



ICRC

ICRC Statement on Cooperative Compliance Anti-Personnel Mine Ban Convention Meeting of States Parties Geneva, 30 November - 4 December 2015

As was outlined in the statement of the ICRC Vice-President on Monday, any use of anti-personnel mines is unacceptable. States Parties should never be complacent about their use given the indiscriminate nature of these weapons and their devastating impact on civilians.

Like others who have spoken in this session, the ICRC is also very concerned about reports that anti-personnel mines, including improvised mines, are being used in a number of countries and territories, including in the territories of several States Parties. We urge those actors who continue to use anti-personnel mines to immediately end the use of these weapons. We also appeal to those in a position to use their leverage over such actors to ensure that AP mines are no longer used and that all laid mines are located and removed.

The ICRC would like to commend the Committee on Cooperative Compliance for its work over the past year. It has provided an opportunity for dialogue and follow-up on allegations of anti-personnel mine use in the territory of several States Parties and this dialogue has provided some useful clarifications.

The ICRC would like to offer two comments on the report, which are of a general nature and are intended as suggestions for the Committee in its future work. The first is that there are several instances where States Parties have opened investigations into the allegations of AP mine use in their territory but that these investigations were stopped or could not proceed. A common reason for this is the insecurity within the country or in the region where the mines were said to be laid or the State's lack of control over the affected area. While this is understandable, we think that it would be useful for the Committee to clearly express an expectation that any investigation stopped for these or other similar reasons would continue if the situation in the country or region changes.

The second comment is a clarification of terminology. There are several paragraphs in the Committee's report which refers to "improvised explosive devices." It would be useful for the Committee to clarify and ensure in its dialogue with the concerned States that the improvised explosive devices in question are not victim activated munitions. If they were, they would qualify as improvised anti-personnel mines and fall under the Convention and the Committee's mandate. The mere fact that a mine is improvised does not allow it to escape further scrutiny and follow-up by the committee.

It is essential that States Parties investigate when there are allegations of anti-personnel mine use in their territory. This helps ensure compliance with the Convention and discourage possible future violations. It is also essential to have in place the necessary laws and regulations so as to allow for the prosecution of violations and the imposition of criminal penalties if an investigation concludes that such action is warranted. The obligation to have such measures in place are stated in Article 9 of the Convention and are recalled in the Maputo Action Plan.

In closing, I would just like to highlight that, in addition to the use of AP mines in the territory of States Parties, there are additional compliance issues that the ICRC is concerned about. As I outlined yesterday, we are concerned about the States Parties that have missed their Article 5 deadlines and filed extension requests well after the initial deadline has passed. In

addition, although some progress has been made, 3 States have still not met the requirement to destroy their AP mine stockpiles. There are also concerns about the number of mines retained for training purposes and which seem to not be used in any such training. And many States are failing to file their Article 7 transparency reports. Some have not filed reports for several years. Some of these issues will be discussed in later sessions of this conference and we hope that progress can be made in these areas as well.