

AGENDA ITEM – COMPLIANCE



Statement on Compliance Intersessional Meeting of the Mine Ban Treaty 8 June 2018

Thank you for the floor.

We thank the Committee on Cooperative Compliance for its important work, and also thank it for the opportunity for the ICBL and its members to contribute to the process.

This is a good time to remind ourselves how special this Convention is, and how special the cooperative compliance approach is. There are lessons to be learned for the many nations that are struggling to deal with Syria's willful violations of the Chemical Weapons Convention, and for the many nations that are questioning how to deal with compliance in a future world of autonomous weapons.

The most serious compliance concern of course is the possible use of antipersonnel mines by a State Party. There has been one confirmed instance of this since entry-into-force, by Yemen in 2011-2012. We have just heard from the Committee about its actions with respect to Yemen, as well as to allegations of use by three other States Parties: South Sudan, Sudan, and Ukraine.

It is worth noting that there have been no new allegations of use by these States Parties or any other States Parties since the Committee began its inquiries, some four years ago. After receiving a written report from South Sudan, the Committee is recommending "case closed" status for that investigation, just as it did previously for Turkey.

It is unfortunate that we did not hear updates today from Sudan, Ukraine, and Yemen. Ukraine has not provided an update on its efforts to investigate allegations of use since February 2017 and Yemen has not since June 2017. Sudan told the Committee earlier this year that it still needs to investigate allegations of use in three regions. Full transparency with respect to these investigations and their findings is crucial.

The Compliance Committee has noted that in all of these cases, the States Parties have mined areas under their jurisdiction, but outside of their control, and that the

cases will have to remain open until those states conclude appropriate investigations into those areas.

While being the most serious, use allegations are by no means the only compliance issues of concern.

The long-missed stockpile destruction deadlines for Greece and Ukraine remain unmet.

We must again ask, why are States Parties not asking questions of those that are keeping mines under the Article 3 exception without ever using them for any of the permitted purposes? These are in essence stockpiled mines, not mines retained for training or development.

On Article 5, there are far too many mine clearance extension requests, and too little respect for the “as soon as possible” requirement and the ten-year deadline. The most egregious case of course is that of Ukraine. Ukraine has been in violation of the treaty since 1 June 2016 for missing its clearance deadline without having requested an extension in time. We continue to hope Ukraine will move to remedy this situation as soon as possible, as it is clearly in its own best interests to do so. As Switzerland noted, this situation not only affects Ukraine, but undermines the credibility and integrity of the Convention.

Ukraine has the dubious distinction of being in double violation for missing both its stockpile destruction and mine clearance deadlines. But while States Parties and the ICBL have acknowledged multiple understandable reasons and shared blame for missing the stockpile destruction deadline, such is not the case for clearance and the failure to submit an extension request. Instead, Ukraine has apparently made a decision to ignore a legal requirement and to ignore the multitude of entreaties from States Parties to urgently submit an extension request.

Extension requests are required, and submission of a request is not a matter for negotiation or for pre-conditions. Ukraine cannot unilaterally declare that its obligation no longer exists. There are no reservations allowed under this treaty. Given the very difficult conflict situation it is enduring, it is hard to understand why Ukraine is needlessly bringing harsh criticism upon itself for its failure to abide by the treaty’s legal requirements. Perhaps the time has come to ask if Ukraine is willfully

violating the treaty, that is, does Ukraine believe it is gaining benefit from its failure to submit an extension request? We certainly hope not.

Turning to another compliance matter, the compliance rate with the legal obligation for transparency reporting continues to be disturbingly low, around 40%.

In closing, it is vital to promote compliance with the norm being established by the Mine Ban Treaty: that there should not be any use of antipersonnel mines by any actor under any circumstance.

It is striking that thus far in 2018, there is not confirmed use of antipersonnel mines by any government force. We are investigating allegations in several past users, such as Myanmar and Syria.

Non-state armed groups have used antipersonnel mines in a significant number of countries -- mostly improvised antipersonnel mines, also called victim-activated improvised explosive devices, which are prohibited by the Mine Ban Treaty. There have been incidents of use or unconfirmed allegations of use by non-state armed groups in Afghanistan, Cameroon, DR Congo, Iraq, Libya, Myanmar, Nigeria, Pakistan, the Philippines, Syria, Ukraine, and Yemen. We continue to assess these situations.

Improvised antipersonnel mines can also be a compliance issue. States Parties need to treat these as they do other antipersonnel mines, to report them in transparency reports as contaminated areas, and to report on clearance in accordance with treaty mandated deadlines.

States Parties should condemn any new use of improvised antipersonnel mines by non-state armed groups as well as government forces, and States Parties should seek out new ways to stigmatize and stop the use of improvised antipersonnel mines.

Thank you.