



# ICRC

## **Eighteenth Meeting of the States Parties to the Anti-Personnel Mine Ban Convention Geneva, 16-20 November 2020**

### **International Committee of the Red Cross Statement on measures to ensure compliance**

Thank you, Mr. President.

The ICRC commends the Committee on Cooperative Compliance for its work over the past year to address allegations of use of anti-personnel mines in violation of the Convention in the territory of three States Parties through dialogue and follow-up with the concerned States Parties. It provided useful clarifications and led to the closure of the case of one State Party. The ICRC wishes to reiterate that any use of anti-personnel mines by any actor is unacceptable and must be clearly condemned. It is essential that States Parties investigate all credible allegations of use of anti-personnel mine in their territory, and take measures to prosecute and punish those responsible, as required under Article 9 of the Convention.

In this respect, Action#50 of the Oslo Action Plan set out a time-bound commitment for all States Parties to comply with Article 9 of the Convention no later than by the twentieth Meeting of the States Parties. In particular, it requires the adoption of legal, administrative or other measures at national level to implement the key obligations of the Convention, and legislation to impose penal sanctions for violations of the Convention's prohibitions under Article 1. We wish to congratulate Afghanistan and Sri Lanka whose national legislation will come into force this year, and Iraq for having reported this year that its existing laws are sufficient to implement Article 9. However, twenty-one years after the Convention came into force, 53 States Parties have yet to take the required domestic measures to fully implement the Convention.

Against this backdrop, the ICRC has published in June this year a checklist which provides guidance for States on the legal, regulatory and administrative framework necessary to ensure implementation of the Convention at national level, as well as good practices and is complementary to the ICRC Model Law. This year the ICRC has also updated its factsheet on the Convention and its national IHL implementation database.

The ICRC stands ready to continue supporting States in developing their national implementing legislation. If possible and where invited to do so, the ICRC can provide hands-on technical and drafting advice to governments, including legal drafting workshops. For example, this year we have held many bilateral discussions with States on domestic implementation of this Convention. We have worked with National IHL Committees to place this Convention and its implementation on their plans of action.

Finally, Mr. President, we would also like to take this opportunity to highlight a few additional compliance issues that are of concern. With regard to Article 4 obligations, although some progress has been made, two States have not met the requirement to destroy their anti-personal mine stockpiles within treaty deadlines. There are also concerns about the amount of mines retained for training purposes, which seems to be excessive to the minimum number absolutely necessary for those purposes, while several States that retain mines have not submitted annual updates on this matter for many years and several others have reported the same number for years. With regard to Article 7 obligations, several States Parties with outstanding obligations of clearance, stockpile destruction or retention of mines for permitted purposes are overdue for filing their transparency reports, some for several years. Some of these issues will be discussed in later sessions of this meeting, and we hope that progress can be made in these areas as well.

Thank you.