

*COUNCIL OF DELEGATES*  
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## **MINES**

### **Introductory statement by the ICRC (29 October 1993)**

The immense problems created by the indiscriminate laying of mines are now beginning to be recognized. ICRC surgeons have for some time reported that some of the worst injuries they see are caused by mines, and it was our Medical Division that decided it was essential to study this problem thoroughly from all relevant angles. As a result, in April 1993 the ICRC organized a multidisciplinary symposium on antipersonnel mines. The symposium gathered information on the present use of mines and the humanitarian and social consequences of such use, the trade in mines, the technical characteristics of mines, mine clearance, the professional military use of mines and the legal situation. The symposium was attended not only by specialists in these fields, but also by a representative of the International Federation of Red Cross and Red Crescent Societies, a number of non-governmental organizations that had begun to take a serious interest in the problem and some journalists. As a result, there is now more information available on the various problems caused by mines. More important, the efforts undertaken by interested persons to draw the attention of governments to the need for action have begun to bear fruit: several governments have declared a moratorium on their mines exports, the United Nations has just adopted a resolution setting up a fund for demining operations, and possible further restrictions on the use of mines will be discussed in 1994 during a United Nations conference which will review a treaty on the use of conventional weapons.

However, these measures are only the very first steps in addressing an immense and multifaceted problem. It is estimated that there are about 100 million mines scattered in many countries and that hundreds of civilians fall victim to them every day. The result is human suffering on a huge scale. Entire communities are affected, and vast areas of land are no longer habitable or accessible for agricultural purposes.

The major problem is that mines generally remain active for decades after they have been sown, continuing to wreak havoc long after the conflict is over. Indeed, casualties are still occurring from mines that were laid during the Second World War. The problem has therefore been in existence for quite some time, but the damage created by the use of mines has now taken on enormous proportions for a number of reasons. One of the most important of these is the fact that modern mines are generally made of plastic, are small and light and can be sown thousands at a time. Moreover, the fact that they are very cheap and widely available has meant that they have been used in large numbers, and usually indiscriminately, by all parties in the numerous conflicts of recent decades. The situation is getting worse daily as the practice continues. It is said that in the former Yugoslavia alone mines are being planted at a rate of several thousand a week. The situation is similar in many other ongoing conflicts.

The problem is exacerbated by the fact that it is extremely difficult to remove mines. Modern plastic mines are virtually undetectable and their removal is a painstakingly slow and very dangerous operation. For example, it has been estimated that with present methods it could take more than 4,300 years to clear 20% of the land in Afghanistan. In ten months of demining operations in Kuwait following the Gulf war, 84 specialists were killed. A number of areas are so difficult to clear that they have simply been cordoned off and cannot be used again.

The tragic result of this situation is that the civilian victims of mines are likely to become more numerous. For example, although peace has returned to Cambodia there are 200-300 new casualties caused by mines every month, and the number of civilian victims of mines rose sharply in Afghanistan after the end of the conflict when refugees attempted to return to their homeland.

A disaster of this magnitude requires concerted action by as many dedicated persons as possible and on a global scale. The International Red Cross and Red Crescent Movement therefore has much to offer. The CICR has drafted a resolution in consultation with the Federation which reflects what we believe the different components of the Move-

ment could do to try to prevent and alleviate the suffering caused by mines.

First of all, the immediate medical care and surgery that mine victims need are of a specialized nature and require both extensive resources and expertise. Further, as most mine victims have to undergo amputation, they will need to be individually fitted with prostheses by specialists and trained to use them. Most countries affected by mines, however, simply do not have the means to give this essential care. Although the ICRC provides surgical treatment for about 20,000 war wounded every year and runs 29 orthopaedic centres in 14 countries, it is well aware that this is by no means sufficient, for the demand is far greater. Amputees require specialized care throughout their lifetime and their prostheses have to be regularly replaced. And we should not forget the emotional upheavals suffered by these victims and the difficulties many of them face in returning to normal life.

National Red Cross and Red Crescent Societies and their Federation are in a position to do much for mine victims, in particular by providing personnel and resources for immediate medical treatment, rehabilitation and long-term care. This is a task that National Societies are particularly well-qualified to perform; it would meet an enormous need which is for the most part neglected and is likely to remain so.

In addition, National Societies could raise general awareness of the issue so that greater resources are given by others. Although it is known that the presence of mines creates enormous problems, both for their victims and for the social and economic life of the country concerned, reliable information is hard to come by and is rarely in the form of hard data. More precise information would provide a clearer indication of the real extent of the needs. It would be useful if National Societies could try to obtain such data, in relation to their own countries if they have a mines problem or in relation to other countries where their personnel are working.

The other urgent need is to try to avoid mine incidents where possible. One approach that can have an immediate effect is to set up mine-awareness programmes, in which specialists teach the population how to recognize the probable presence of mines and how to avoid mined areas. The ICRC and some other organizations run a number of programmes of this type, which do reduce, although they cannot eliminate, the chances of people falling victim to mines. Such activities could be further extended. However, we have been told that in some places people continue to venture knowingly into mined areas as they

absolutely have to collect firewood, graze their animals, etc. for their families' survival. Awareness programmes will therefore never replace the need to clear minefields. However, as demining operations are both highly specialized and dangerous, this would not be an appropriate activity for the Movement to undertake.

The most effective means of prevention would of course be to stop the sowing of the mines that create these immense problems. Under international law, the use of mines is currently regulated by the general rules of humanitarian law that prohibit the use of weapons which by their nature have indiscriminate effects or cause excessive suffering. These rules also specify that weapons may not be used in an indiscriminate fashion. Moreover, there is a specific set of regulations governing the use of mines in Protocol II of a 1980 United Nations Convention entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects". The ICRC had in fact prepared the way for this treaty by holding a conference of government experts which met for several weeks in Lucerne in 1974 and again in Lugano in 1976. The results of this conference formed the basis of discussions at the United Nations Conference that adopted the 1980 treaty. The Convention prohibits the indiscriminate use of mines and the use of remotely-delivered mines unless their location is recorded or they are fitted with a neutralizing mechanism, requires the recording of all pre-planned minefields, and encourages cooperation at the end of hostilities to clear mines. However, to date only 39 States are party to this treaty and its provisions have not generally been observed. The problem is exacerbated by the fact that officially the Convention applies only to international armed conflicts, although the majority of today's conflicts are internal, and it does not include any implementation mechanisms. Protocol II to the 1980 Convention, which regulates the use of mines, also has certain shortcomings in practice even if it were to be followed. However, despite these imperfections, the number of civilian victims would be dramatically reduced if its provisions were respected. We therefore urge National Societies to try to persuade their governments to ratify this treaty, if they have not yet done so, and of course to train their armed forces to behave in conformity with its provisions.

The 1980 treaty will be the subject of a review conference at the United Nations and preparatory meetings are due to take place early next year. The ICRC will be holding another meeting of experts on mines in January 1994 which will look carefully at the military use of mines and possible alternative systems. The results of this meeting will be of

importance when the time comes to discuss possible modifications to the Protocol on mines. Several non-governmental organizations are pressing for a total ban on the use and manufacture of antipersonnel mines or even of all mines. This would certainly be the ideal way of preventing mine injuries, but it is likely to be very difficult to achieve, at least in the short-term. There are also a number of other pitfalls that could well materialize should this solution be sought to the exclusion of others. Another possibility is to prohibit the use of mines that do not automatically self-destruct or self-neutralize after a given period of time. It may be easier to achieve agreement on this point, but it has its own difficulties. The ICRC's wish is to achieve reasonably quickly the most effective possible solution which will be actually implemented by States and which will, therefore, yield practical results. The ICRC has therefore intentionally refrained from taking a position on the option to be adopted, as it is not at present evident which is the most effective solution that could be implemented in practice. However, we have indicated to States our desire to participate in the review conference process in order to work towards the best achievable outcome.

National Societies can support this effort by impressing on their governments the seriousness of the problem and the fact that the forthcoming review conference of the 1980 Convention offers a unique opportunity to consider modifications that would render the treaty a more effective instrument against the indiscriminate use of mines. National Societies could also stress the importance of the ICRC's participation in the review conference, given the work we have done on this subject and our first-hand experience of armed conflicts around the world.

The combined efforts of our Movement can make a vital contribution to alleviating the serious problems that have been created by the widespread use of mines. We propose that the subject be submitted for discussion at the 26th International Conference of the Red Cross and Red Crescent, so that we can take stock of the progress achieved and the measures that still remain to be taken.