

Mine Ban Convention
Standing Committee on the General Status and Operation of the Convention
6 June 2008
Statement by Norway on Article 2

Thank you, Mr. Co-Chair,

I would like to commend the ICRC for reminding us about an important aspect of the scope of the Mine Ban Convention, and for keeping the focus on this essential issue, which we agree should be addressed within the framework of our Convention, and I would like to repeat Norway's understanding of this issue, and add a bit of history, as it is easy to forget what happened and what was said many years ago, when an issue is not regularly addressed, and diplomats come and go.

The wording in the definition of an anti-personnel mine in article 2 is not accidental, and reflects that the Convention is and was meant to be, an instrument of International Humanitarian Law.

According to the Vienna Convention on the Law of Treaties a treaty is to be interpreted according to the ordinary meaning to be given to the terms of that treaty, and in the light of its objectives and purpose. This is a basic principle of international law.

Even though more than ten years have passed since the Mine Ban Convention was drafted and adopted, the objectives and the purpose of the treaty cannot be forgotten. The purpose of the Ottawa process and the objective of the negotiations of the Mine Ban Convention in Oslo was to end the human suffering caused by anti-personnel mines. This is why the definition of an anti-personnel mine in the Mine Ban Convention was deliberately drafted to cover a wider scope and to be more precise than what was the case in Amended Protocol 2 to the CCW. The definition of AP mines was subject to a number of discussions leading up to the negotiating process. Some countries argued that the definition of an AP mine should be identical in the two instruments, so that an AP mine would be defined as a mine *primarily* designed to be exploded by the presence of a person etc. In Oslo, there was strong support for *not* including the term *primarily*. By omitting that term it was made clear that the definition in the Mine Ban Convention would cover a wider scope of mines, not just those primarily designed to be AP mines, but those *functioning* as anti-personnel mines.

The definition of an anti-personnel mine in the Mine Ban Convention simply lays down that any mine designed to explode by human contact is defined as an antipersonnel mine. This is the *ordinary meaning* to be given to the text, in accordance with the principles of international law mentioned above. It does not matter whether the main purpose of usage for that mine is directed towards vehicles. It does not matter whether it is called something else than anti-personnel mine. If it falls within the definition, then it is an anti-personnel mine and thus prohibited.

Thank you.