

## ICRC Statement on Transparency and Exchange of Information

### In particular, Articles 2, 3 and 7 of the Convention

1 December 2005

Thank you Mr. Co-Chair,

In Action #54 of the Nairobi Action Plan, each State Party that has retained mines in accordance with the exceptions in **Article 3** has committed to providing information on the plans requiring the retention of mines for permitted purposes and to reporting on the actual use of retained mines and the results of such use. At the June meeting of the Standing Committee on the General Status and Operation of the Convention, several States Parties followed through on this commitment by reporting on their past use and future plans with respect to mines retained for training and development. We encourage more States to do the same at this meeting and at the intersessional meetings in May 2006.

We welcome the fact that discussions on Article 3 have consistently led States to review and eventually reduce the number of mines retained, often to zero. We urge all of the concerned States Parties to review the number of mines they retain and to reduce them to the minimum number absolutely necessary. States not actually using their retained mines should consider eliminating them entirely.

We also welcome the proposal made by Argentina and Chile to amend the **Article 7** reporting format so as to facilitate the application of **Action #54** and enhance transparency in the implementation of Article 3. Although the current draft of the proposal qualifies as “voluntary” the filling out of form 1b relating to the implementation of Action #54, we would remind States Parties that the terms of that action point are unequivocal: States Parties have committed to exchanging such information. If they choose not to do so in their Article 7 reports, they would then be required to do so in the intersessional meetings or the Meetings of the States Parties.

In **Action # 55** of the Nairobi Action Plan, all States Parties have committed to exchanging views and sharing their experiences on the practical implementation of the various provisions of the Convention, including Articles 1, 2 and 3, with a view to promoting the effective and consistent application of these provisions. With regard to **Article 2** in particular, it is the view of the ICRC that, based on the negotiating history of the Convention, its object and purpose, and the basic rules of treaty interpretation, any mine which is likely to be detonated by the presence, proximity or contact of a person is an antipersonnel mine prohibited by this Convention. Specifically, this means that States Parties are prohibited from producing, stockpiling, transferring and using mines, regardless of what they are called, that are equipped with tripwires, breakwires, tilt-rods, low-pressure fuses and similar fuses that are likely to be triggered by the contact of a person.

We are encouraged that States continue to develop their position on this matter along the lines proposed by the ICRC, the ICBL and the over 20 States Parties which have, in their statements or in their practice, confirmed that any mine designed to function as an anti-personnel mine is an antipersonnel mine. In particular, we welcome the clarification of Australia’s position at the June intersessional meetings.

We also welcome the recent informal confirmation by another State Party that it considers that any mine which can be actuated accidentally by the presence, proximity or contact of a person, regardless of whether the detonation is caused by a sensitive fuse or a sensitive anti-handling device, are anti-personnel mines and are therefore prohibited.

The ICRC has regularly distributed a table containing positions of States Parties on Article 2 and sensitive fuses. This table is available here from the ICRC delegation upon request. The ICRC will provide an updated table at the next intersessional meetings in May.

We urge States Parties which have not yet presented their views on this important issue to do so at this meeting or at the May intersessional meetings, in fulfilment of the commitment they have made in Action #54 of the Nairobi Action Plan.

Thank you.