

Statement on Article 2

We wish to address briefly the matter of the continuing divergence in the interpretation of **Article 2** among States Parties with regard to mines with sensitive fuses. As we have said in previous instances, we would like to see States Parties adopt a common approach to this issue.

The ICRC's views on this issue are well known, but I will briefly summarise them here for the benefit of delegates who are new to these discussions. It is the view of the ICRC -- based on the negotiating history of the Convention, its object and purpose, and the basic rules of treaty interpretation – that 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. In particular, this means that States Parties are prohibited from producing, stockpiling, transferring or using mines labelled "anti-vehicle" that are equipped with tripwires, break wires, tilt-rods, low-pressure fuses and similar fuses that are likely to be triggered by the contact of a person.

The positions of the States Parties that have expressed their views on this issue are presented in the updated table (***Anti-vehicle" mines with sensitive fuses – Positions and relevant practice of States Parties on Article 2 of the Ottawa Convention***), which we distributed to delegations this morning.

This table shows that out of **30** States Parties that have clearly expressed their position on this issue, **24** share the ICRC's view that mines with sensitive fuses are prohibited by Article 2 of the Convention. Since we last circulated this table at the 2006 meeting of this Standing Committee, the list of States Parties that consider mines with sensitive fuses to be prohibited by Article 2 now includes two new additional States Parties that have recently expressed their position for the first time – Guatemala and Moldova– as well as two States that has clarified their position – Croatia and the Czech Republic. We very much welcome these additions and clarifications.

Six other States Parties that have expressed their views on this matter seem to take a different position. While some of these States do not necessarily disagree with the position that mines with sensitive fuses are prohibited or should not be used, they have held the position that such mines should not be discussed in the context of this Convention, but instead should be addressed in the Convention on Certain Conventional Weapons (CCW).

Given that it is now clear that this issue will not be resolved in the CCW context in the foreseeable future, we would invite these States to review their position with a view to resolving this issue in the context of this convention in the very near future.

To conclude, the differences in the interpretation and application of Article 2 between a small number of States Parties and other States Parties underscores the need for further work towards the effective and consistent application of Article 2, as called for in Action #55 of the Nairobi Action Plan. In this regard, we call on all States Parties that have not yet done so to make their views known on this important issue.