

Notes for ICRC intervention

Standing Committee on the General Status and Operation of the Convention Monday 8 May 2006

Universalization

Thank you Mr. Co-Chair,

On behalf of the International Committee of the Red Cross (the ICRC), let me begin by joining the previous speakers in warmly welcoming the four States that have adhered to the Convention since the Zagreb Meeting of the States Parties last December, Ukraine, Haïti, Cook Islands and most recently Brunei Darussalaam. We are delighted that these States have formally committed themselves to the treaty's comprehensive ban on anti-personnel mines, and we call on the three remaining signatory States (Indonesia, Poland and the Marshall Islands) – and indeed on all other States that are considering joining this exceptional humanitarian treaty -- to do so as soon as possible.

Mr. Co-Chair, the adherence of all States to the Ottawa Convention remains an important goal for the ICRC. Beyond this specific goal, an understanding is emerging among States Parties that "universalisation" of the treaty means more than adherence of all States, it also implies the universal observance of the anti-personnel mine ban norm by Non-State Armed Groups. This broader understanding of universalisation is stated notably in Action #7 of the Nairobi Action Plan.

According to the Landmine Monitor Report 2005, the use of anti-personnel mines by Non-State Armed Groups is now far more widespread than use by government forces, with devastating consequences for the affected civilian populations. But in addition to causing great suffering, the continuing use of anti-personnel mines by Non-State Armed Groups in eight States that are not party to the Convention may represent an impediment to these States' adherence to the treaty, as stated earlier by at least one non-State Party. Efforts to encourage these States to join the treaty should therefore be matched by efforts to encourage the Non-State Armed Groups in these countries to agree to respect the ban on anti-personnel mines.

However, we submit that the presence of Non-State Armed Groups who may be using anti-personnel mines on the territory of a State should not prevent that State, if indeed it is in agreement with the Convention's norms, from joining. Indeed, a number of States have adhered to the Convention despite the fact that they are engaged in armed conflicts involving Non-State Armed Groups. Respect for the treaty's fundamental humanitarian objectives – ceasing the use of and eliminating an inhumane and indiscriminate weapon – like all other humanitarian norms, must not be driven by reciprocity but by the need to protect civilians from the effects of armed conflict, from wars that know no limits.

It should also be kept in mind that a State Party, acting in good faith, may justify its non-implementation of its mine action obligations in the parts of its territory that it does not control if it is under a material impossibility to carry out those obligations.

In its dialogue with Non-State Armed Groups, and indeed with the armed forces of the concerned States, the ICRC urges respect for international humanitarian law and encourages respect for the anti-personnel mine ban norm. We welcome efforts made by other members of the Convention community – States Parties, the ICBL and Geneva Call – to engage Non-State Armed Groups to cease using anti-personnel mines, and to encourage Non-State Armed Groups to sign the Geneva Call Deed of Commitment.

Mr. Co-Chair,

Bringing combatants on all sides of an armed conflict to respect international humanitarian law, including the anti-personnel mine ban norm, is a humanitarian imperative if civilians are to be spared the effects of landmines, if lives and limbs are to be saved. Ending the suffering caused by anti-personnel mines is a purely humanitarian objective and this objective must not be impeded by political considerations. Engaging non-State armed groups does not imply political recognition of these groups, and in this regard it is worth recalling the words of Article 3 common to the Four Geneva Conventions which provides that the application of international humanitarian law "shall not affect the legal status of the Parties to the conflict".

The ICRC stands ready to engage in dialogue in full transparency with virtually any group, whether armed or unarmed, whose behaviour may inflict suffering on civilian individuals and communities, with a view to changing their behaviour in favour of respect for basic humanitarian norms even in the midst of war.

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