

Notes for ICRC statement on developing a “rational response” to mined areas discovered after original or extended deadlines to implement Article 5 have expired

**12th Meeting of States Parties to the Mine Ban Convention
Geneva, 6 December 2012**

Madame Vice-President,

The ICRC wishes to lend its support to the Co-Chairs' proposal regarding the discovery of mined areas after Article 5 deadlines have passed.

The proposal closely follows the existing Article 5 extension request regime.

By committing to follow the procedure in the proposed response, States Parties are pledging to be transparent about any exceptional discoveries of mined areas after the expiry of their Article 5 deadline and to operate with the oversight of the States Parties as they take steps to address those areas.

Although the starting point for any extended deadline is not specifically stated in the proposal, in our view such extensions must always run from the date of expiry of the original or extended Article 5 deadline, as has been the case for all States that have obtained an Article 5 extension to date. In any event, we would expect that the maximum period of 10 years would only be requested in very exceptional circumstances.

While recognising the need to establish such a response, we trust that all States Parties will continue to rigorously fulfil their obligation in Article 5.2 of the Convention, to "make every effort to identify all areas under [their] jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced".

We also trust that the Analyzing Group will continue to rigorously assess extension applications, to ensure that the primary obligation of all States Parties to clear all mined areas "as soon as possible" is upheld.

The ICRC would like to express our thanks to the co-Chairs of the Standing Committee on Mine Clearance for their efforts in developing a sound proposal, and for the constructive and inclusive approach to this issue, which we believe has resulted in a very good outcome.