

ICRC intervention

Standing Committee on the General Status and Operation of the Convention 2 June 2008

Statement on Article 3

Thank you Mr. Co-Chair.

We would like to take this opportunity to briefly comment on the presentations made 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 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.

As we have said on other occasions, 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

In the intercessional meetings of 2007, the ICRC took the view that retaining, years after years, 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 also stressed 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.

We are pleased to note that there seems to be a noticeable trend towards the reduction of retained mines by the majority of States that had, as of 20 May 2008 filed their article 7 reports. We reviewed reports filed for the years 2006 and 2007 and noticed that 27 States out of 47 reported a reduced number of mines retained under article 3. It is important to note in this regard, that five States (Ukraine, Sudan, Ecuador, Tajikistan and Cambodia) have reduced their numbers of retained mines by more than 50%. We welcome these decisions. However, 13 States reported stable numbers and surprisingly 4 States reported holding more mines in 2007 than in 2006. It would be useful if the reasons for these small increases were made known this week or at the 9th meeting of States Parties in November.

We welcome the significant trend towards reducing the quantity of mines retained and would also like to congratulate those 19 States who have used the new form D to report on these issues in pursuant to Nairobi Action Plan #54. We urge others to consider using the new form D in their future article 7 reports and we encourage other States to consider reducing the number of mines they are retaining with a view to making the numbers more appropriate in relation to their actual needs.