

Notes for ICRC intervention under the item "Updates on plans for and use of mines retained"

Standing Committee on the General Status and Operation of the Convention
Monday 25 May 2009

Thank you Mr. Co-Chair.

The ICRC would like to thank the seven 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 to " provide information on the plans requiring the retention of mines (...) and to report on the actual use of retained mines and the results of such use."

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. However, in accordance with the Convention, the amount of mines retained under Article 3 "shall not exceed the minimum number absolutely necessary for" training and research purposes. At the 6th Meeting 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 retained mines were actually being used.

We welcome the fact that several States have reviewed the number of mines retained under Article 3 to assess whether they constitute "the minimum number absolutely necessary", and as a result of this review, have reduced the numbers of mines retained, in some cases to zero. We believe all States Parties should, on a regular, basis, review the number of mines retained to ensure that it corresponds to their actual needs

As we have stated in the past, we are concerned that a number of States have retained a stable number of mines for years, without having reported using such mines for purposes permitted under Article 3. Only a limited number of States have indeed provided information on the actual use of or planned use of retained mines using new form D, as just mentioned by the ICBL. It is also worrying to see that, for example between the years 2006 and 2008, so far more than 15 States have reported retaining approximately the same number of mines (in some cases more) without reporting using them for permitted purposes.

While it has not been possible to reach a common understanding on the maximum number of mines that can be retained under Article 3 due to the different views and circumstances of States, the ICRC believes that the Second Review Conference should call on States Parties to regularly review the number of mines retained under Article 3 to assess whether they are still needed for permitted purposes. In particular,

it should urge those States that have maintained the same number of mines for years, without having reported on the use of such mines for permitted purposes, to assess whether the numbers retained constitute the minimum number absolutely necessary and to destroy mines in excess of this number. We urge States in this forum and in the preparatory process for the Second Review Conference, to express their views on this subject.

Unless they are required and used for permitted purposes, the retention of anti-personnel mines would undermine the Convention's objective of the total elimination of these inhumane and indiscriminate weapons.

+ + +