



ICRC

ICRC Statement on Measures to Ensure Compliance

Third Review Conference of the Anti-Personnel Mine Ban Convention, Maputo, 23-27 June 2014

Mr President,

The ICRC is deeply concerned by the confirmed and alleged use of anti-personnel mines by States Parties since the last Review Conference in 2009. This issue has the capacity to hamper the credibility of the Convention if not dealt with effectively.

We are therefore very pleased with the attention given in the Maputo Declaration, the Action Plan and the “Machinery” documents to ensuring compliance with the Convention’s prohibitions. The ICRC also supports the proposed establishment of a Committee on Cooperative Compliance. We trust that all States Parties concerned by confirmed or alleged use of anti-personnel mines will abide by their commitments, share information and work cooperatively with the proposed Committee.

As recognised in the Maputo Action Plan, non-compliance with the Convention’s prohibitions can be deterred, if not halted, through national implementation measures under Article 9 of the Convention. Such measures require, at a minimum, the criminalisation of the Convention’s prohibitions under national law. To be truly effective, they also require changes to military doctrine, training and procedures of armed forces.

The ICRC is concerned that more than 60 States Parties to the Convention have not yet complied with their obligations under Article 9 – an obligation that falls on each and every State Party, regardless of whether or not they are affected by, or have stockpiles of, anti-personnel mines.

The ICRC therefore welcomes the commitment made in the Action Plan that each State Party that has not yet done so will, as soon as possible and no later than by the Fourth Review Conference, take all appropriate measures to prevent any prohibited activity. The ICRC urges each concerned State Party to already start considering how it will fulfil this important commitment. For States that are in the process of adopting legislation, this means finalising their work and encouraging their Parliaments to pass such legislation without delay. For those that have not yet initiated a legislative process, it means doing so as a priority. Now is also the time to review military doctrine, training and procedures to ensure that all members of those forces are aware of the Convention’s prohibitions and the consequences of non-compliance with them.

Some States Parties may require support to achieve these goals. The Maputo Action Plan calls on States Parties to support one another in adopting national implementation measures, and the ICRC keenly welcomes this call.

The ICRC has a number of regional armed forces advisers around the world who can assist States with military doctrine and training. In addition, we have Regional Legal Advisors based in every continent who are also available to assist Governments in the drafting of national implementing legislation, whether that be by providing technical training, sensitisation sessions for Parliamentarians or giving input on draft laws. We have also developed numerous tools that may be of use, including a model law for Common Law States and a database containing the various laws already adopted worldwide, which is publicly accessible.

In summary, the ICRC welcomes the measures to ensure compliance that are contained in the outcome documents, and we reiterate our willingness to support States Parties' efforts to prevent and address compliance concerns

Thank you.