



ICRC

**20th Meeting of the States Parties to the Anti-Personnel Mine Ban Convention
Geneva, 21-25 November 2022**

**International Committee of the Red Cross (ICRC)
Statement on Measures to Ensure Compliance**

Thank you, Mr. President.

At the outset, the ICRC commends the Committee on Cooperative Compliance comprising of Colombia, Chile, Spain, Switzerland and Turkiye for their work over the past year, including addressing past allegations of use of anti-personnel mines in violation of the Convention in the territory of two States Parties through dialogue and follow-up with the concerned States Parties.

Full compliance with the Convention by all States Parties is of critical importance to preserve the Convention's integrity and credibility. We wish to take this opportunity to highlight the following compliance issues that are particularly concerning:

With regard to Article 5 obligations on mine clearance and risk education, we note with regret non-compliance of one State Party with Article 5(3) of the Convention and the lack of dialogue on this matter, despite the outreach efforts made by the President, the Committee on Article 5 Implementation, other States and the Implementation Support Unit. As was pointed out by several States, this matter concerns the integrity of the Convention and should be duly addressed further to the decision made at the last Meeting of the States Parties.

With regard to Article 4 obligations on stockpile destruction, we noted with concern that almost no progress has been made in the past year by the two States Parties that have not met the requirement to destroy their anti-personal mine stockpiles within treaty deadlines. It is imperative that these two States present a time-bound plan for completion of stockpile destruction and urgently proceed with implementation as soon as possible in a transparent manner, as required by Action #14 of the Oslo Action Plan.

With regard to the retention of mines for permitted purposes under Article 3(1), we commend Sudan for having reported the destruction of all live mines and replacing them with training mines. However, out of 66 States Parties that retain mines for permitted purposes, several States have reported the same number for years, and some others have not submitted annual updates on this matter for many years. This raises concerns about the amount of retained mines in some States Parties, which seems to be excessive to the minimum number absolutely necessary for those purposes. We call on these States Parties to clarify the numbers of retained mines without delay, annually review and report on these numbers, and actively explore alternatives to using live mines for training and other permitted purposes.

Mr. President,

The ICRC is concerned about reports that anti-personnel mines continue to be used in ongoing armed conflicts, including in the territories of States Parties. We wish 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 mines in their territory, and take measures to prosecute and punish those responsible, as required under Article 9 of the Convention.

In this respect, Article 9 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. The ICRC wishes to commend Sri Lanka on the enactment of the Prohibition of Anti-Personnel Mines Act this past February. We are encouraged that Palestine and Brunei Darussalam have taken steps towards the finalization of national implementation legislation. Meanwhile, we note with concern that 47 States Parties have yet to take the required domestic measures to fully implement Article 9, despite the deadline set out in Action#50 of the Oslo Action Plan to do so by this Meeting of the States Parties.

To assist States in the development of their national implementing legislation, the ICRC has developed various tools, including a model law, a user-friendly checklist, factsheets and an updated national international humanitarian law (IHL) implementation database. Last year we have conducted a mapping of national legislation implementing the Convention's Article 9 and victim assistance obligations, in order to identify good practices from various legal traditions and parts of the world. The ICRC would be happy to share these good practices with States who wish to adopt national legislation or amend their existing ones.

Furthermore, we continue to promote the domestic implementation of this Convention through bilateral discussions as well as national and regional IHL trainings and events. The ICRC will be organizing a drafting workshop in Nigeria in 2023 with concerned ministries working on domestic legislation to implement the Convention. We continue to work with National IHL Committees to place this Convention and its implementation on their plans of action. For example, in December 2021, the ICRC organized a universal meeting for National IHL Committees, during which a full day was dedicated to promoting weapons treaties and their implementation and facilitating exchange of best practices among States. The ICRC also organized regional IHL Conferences for Asia and the Pacific region in Kathmandu and Seoul to discuss national implementation measures including this Convention.

As always, the ICRC stands ready to continue supporting States in developing their national implementing legislation and other measures.

Thank you.