

Notes for ICRC intervention under the item

Standing Committee on the General Status and Operation of the Convention Friday 27 April 2007

Statement on Article 3

Thank you Mr. Co-Chair.

We would like to take this opportunity to briefly comment on the presentations made on Monday and today under the item "**Article 3**: plans for and use of mines retained" and to support the points made by ICBL in their presentation today.

The ICRC would like to thank the three delegations that have provided updates on their plans for and use of mines retained under Article 3, in fulfilment of the commitment they made in **Action #54** of the Nairobi Action Plan. In this respect, we welcome the announcement by Chile that they have revised downwards since 2002 the number of mines retained for training and research, and we encourage other States to consider reducing the number of mines they are retaining with a view to making the numbers more realistic relative to their actual needs. As does the ICBL, we regret however that more States have neither spoken nor taken action on this matter since the last Assembly of States Parties or since it was addressed at the Nairobi review conference.

In permitting the retention of anti-personnel mines for training and research purposes, Article 3 creates an exception to the Convention's absolute prohibition on the use, retention and transfer of anti-personnel mines. In this regard, the qualification, in Article 3, that the amount of mines retained "shall not exceed the minimum number absolutely necessary for" training and research purposes must be interpreted conservatively, bearing in mind that the retention of excessive quantities of anti-personnel mines would undermine the Convention's objective of the total elimination of these inhumane and indiscriminate weapons.

Two and a half years ago at the Nairobi review conference, a common understanding on a minimum number of mines retained could not be achieved. Instead, at the 6 Assembly of States Parties, States agreed to adopt a voluntary expanded format for form D of the annual article 7 reports, with the objective of promoting transparency about how and why retained mines were actually being used.

The ICRC believes that, two and a half years later, it seems clear that reliance on transparency alone has not achieved its purpose. The Landmine Monitor fact sheet shows disturbing pattern of continued divergences. In particular, it is worrying to see that in 2006, only 11 states parties provided information using the new form D and

only two states parties have done so in 2007. We believe that retaining a stable number of mines that are not used for any permitted purpose is equivalent to stockpiling the very weapon prohibited by this convention. We would like to stress also that the need to retain live mines for some of the declared purposes is still unclear to us. Several States have indeed concluded that the training and research purposes can be fulfilled without live fused anti-personnel mines.

In conclusion, Mr. Co-Chair, we would urge all States Parties, which retain mines under the provisions of article 3, to use the new form D. However if a high level of reporting using form D cannot be achieved by the Assembly of States Parties in Jordan this year, or if States Parties continue to stockpile, but not use mines for permitted purposes in 2007, we will strongly urge States Parties to resume efforts in 2008 to reach a normative understanding on this matter before the next review conference.

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