contact of a person; (iv) an anti-handling device which can be unintentionally activated by the presence, proximity or contact of a person; or (v) any other mine or device which performs in a manner consistent with paragraph (a)." <i>(Article 2 of Zambia's implementing legislation, the Prohibition of Anti-Personnel Mines Act, 2003 [No. 16 of 2003])</i></p>

II. States that consider that mines with sensitive fuses are not covered by the Convention or should not at present be discussed in this context

State	Position on Article 2
Czech Republic	<p>"In our opinion, anti-vehicle mines do not fall within the scope of the Ottawa Convention. Article 2 of the Convention gives a clear definition of what constitutes an anti-personnel mine and does not ban sensitive fuses that may have unintended effect. However, the Czech Republic, being aware of the diversity of views on this issue, is ready to explore the question of banning all mines other than anti-personnel mines within the scope of the CCW Group of Governmental Experts in Geneva. Having said this, I would like to stress, that if the States parties to the Ottawa Convention find it more appropriate to discuss the problem within this forum, we will not be against this effort." <i>(Statement of the Czech Republic at the 5MSP, Bangkok, 16th September 2003).</i></p> <p>"In May 2004, the Ministry of Foreign Affairs reiterated its view that Article 2 of the treaty 'does not ban sensitive fuses that may have unintended effect. Its paragraph 1 defines an APM as a mine designed to be exploded by the presence of a person.... Every mine "other than an anti-personnel mine" can be activated by contact with a person." <i>(Landmine Monitor Report 2004, pp. 384).</i></p>
Denmark	<p>Denmark shares the view expressed by the [UK] that the treaty does not cover anti-vehicle mines that may function as anti-personnel mines. <i>(Statement to the Standing Committee on General status and Operation of he Convention, Geneva, 31 may 2002. Cited in Landmine Monitor Report 2002, p. 226).</i></p>
France	<p>France has expressed support for the UK position that the scope of the Convention does not extend to anti-vehicle mines with anti-handling devices or sensitive fuses that may be activated by the unintentional act of a person. <i>(Statement to the Standing Committee on General status and Operation of the Convention, Geneva, 31 may 2002. Cited in Landmine Monitor Report 2002, p. 263).</i></p> <p>"La Convention d'Ottawa serait en effet vidée de sa substance si, sous des appellations détournées, telles que mines anti-véhicules ou mines antichar, des Etats continuaient à fabriquer, stocker, transférer ou employer de véritables mines antipersonnel." ("The Ottawa Convention would indeed be devoid of all meaning if, using roundabout terms such as anti-vehicle mines or anti-tank mines, States were to continue to produce, stock, transfer or use what are really anti-personnel mines." - Unofficial translation by the ICRC.) <i>(Letter of the Minister of Defence to the President of the National Commission for the Elimination of Anti-personnel mines (CNEMA), 16 January 2003, quoted in the CNEMA's Report 2001-2002, and quoted by France in its Statement on Matters pertaining to Article 2 at the 5MSP, Bangkok, 17 September 2003).</i></p>

<p>France (cont'd)</p>	<p>"L'article 2 de la Convention d'Ottawa est limpide dans sa rédaction. Elle porte sur un type de mines conçues pour exploser en contact, à proximité d'une personne. Elle exclut donc les MAV conçues pour exploser à proximité de véhicules. Considérer que ce n'est pas la conception qui définit une arme mais ses effets va à l'encontre de toutes les dispositions du droit international et en particulier du droit des conflits armés." ("Article 2 of the Ottawa Convention is clear in its wording. It covers mines conceived to explode by the contact or proximity of a person. It excludes, therefore, anti-vehicle mines meant to explode by the proximity of vehicles. To consider that it is not the design that defines a weapon but its effects runs counter to the provisions of international law and, in particular, the law of armed conflict." - Unofficial translation by the ICRC) <i>(Statement to the Standing Committee of Experts on the General Status and Operation of the Convention, 16 May 2003).</i></p>
<p>Germany</p>	<p>"The Ottawa Convention is aiming at anti-personnel mines (APM). A mine fitted with a fuze – not the anti-handling device – which is designed to include the actuation also by a person, should be considered an APM. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered APM as a result of being so equipped. In the context of the CCW, we pursue a pragmatic approach to reach a common understanding on sensitive fuzes with the purpose to foster best practice. We doubt that searching for legal interpretations on issues of anti-vehicle mines for adoption in the context of the Ottawa Convention will produce generally accepted results." <i>(Statement on Matters pertaining to Article 2 at the 5MSP, Bangkok, 17 September 2003).</i></p> <p>➤ see section III below</p>
<p>Japan</p>	<p>"There is no common ground on the legal interpretation. We think that the CCW review process is a more appropriate forum to deal with anti-vehicle mines than the Ottawa process because there are concrete initiatives on the table including the German initiative on sensitive fuse mechanisms and the twelve nation proposal, both of which we support." <i>(Statement to the Standing Committee on the General Status and Operation of the Convention, 16 May 2003, and submission to the ICRC by the Delegation of Japan, 5MSP Bangkok 15 September 2003).</i></p>
<p>Sweden</p>	<p>"Sweden supports the ongoing deliberations within the framework of the Certain Conventional Weapons Convention (CCW) on mines other than anti-personnel mines, including best practices on sensitive fuses. ... We will continue to contribute to that process aiming at reaching progress on ways of reducing the humanitarian threats posed by irresponsible use of mines other than anti-personnel mines." <i>(Statement on Matters pertaining to Article 2 at the 5MSP, Bangkok, 17 September 2003).</i></p>

<p>United Kingdom</p>	<p>"The UK... agrees that the definition of anti-personnel mines in the Ottawa Convention is broader than in Amended Protocol II to the CCW. If it is any part of the design purpose of a mine to be detonated by the presence, proximity or contact of a person, then it is prohibited by the Ottawa Convention. It is clearly not permissible to have anti-personnel mines that have been renamed as anti-tank mines. Furthermore, we have said explicitly in the CCW that tilt rods, trip wires and break wires are unacceptable to us as methods of detonating anti-tank mines.(...)</p> <p>"We do not believe that "designed to" means the same as "capable of" or "function as". The former would risk capturing all mines, or indeed all munitions, that could under some, possibly rare, circumstances be detonated by the presence, proximity or contact of a person. The latter is simply vague, and we cannot accept that as the basis for legal interpretation.</p> <p>"The key question is whether there is evidence that anti-tank mines with so-called sensitive fuzes cause a significant humanitarian problem. Nobody has presented such evidence at this meeting or its predecessors. We believe we should concentrate on the humanitarian issue, and in that respect the UK supports the approach outlined by Germany as the best way ahead." <i>(Statement on Matters pertaining to Article 2 at the 5MSP, Bangkok, 18 September 2003).</i></p>
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III. Other relevant policy and practice

State	Policy and practice
Croatia	<p>"Croatia's Armed Forces though do still have anti-vehicle mines equipped with tilt-rods.... As it is certainly possible that TMRP-6 mines when equipped with tilt-rods could be activated by a person, Croatia is prepared to discuss this issue within the framework of Article 2 discussions of the Convention."</p> <p><i>(Statement to the Standing Committee on the General Status and Operation of the Convention, Geneva, 16 May 2003. Cited in Landmine Monitor Report 2004, p. 364).</i></p>
Germany	<p>"Against this background, Germany recommends that sensitive fuzes for mines other than APM (MOTAPM) are discussed in the framework of the CCW Convention. In doing so we see two advantages:</p> <ul style="list-style-type: none"> • The deliberations on a mandate within the CCW, including on the issue of sensitive fuzes of MOTAPM, have unfolded a dynamic process. The GGE meetings have clearly shown that the concept of dealing with sensitive fuzes has fallen on broad and productive ground. At the meeting in June 2003, Germany stated that sensitive fuzes such as trip wires, break wires and tilt rods cannot be recommended as method of detonation. (...) • In dealing, in the CCW process, with the initiative regarding common understanding on best practice for sensitive fuzes, we also reach mine-holding countries which have not yet signed the Ottawa Convention. We are confident that all, or almost all, important mine-holding States will join the process. <p>The CCW process deserves our full support. We have no doubt that progress in the CCW context will in turn have a positive impact on the Ottawa process."</p> <p><i>(Statement on Matters pertaining to Article 2 at the 5MSP, Bangkok, 17 September 2003).</i></p> <p>Paper prepared by Germany for the Group of Governmental Experts to the CCW indicates that break wires, trip wires, and tilts rods are not recommended as methods of detonation for anti-vehicle mines, because:</p> <p>"Break Wire: Not possible to design in such a way that an individual does not (within reason) initiate the mine. "Trip Wire: High risk to individuals. This fuse is easily activated by a person exerting a low pull pressure between 1 and 4 kg. "Tilt Rod: Not possible to design in such a way that an individual does not (within reason) initiate the mine."</p> <p><i>("Sensitive Fuses for Anti-Vehicle Mines", CCW/GGE/VI/WG.2/WP.3, 14 November 2003).</i></p>
Hungary	<p>"Hungary possessed 400,000 UKA.63 antivehicle mines, which have a tilt-rod fuze allowing them to function like an antipersonnel mines. These were withdrawn from service and a decision taken not to export them. By the end of 2003, 40,000 had been destroyed."</p> <p><i>(Landmine Monitor Report 2004, p. 494).</i></p>

<p>Slovakia</p>	<p>"Slovakia's study on antivehicle mines with sensitive fuzes and antihandling devices... has resulted in the following Best Practices Policy:</p> <ol style="list-style-type: none"> 1. Slovakia has taken appropriate measures banning the use of antivehicle mines activated by sensitive fuses and able to function as antipersonnel mines. They are applicable to antivehicle and antitank mines activated by trip wire or by tilt rod. 2. Slovakia has also taken best practices measures banning the use of anti handling (explosive) device Ro-3 together with mines. 3. In 2004 Slovakia has been running a process of stockpiles destruction of 8954 antitank mines PT-Mi-P equipped with sensitive fuse Ro-9 (tilt rod) which can function as antipersonnel mines. Only 100 pcs. of these minies will be retained for pyrotechnics training and development of demining technologies. 4. The relevant technical manuals and the Slovak Armed Forces internal guidelines have been revised in 2004 with regard to restrictions on the use of antivehicle mines equipped with sensitive fuses which can function as antipersonnel mines." <p><i>(E-mail of Karol Mistrik, Director, Department of OSCE and Disarmament, Ministry of Foreign Affairs, Slovakia, to ICRC, 04.06.2004)</i></p>
<p>Slovenia</p>	<p>"Slovenia possesses 59,500 antivehicle mines, but none with antihandling devices. Within this stockpile are 8,228 TMRP-6 that are equipped with both pressure and tilt rod fuzes."</p> <p><i>(Landmine Monitor Report 2003, p. 20).</i></p> <p>"The TMRP-6 manual states that it is primarily activated by pressure and thus cannot be activated by a person. In exceptional cases it is emplaced to be activated by a tilt rod, which is attached when arrival of tanks is expected, thus increasing the mine's efficiency. The Ministry added that banning of the mine fitted with a tilt rod, leaving only the pressure option, could be discussed in the future."</p> <p><i>(Landmine Monitor Report 2003, p. 424).</i></p>
<p>Sweden</p>	<p>An order issued on 2 March 2001 to the Swedish military states, "It is now prohibited to take the [Fordonsmina 13 and Fordonsmina 13R] out from the storage without removing the tripwires, furthermore, it is also prohibited to train soldiers using any kind of tripwires for these mines."</p> <p><i>(Landmine Monitor Report 2002, p. 16, quoting Sweden's Article 7 Report, Form B, 25 April 2002).</i></p>
<p>United Nations Inter-Agency Coordination Group on Mine Action (IACG-MA)</p>	<p>"Dogs are often used for humanitarian mine clearance operations. But they cannot be used at all in areas where MOTAPM are fitted with sensitive fuses such as tripwire, breakwire or tilt-rods. (...) "MOTAPM should not be fitted with anti-handling devices; "MOTAPM should not be fitted with sensitive fuses that can be activated by the presence, proximity or contact of a person. (...)</p> <p>"[These] suggested measures will make a tangible contribution to reduce the terrible humanitarian effects of MOTAPM, will render humanitarian mine clearance significantly less time-consuming, expensive and dangerous and will reduce the obstacles to reconstruction and development."</p> <p><i>Statement by the IACG-MA to the Group of Governmental Experts of the CCW, presented to the Working Group on Mines Other Than Anti-Personnel Mines, 8 March 2004.</i></p>

IV. The views of organizations

Organization	Position
<p data-bbox="286 328 517 459">International Committee of the Red Cross (ICRC)</p>	<p data-bbox="562 328 2119 459">"[T]his Convention prohibits any mine that is easily detonated by the presence, proximity or contact of a person. Specifically, this means that tripwires, break wires, tilt-rods, low pressure fuses and similar fuses associated with mines intended to attack vehicles are prohibited for States Parties. This position is based on the negotiating history, the object and purpose of the Convention and the basic international legal rules of treaty interpretation. It is also the view of most States that have spoken on this issue."</p> <p data-bbox="562 499 2119 630">"The implication of any other interpretation is that killing or maiming a person through detonation of a mine containing a relatively small amount of explosives (in the form of what is labelled an "anti-personnel mine") is prohibited whereas doing the same through the use of a more lethal mine containing far more explosives (an "anti-vehicle mine") is permitted. This would lead to an absurd situation that would undermine the credibility of the Convention."</p> <p data-bbox="562 670 2119 833">"We have also heard objections to resolving the issue of sensitive fuses in the context of this Convention ... Although we commend complementary efforts in the CCW context, we would like to point out that such tactical considerations and references to the views of non-States Parties are not a legitimate basis under international law for treaty interpretations and have no bearing on the obligations of States Parties to <u>this</u> Convention." <i>(Statement on Matters pertaining to Article 2 at the 5MSP, Bangkok, 17 September 2003).</i></p> <p data-bbox="562 873 2119 1035">"We would also like to comment on the use of the word "design" in the article 2 definition of an antipersonnel mine. For the ICRC, the word "design" does not mean "intent" and it does not mean the "label" which is attached to the mine. If a mine is easily detonated by the presence, proximity or contact of a person this is the result of its design. We urge States to resume efforts to clarify this issue before or at the 2004 Review Conference." <i>(Statement to the Standing Committee of Experts on the General Status and Operation of the Convention, 16 May 2003).</i></p>
<p data-bbox="286 1106 517 1236">International Campaign to Ban Landmines (ICBL)</p>	<p data-bbox="562 1106 2119 1268">"Indeed, sensitive fuzes should not even be considered an Article 2 interpretation issue, as they are already captured under Article 2. Sensitive fuzes are NOT anti-handling devices; they are not "intended to protect a mine" as in the anti-handling device definition. There should be no question that mines with sensitive fuzes that explode from the presence proximity or contact of a person, are prohibited. They are captured by the Mine Ban Treaty definition of an anti-personnel mines, regardless of what label may be put on them. This should not be considered a controversial statement." <i>(Statement to the Standing Committee of Experts on the General Status and Operation of the Convention, 16 May 2003).</i></p>