

**Intervention by Stephen Goose, Head of Delegation,
International Campaign to Ban Landmines (ICBL)**

To the Standing Committee on General Status and Operation of the Convention

On Article 1

16 May 2003

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The ICBL has increasingly raised concerns over the past year and a half about the issue of joint military operations with non-State Parties that may use antipersonnel mines, and the need for a common understanding of the Mine Ban Treaty's prohibition on assistance with any banned act. These increased concerns were, of course, due to the war in Afghanistan and the then-looming war with Iraq.

We are very pleased that these concerns remained largely theoretical because the United States apparently did not use antipersonnel mines in either conflict. There might be some questions related to foreign stockpiles and transit of antipersonnel mines, but we are not prepared to comment on those matters at this time.

We appreciate the efforts that States Parties made to convince the United States not to use antipersonnel mines in Iraq, and assume this was not an insignificant factor in the U.S. decision not to deploy them. The lack of use shows that the international norm we have created against the antipersonnel mine is indeed taking hold. It also reflects what many have contended for years: the antipersonnel mine simply does not have much military utility, especially in modern manoeuvre warfare. On the other hand, we were very disturbed by new use of mines by Iraqi forces and condemned it as a violation of international humanitarian law. Iraqi forces did use antipersonnel mines, though not extensively; but they were not effective.

Although coalition forces apparently did not use antipersonnel mines in Afghanistan or Iraq, there is still a need for a common understanding of the term "assist." It can only strengthen the treaty if there is clarity about what acts are permitted and what acts are not permitted. States Parties should reach such a common understanding either before or at the Review Conference in 2004.

More than thirty States Parties have made statements about Article 1, joint operations and assist – some quite detailed, some very brief. In reviewing those statements, we believe that there is an emerging common view about what States Parties should NOT do when engaged in a joint military operation with a non-State Party.

The following list is not intended to be comprehensive:

- No participation in planning for possible use of antipersonnel mines;
- No participation in training activities involving use of antipersonnel mines;
- Reject any Rules of Engagement permitting use of antipersonnel mines;
- Do not agree to operational plans authorizing use of antipersonnel mines by a combined force;
- Reject any orders to use antipersonnel mines;
- Do not request use of antipersonnel mines by others if you are in command of a combined force;
- No participation in a battle where a State Party's forces gain direct military benefit from the use of antipersonnel mines by others;
- No assistance in laying, transporting, or providing security for stocks of antipersonnel mines.

Apart from "assist," there is also a need for a common understanding about the legality of transit of antipersonnel mines across the territory of a State Party. Nearly all State Parties who have spoken on this issue have said that transit is prohibited (either under Article 1's assist clause or under Article 2's definition of "transfer"), but at least two States Parties have taken a different view.

We strongly encourage States Parties to continue discussions on these matters, and to comment specifically on what we have outlined today, with a view to reaching a common understanding by the Review Conference. Thank you.