

**Seventh Meeting of the States Parties to the  
Convention on the Prohibition of Anti-Personnel Mines  
Geneva, 18-22 September 2006**

**ICRC Statement on the practical implementation of  
Articles 2 and 3 of the Convention**

**Thursday 21 September 2006**

Thank you Madam President.

In December 2005, the Sixth Meeting of States Parties adopted an amendment to the reporting formats for annual reporting under Article 7. This amendment enhanced Form D of the reporting formats so as to allow States Parties to include on a voluntary basis information on their plans for, and their use of, mines retained for training and development pursuant to **Article 3**.

The International Committee of the Red Cross (ICRC) wishes to express here its concern with the fact that few States have made use of this Amended Form D in their Article 7 reports. We wish to remind States that this form was adopted with a view to facilitating the implementation of **Action #54** of the Nairobi Action Plan, pursuant to which States Parties that exceptionally retain mines under Article 3 have committed to sharing information about their planned and actual use of such mines. As we have stated before, sharing such information is a crucial means to promote transparency in the application of Article 3 and confidence among States Parties in the faithful implementation of the Convention. We therefore call on all concerned States Parties to make use of the form in their Article 7 reports.

Madam President, the ICRC also wishes to remind States Parties of the commitment they made, in **Action #55** of the Nairobi Action Plan, to exchange views and share their experiences on the practical implementation of **Article 2** of the Convention, specifically in relation to the definition of anti-personnel mines, with a view to promoting "the effective and consistent application" of this provision.

It is all the more important for States Parties to share their views and experiences on Article 2 that the interpretation and application of this provision of the Convention is subject to continuing divergences among States Parties with regard to mines with sensitive fuses.

The ICRC's views on this issue are well known, but I will briefly summarise them here. 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 so-called "anti-vehicle" mines 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.

The ICRC has been compiling the views of States Parties this issue. We have found that out of 28 States Parties that have made known their position on this issue, 22 share the view that mines with sensitive fuses are prohibited by Article 2. The six others have differing views: while some of these do not necessarily disagree with the position that mines with sensitive fuses are prohibited, they consider 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).

The differences in the interpretation and application of Article 2 between a small number of States Parties and other States Parties to this Convention 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 States Parties that have not yet done so to make their views known on this important issue.