

International Campaign to Ban Landmines
Statement on Articles 1 and 2
Eighth Meeting of States Parties to the Mine Ban Treaty
Dead Sea, Jordan
22 November 2007
Delivered by Steve Goose, Human Rights Watch, Head of Delegation

Thank you for the floor Mr. President. It is unfortunate that so many important issues get lumped together under this “Transparency and Exchange of Information” agenda item—quite separate issues related to Articles 1, 2, 3, 7, and possibly other articles. It not only diminishes the importance of each issue, it discourages more extensive discussion of each topic. States Parties should consider some adjustment in this agenda item for future Meetings of States Parties, so that these articles and issues get their proper attention, especially Articles 1 and 2.

The fact is that in recent years, states have been sharing less and less information on these articles, and having fewer and fewer concrete, action-oriented discussions. This would seem to have more to do with States Parties’ sense of discomfort about sometimes contentious issues than any diminishment in the importance of the issues. Yet, avoiding these issues is only a formula for undercutting the credibility of the Mine Ban Treaty. It does not serve the treaty well if there are fundamental disagreements about such basic matters as what mines are banned and what it means to fight alongside an armed force using antipersonnel mines.

I will use this intervention to address our concerns regarding interpretation and implementation of Articles 1 and 2. With respect to Article 1, we are concerned about the varying interpretations of what acts are and are not permitted under the treaty’s ban on assisting with prohibited acts, especially in the context of joint military operations with an armed force that may use antipersonnel mines. While states did not reach a formal understanding on this matter at the First Review Conference as urged by the ICBL, an understanding has nevertheless begun to emerge.

More than 40 States Parties have declared that they will not participate in planning and implementation of activities related to the use of antipersonnel mines in joint military operations. More specifically, many States Parties have agreed that States Parties should not participate in planning for use of antipersonnel mines, agree to rules of engagement permitting use of antipersonnel mines, derive direct military benefit from others’ use of antipersonnel mines, train others to use antipersonnel mines, request others to use antipersonnel mines, or provide security or transportation for antipersonnel mines.

Nearly all States Parties expressing views have also agreed that transit of antipersonnel mines through the national territory (land, air, and sea) of States Parties is not permitted, nor is foreign stockpiling of antipersonnel mines on the national territory of States Parties.

All of these acts should be considered prohibited by the Mine Ban Treaty.

It is also worth noting that this is a subject that will be considered in the context of the new cluster munition treaty, and thus is a matter of growing importance. We are aware that the United States is engaging various Mine Ban Treaty States Parties on these “interoperability” issues with respect to a future cluster munition treaty, and that could have a negative impact on interpretation and implementation of this treaty as well.

For Article 2, we are concerned about the varying interpretations of what mines are banned, and in particular, whether antivehicle mines with sensitive fuzes and sensitive antihandling devices that function as antipersonnel mines are banned. The ICBL, ICRC, and more than two dozen States Parties that have spoken on the topic have agreed that the Mine Ban Treaty prohibits any munition—regardless of its label or design intent—that will detonate from the unintentional act of a person. Any munition that functions as an antipersonnel mine is banned, even if you call it an antivehicle mine, or an improvised explosive device, or an explosive booby-trap.

In particular, there appears to be agreement, with some notable exceptions, that any mine that relies on a tripwire, breakwire, tilt rod or sensitive pressure fuze should be considered an antipersonnel mine. However, a few states appear to disagree. Denmark, France, Japan and the United Kingdom have made a determination that the Mine Ban Treaty does not apply to antivehicle mines at all, regardless of their employment with sensitive fuzes or antihandling devices. The Czech Republic has stated that it does not consider the use of tripwires with an antivehicle mine to be a violation of the treaty, and it continues to stockpile antivehicle mines with tilt rods. Sweden also stocks antivehicle mines with tilt rods. The ICBL would welcome clarification or elaboration on the policies and practices of any of these states.

Some countries have previously stated that any discussions on antivehicle mines, including those with sensitive fuzes and sensitive antihandling devices, must take place in the Convention on Conventional Weapons (CCW). However, the CCW has now run its course on antivehicle mines, without any formal agreements. The only place to engage now is in the Mine Ban Treaty context, which has always been most appropriate forum in any event.

Much greater transparency is needed, and much greater attention to these matters related to Articles 1 and 2 by all States Parties, and States Parties should strive to reach a formal common understanding on Articles 1 and 2 before or at the Second Review Conference in 2009.

Thank you.