

ICBL Statement
to the Standing Committee on General Status and Operation of the Convention
on Article 2
Geneva, 29 May 2009

Thank you for the floor, Co-Chair.

With respect to Article 2, many States Parties, the ICBL, and the ICRC have always emphasized that, according to the treaty's definitions, any mine (even if it is labelled as an antivehicle mine) that explodes from an unintentional or innocent act of a person is considered to be an antipersonnel mine and therefore prohibited. For a small number of States Parties, this has been a contentious issue. According to Landmine Monitor's count, at least two dozen States Parties have said that such mines are banned by the treaty, while only a handful of states have taken a different view.

A lack of clarity on this key issue creates a potentially dangerous loophole in which mines most States Parties consider prohibited are available for use by others. Moreover, in the future, additional mines possessing inherent and irreversible victim-activated design features could be considered beyond the scope of the treaty; other mines with features and design consequences that serve the same function as an antipersonnel mine could conceivably be viewed by some as "compliant" with the Mine Ban Treaty, simply by declaring them to be antivehicle mines.

Through discussions in both the Mine Ban Treaty and the Convention on Conventional Weapons, states have identified certain types of fuzes, typically used with antivehicle mines, that invariably cause the mine to function like an antipersonnel mine, including tripwires, breakwires, and tilt rods.

The ICBL believes that the Cartagena review document should reflect the long-running discussions on this issue and the prevailing view that mines with sensitive fuzes—such as tripwires, breakwires, and tilt rods—that function as antipersonnel mines are prohibited by the Mine Ban Treaty. The Cartagena Action Plan should call on States Parties to review their stocks and destroy such mines.

Thank you.