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LANDMINE MONITOR FACT SHEET

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Mines with Sensitive Fuzes and Antihandling Devices (Article 2)

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Since the conclusion of the negotiations of the Mine Ban Treaty, the ICBL has emphasized that, according to the treaty's definitions, any mine equipped with a fuze or antihandling device that causes the mine to explode from an unintentional or innocent act of a person is considered to be an antipersonnel mine and therefore prohibited. However, applying the definition in Article 2 to all mines that function as antipersonnel mines, including those designated as antivehicle mines, remains a contentious issue. The way that States Parties agree—or disagree—on what practices are acceptable may have a significant impact on how the Mine Ban Treaty is implemented and universalized.

Unfortunately, only a small number of States Parties, 27 of the current 144, have expressed views or shared national practice on this issue. Many States Parties support the view that any mine, despite its label or design intent, capable of being detonated by the unintentional act of a person is an antipersonnel mine and is prohibited. Among the States Parties that have publicly expressed this understanding of what was agreed upon during the treaty negotiations in Oslo in 1997 are **Australia**, **Austria**, **Bolivia**, **Brazil**, **Canada**, **Colombia**, **Kenya**, **Ireland**, **Mexico**, **Mozambique**, **Netherlands, New Zealand**, **Norway**, **Peru**, **Slovakia**, **South Africa**, **Switzerland**, and **Zambia**.

Denmark, **France**, **Germany**, **Japan**, and the **United Kingdom** are the only States Parties that have publicly stated the view that the Mine Ban Treaty does not apply to antivehicle mines at all, regardless of their employment with sensitive fuzes or antihandling devices. Their key argument is that the requirement that the mine was designed to fulfill is the determining factor, and not the consequence of the design. **Australia** and **Sweden**, while not directly ascribing to this position, expressed the view that the CCW is the more appropriate forum to consider any restrictions on mines other than antipersonnel mines.

A dangerous loophole may be created by the unwillingness of State Parties to address this issue and the possibility exists of heretofore prohibited mines being re-defined as permissible. A potential "slippery slope" may be developing wherein mines possessing inherent and irreversible victim-activated design features are considered to be beyond the treaty's definition of an antipersonnel mine. If the issue remains unaddressed, other mines with features and design consequences that serve the same function as an antipersonnel mine could conceivably be viewed by some as "compliant" with the Mine Ban Treaty. Thus, a mine equipped with a tripwire would not be considered an antipersonnel mine if it is simply called something other than an antipersonnel mine.

A confusing situation is beginning to develop wherein some States Parties have chosen to keep for future use and export mines that other States Parties have determined are antipersonnel mines and destroyed. This is already the case for mines with tripwires, tilt rods, and overly sensitive antihandling devices. In addition, **Italy** destroyed its stocks of the MUSPA and MIFF mines with sensitive fuzes, which another State Party, **Germany**, does not classify as antipersonnel mines and has not destroyed.

Status of States Practice

While legal interpretations regarding Article 2 definitions remain a contentious matter, more progress has been made on clarifying which specific types of fuzes and mines pose unacceptable dangers to civilians. Commendably, **Austria**, **Bulgaria**, **Canada**, **Croatia**, **Czech Republic**, **France**, **Netherlands**, **Slovakia**, **Slovenia**, and **Switzerland** have reported on specific details regarding this issue, including the types of mines other than antipersonnel mines possessed and their method of initiation. Within the context of the CCW, **Germany** and the **United Kingdom** made statements in 2003 and 2004 supporting the view that mines equipped with tilt rod, tripwire, and breakwire fuzes are inappropriate and cannot be designed in a way to prevent detonation by a person.

During 2003, **Slovakia** carried out a study of which antivehicle mines may be prohibited or permissible under the Mine Ban Treaty. As a result, Slovakia has adopted a "Best Practice Policy for Antivehicle Mines" which involves taking "appropriate measures to ban the use of antivehicle mines which are activated by sensitive fuses and which are able to function as antipersonnel mines." These include "antivehicle and antitank mines activated by trip wire running over the blocked stage of terrain or activated by tilt rod." The Ministry added that, "Slovakia has also taken best practice measures banning the use of antihandling/explosive device Ro-3 together with mines."

Zambia's national legislation passed in December 2003 prohibits antivehicle mines with sensitive fuzes and antihandling devices that function as antipersonnel mines, including those equipped with tripwires, breakwires, and pressure activated fuzes that operate at thresholds less than 150 kilograms.

The **Netherlands** disposed of 10,000 DM-31 (the Swedish-produced FFV-028) as surplus and declared that it will not use the remaining stockpile of this type of antivehicle mine unless it is assured that the mines cannot function in response to mine detection equipment.

Tripwires

There appears to be broad agreement that a mine that relies on a tripwire as its sole firing mechanism should be considered an antipersonnel mine. **Sweden** has prohibited its forces from using tripwire fuzes with mines if they are ever removed from storage for use. However, the **Czech Republic** has stated it does not consider the use of tripwires with an antivehicle mine to be a violation of the Mine Ban Treaty, and a Czech company has offered for sale a mine with a tripwire fuze.

Tilt Rods

The low amount of lateral pressure necessary to activate a mine with a tilt rod fuze makes it quite susceptible to be activated by a person. **Canada**, **France**, **Mali**, and the **United Kingdom** have removed tilt rod fuzes from their inventories. **Hungary** has withdrawn from service and destroyed some of its mines equipped with tilt rod fuzes; it will not export these mines and plans to destroy all of them.

Croatia has acknowledged that it possesses TMRP-6 mines with tilt rod fuzes that function at the level of 1.3 to 1.7 kilograms, and has expressed its willingness to discuss these within the context of Article 2. In October 2003, the German Initiative to Ban Landmines reported that the Croatian company Agencija Alan offered the TMRP-6 for sale at the IDEF weapons exhibition in Ankara, Turkey. **Slovenia** has acknowledged possessing 8,228 TMRP-6 that are equipped with both pressure and tilt rod fuzes, and has also indicated it is willing to discuss the TMRP-6. The **Czech Republic** has acknowledged possessing tilt rod fuzes, but has stated that the mines that are capable of using them are considered to be obsolete and will be retired with 15 years. **Sweden**

acknowledges possessing antivehicle mines with tilt rods, but has not formally expressed a view on their legality under the Mine Ban Treaty.

Breakwires

Breakwire fuzes should not be used as the sole fuze mechanism for a mine, because a person can easily activate a breakwire, much like a tripwire. The **Netherlands** and the **United Kingdom** have retired from service mines with breakwire fuzes. **France** is exploring a new activation mechanism to replace the breakwire fuzes used for the MIACAH F1 and MIACAH F2 mines.

Antihandling Devices

States Parties have been reluctant to report on the measures taken to insure that mines with antihandling devices are compliant with the Mine Ban Treaty. Some States Parties have simply indicated that their mines and antihandling devices are compliant with the treaty. Unfortunately, States Parties have not provided technical detail to support this determination. **Bulgaria** has decommissioned its existing stocks of TM-46 antivehicle mines with antihandling devices, and the destruction process is expected to be completed by the end of 2005. As noted above, **Slovakia** has prohibited the use of the Ro-3 fuze as an antihandling device.

Other Ordnance Items

Several States Parties have reported that they have removed from service and destroyed certain ordnance items that, when used with mines, can cause them to function as antipersonnel mines. **Belgium** has banned pressure and tension release firing devices (igniters) as booby traps. **France** has destroyed a number of unspecified pressure and tension release fuzes. **Germany** and **Slovakia** have retired and destroyed antilift mechanisms that could be attached to mines. According to research by the German Initiative to Ban Landmines, the German military has replaced the detonator of the DM-21 to avoid unintentional ignition, because the old, corroded detonators caused the pressure fuze to set off the mine below the standard pressure of 180 kilograms.

Article 7 Reporting

States Parties are legally obligated to include prohibited mines with sensitive fuses or antihandling devices in Article 7 transparency measures reporting, including types and numbers possessed, modified, and destroyed. Yet, no State Party has done so, even though several States have destroyed or modified such mines.