



**International Committee of the Red Cross (ICRC)**

**Statement on Article 5 Implementation**

**Anti-Personnel Mine Ban Convention**

**Intersessional Meeting**

**Geneva, 22-24 May 2019**

Thank you Mr. President,

At the outset, the ICRC would like to thank the Committee on Article 5 Implementation as well as the Implementation Support Unit for their tireless efforts to support States Parties in their implementation of their obligations under Article 5.

Like many States Parties, the ICRC is concerned about the pattern of delayed compliance on clearance deadlines, given the large number of extension requests over the years including some States Parties asking for multiple extensions. Twenty years after the Convention's entry into force, and in the year leading up to the fourth Review Conference, this is an unsatisfactory level of implementation that urgently calls for concerted action by affected States and other States Parties and organisations in a position to assist them by ensuring sustained resources at both national and international levels.

It is important to underline that mine risk awareness is an essential means to minimize the dangers that mines pose to civilian populations until clearance is completed. The ICRC, together with National Red Cross and Red Crescent Societies, endeavour to mitigate the impact of contamination of landmines on the civilian population through a flexible and multidisciplinary approach, which may combine information management, risk awareness and the promotion of safer behaviour, risk reduction, and survey and clearance, among other activities.

The ICRC is also concerned about the increasing use of anti-personnel mines of an improvised nature in recent conflicts and their humanitarian consequences. These mines have been referred to as improvised explosive devices (IEDs) in different fora by different actors, and there has been some confusion about which IEDs fall within the definition of anti-personnel mines for the purpose of the Convention. This lack of clarity has implications for the implementation by States Parties of their obligations under the Convention, notably Articles 5 and 7 and more broadly Article 1.

In this respect, the ICRC has submitted a non-paper to this Intersessional Meeting, in which we conclude that when IEDs are designed to be detonated by the presence, proximity or contact of a person, they constitute anti-personnel mines within the meaning of the Convention. As has been repeatedly stated by many States Parties, the Convention's obligations apply to anti-personnel mines that are both industrially manufactured and of an

improvised nature. We also encourage the Convention community to explicitly use the term 'anti-personnel mine of an improvised nature' instead of 'IED' for the purpose of the Convention. This will provide greater clarity to States Parties to facilitate the fulfilment of their treaty obligations with respect to improvised anti-personnel mines, in particular: mine clearance, reporting, mine risk education, and adoption of national measures to prohibit and sanction the use of improvised mines.

The Review Conference at the end of this year presents States Parties with a unique opportunity to confirm that anti-personnel mines of an improvised nature are subject to the Convention's legal requirements, building on the work that has been done in recent Meetings of the States Parties. Such an affirmation is crucial to advance the Convention's purpose of ending the suffering caused by anti-personnel mines.

Copies of the ICRC non-paper are available at the desk outside this conference room. We look forward to continued discussion with States, international and civil society organizations on this important issue.

Thank you.