

**Notes for ICRC intervention under the item  
"The practical implementation of the various other provisions of the  
Convention"**

**SC-GSO  
Friday 17 June 2005**

**Statement on Article 2**

Action #55 of the Nairobi Action Plan calls on all States Parties to exchange views and share their experiences on the practical implementation of the various provisions of the Convention, including, among other provisions, on Article 2 of the Convention, and "to continue to promote effective and consistent application of these provisions".

In order to facilitate the follow-up on Action #55, the ICRC has updated its table entitled "*Anti-vehicle" mines with sensitive fuses – Positions and relevant practice of States Parties on Article 2 of the Ottawa Convention*, which has been distributed to participants.

The ICRC's views on mines with sensitive fuses are well known, but I will succinctly reiterate them here for the benefit of those participants today who are new to these discussions. It is the view of the ICRC that, based on the negotiating history of the Convention, its object and purpose, and the basic rules of treaty interpretation, any mine which is likely to be detonated by the presence, proximity or contact of a person is an antipersonnel mine prohibited by this Convention. Specifically, this means that States Parties are prohibited from producing, stockpiling, transferring and using mines, regardless of what they are called, that are equipped with tripwires, breakwires, tilt-rods, low-pressure fuses and similar fuses that are likely to be triggered by the contact of a person.

A significant number of States Parties have expressed their views on this issue. These are presented in the table we have distributed today. Most of the States Parties that have expressed their views share the ICRC's position (which I have just presented), and these are listed on pages 2 to 6 of the table. Those States Parties that do not share the ICRC's position consider mines with sensitive fuses not to be covered by Article 2 of the Convention or consider that the question of these mines should not be discussed in the context of the Convention; these are listed on pages 7 to 9 of the table.

As always, we invite the States cited in the table to provide to the ICRC any further clarifications or corrections which may be appropriate. We also urge all States not listed to make their views known on this important issue.

We thank Australia for having clarified its interpretation of the difference between an anti-personnel mine and an anti-vehicle mine, in the context of its presentation on Article 9.

In closing, we would only remark that the table we have distributed demonstrates that there is a considerable difference in the interpretation and application of Article 2 among States Parties. This underscores the need for States Parties to work towards the effective and consistent application of Article 2, as called for in Action #55.