



ICRC

**Fourth Review Conference of the States Parties to the Anti-Personnel Mine Ban Convention
Oslo, 25-29 November 2019**

**International Committee of the Red Cross
Statement on measures to ensure compliance**

Thank you, Mr. President.

In the last year there have been allegations of anti-personnel mine use in the territory of some States Parties. This is a matter of serious concern. Any use of anti-personnel mines by any actor is unacceptable and must be roundly condemned. We are pleased to see the draft Oslo declaration reaffirm this in unequivocal terms.

The ICRC commends the Committee on Cooperative Compliance for its work over the past year to address allegations of use through dialogue with the concerned States Parties, which has provided some useful clarifications. It is essential that States Parties investigate all credible allegations of use of anti-personnel mine 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 States Parties to adopt 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. So far 72 States Parties have taken positive action to put in place the necessary national implementation measures, and 39 have reported that existing laws suffice to meet their obligations. In particular, we wish to congratulate the 8 States Parties (Afghanistan, Bulgaria, Fiji, Finland, Kenya, Paraguay, Saint Kitts and Nevis and Sudan) that have adopted national legislation since the Third Review Conference. However, twenty years after the Convention came into force, there remain 59 States Parties yet to take the required domestic measures to fully implement the Convention.

Against this backdrop, the ICRC welcomes the introduction of new action items in the draft Oslo Action Plan under the section "Measures to ensure compliance". The action points under this section aim to support full respect for the core obligations of the Convention -- notably

Articles 1, 3(1), 4 and 5 – which are essential to achieve the goal of a mine-free world, as well as

- obligations under Article 7 to ensure transparency and facilitate international cooperation and assistance, and
- obligations under Article 9 to ensure national implementation and enforcement of the Convention's core obligations.

The ICRC also welcomes that the draft Oslo Action Plan commits States Parties that have not yet done so to fulfil their obligations under Article 9 of the Convention no later than by the Twentieth Meeting of the States Parties, as well as the action items to ensure timely reporting, notably on progress in implementing the Convention's core obligations. We urge States Parties to swiftly and faithfully implement these commitments.

For its part, the ICRC stands ready to continue helping States in developing their national implementing legislation. The ICRC has developed various tools to assist States in the development of their national implementing legislation, including a model law, factsheets and an updated national IHL implementation database. If possible and where invited to do so, the ICRC can provide hands-on technical and drafting advice to governments, including legal drafting workshops.

As always, the ICRC remains available to provide States with assistance and advice on implementing measures.

Finally Mr. President, returning to the issue of compliance, in the view of the ICRC, compliance issues may differ in gravity and must accordingly be treated differently. Non-compliance with the prohibitions under Article 1 constitute serious violations of the Convention, and must be duly addressed as such by States Parties. Moreover, in cases of repeated delays in meeting Convention deadlines, or deadlines under extensions granted in relation to articles 4 or 5, as a consequence of a lack of due diligence by the concerned State Party, States Parties should consider addressing such cases as a matter of compliance.

Thank you.