

**GICHD Statement – Reflections and understandings on the implementation and completion of
Article 5 mine clearance obligations
Seventeenth Meeting of States Parties the Anti-Personnel Mine Ban Convention
United Nations Office at Geneva, 26-30 November 2018**

Thank you, Mr. Chair. Let me first commend you and the Committee for the excellent work during the last two years.

The GICHD welcomes the submission of the paper on *Reflections and understandings on the implementation and completion of Article 5 mine clearance obligations*. We would like to highlight two points that, in our view, will play a fundamental role in the implementation and completion of Article 5 mine clearance obligations:

1. First, confronted with an increased use of improvised explosive devices, a number of countries around the globe are facing new contamination which comes on top of what we call legacy contamination. In these contexts, it is of utmost importance to remember, as per paragraph 8 of the paper, that Article 2.1 of the Convention *makes no distinction between an anti-personnel mine that has been “manufactured” and one that has been “improvised”*. The improvised nature of an antipersonnel mine does not alter the legal obligations under the Anti-Personnel Mine Ban Convention. Any device that functions like an anti-personnel mine should be reported as an anti-personnel mine first and foremost, with further technical information about the nature of its design (i.e. improvised vs. manufactured) being gathered as additional information. An improvised anti-personnel mine thus falls under the same legal regime as a manufactured anti-personnel mine, namely the APMBC.
2. Second, as it is mentioned in para 24 of the paper, *neither the Convention nor any decision taken by the States Parties contains language defining the term “residual contamination”*. In 2016, the IMAS Review Board proposed the following definition of residual contamination: ‘Residual contamination refers to contamination which gives rise to residual risk’, with residual risks defined in the IMAS as *risk remaining following the application of all reasonable effort to identify, define, and remove all presence and suspicion of mines/ERW through non-technical survey, technical survey and/or clearance*. Accordingly, we fully concur with the Committee that residual contamination should be understood to denote contamination that is not discovered despite all reasonable effort. **Residual contamination is about the unknown**. It is not about suspected or newly identified contamination, and it is not about deciding that it is just too expensive or too difficult to clear known mined areas. The IMAS Review Board is currently working on further guidance in this regard. As we speak, a Risk Management chapter and a Technical Note on residual risk management are being drafted. These two documents will be considered by the IMAS Review Board at its next meeting on February 2019.