

ICBL Intervention on Article 3 – Mines Retained for Training

**Delivered by Steve Goose (Human Rights Watch), Head of the ICBL Delegation,
to the Standing Committee on General Status and Operation of the Convention
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Thank you Mr. Chairman.

The International Campaign to Ban Landmines is increasingly convinced that there is widespread abuse of the exception in Article 3 allowing retention of antipersonnel mines for training and development. It appears that many States Parties are retaining more antipersonnel mines than “absolutely necessary” and are not using mines retained under Article 3 for the permitted purposes. It is time for States Parties to think about this as a serious compliance issue, and not just a reporting or transparency issue.

Let me run down the reasons we are so concerned:

- Some States Parties have yet to use their retained mines for either training or development purposes; the mines are simply sitting in storage.
- Some States Parties are retaining mines when they do not have active demining, training, or development programs.
- Many States Parties have not provided sufficient detail and justification for their requirement to retain any mines, or a certain number of mines.
- Many States Parties have not undertaken a detailed process to determine the minimum number of mines needed.
- Some States Parties state that they are using retained mines for training or development purposes, but the number of retained mines does not change from year to year, indicating none of those mines are consumed (destroyed), contrary to the experience of most other states engaged in those activities.
- Many States Parties provide inadequate and inconsistent information about retained mines in their required Article 7 annual transparency reports.
- Too few States Parties are using the expanded Article 7 Form D agreed to at the Sixth Meeting of States Parties to facilitate reporting on the intended purposes and actual uses of retained mines.

Mr. Chairman, unless a State Party is clearly retaining the minimum number of antipersonnel mines, is actively utilizing the mines for the permitted purposes, and is being fully transparent about the process, there may rightly be concerns that the mines are in essence still being stockpiled and could be used for war fighting purposes.

Although we often talk about completion of stockpile destruction programs, and about a mine-free world, in fact, of the current 153 States Parties, 68 retain over 232,000 antipersonnel mines under Article 3.

We have prepared a Landmine Monitor fact sheet on this issue that forms the basis for this intervention, and also contains a great deal of additional information.

In most cases, programs for demining training or development involve the consumption (destruction) of the mines being used for those purposes. However, there is a clear history of little to no consumption of retained mines by a significant number of States Parties. Thirty-three States Parties have not consumed any of their retained mines for the past two or more years, including 18 that have not reported consuming any mines for permitted purposes since entry-into-force. Few of these states have explained why mines are not being consumed.

In a similar vein to the lack of explanation for no consumption, too many States Parties have not provided any justification for the quantities of mines retained. Other States Parties have limited their explanation of mines retained to simply repeating the language used in Article 3, or a similar formulation, without stating any further justification or quantitative requirement for retaining mines.

Some States Parties have cited participation in peacekeeping operations as a justification for retaining mines. However, according to UN officials, only three UN-managed programs have a mine clearance capacity compliant with International Mine Action Standards and require training (Lebanon, Eritrea, and Sudan).

At the Sixth Meeting of States Parties in November-December 2005, States Parties agreed to adopt a new voluntary expanded reporting format for Form D of the annual transparency declaration. This modified format allows countries to report on the intended purposes and actual uses of mines retained under Article 3.

Disappointingly, only 11 States Parties provided information in the new expanded form in reports submitted in 2006. As of 12 April 2007, two States Parties had provided information in the new form in reports submitted in 2007.

There has been some progress by a number of States Parties in fully disclosing the intended purposes and actual uses of retained mines. Some States Parties have provided information such as the rationale for retaining specific quantities of mines, details or justification for what institutions retain mines, and a timeline for the continued need for retained mines. A number of States Parties have also re-evaluated the number of mines needed, and decided to decrease the amount.

Mr. Chairman, there are four activities that are the most frequently cited uses for retained mines: (1) personnel training—some states cite the importance of “live mine” confidence and effects demonstration for troops; (2) destructive testing on equipment, such as personal protective gear, mine-proof vehicles, vegetation cutting and earth-moving

machines, and mechanical clearance machines; (3) detection equipment testing; and, (4) dog training.

There remain some key unanswered questions about retained mines. States Parties need to address these head-on, as they call into question the rationales often put forward for keeping mines.

- Are “live mines” necessary for training in manual clearance or with metal detectors? There are obvious safety and risk issues to using live mines. Some operators have pointed out that an option is to have the fuze buried on top of the mine body for signal response, but not inserted to make a “live mine.”
- Are “live mines” required for training of mine detecting dogs? Some operators have pointed out that fuze assembly is not required, and without fuze assembly, mines stay in the ground longer and are not destroyed.
- Are “live mines” necessary for peacekeeping operations? As noted above, only three UN-managed programs have IMAS-compliant mine clearance capacity and require training (Lebanon, Eritrea, Sudan). Some states engaged in demining as part of peacekeeping operations do not retain mines (for example, Austria, New Zealand, and Norway).
- Are the mines that many states are retaining representative of the mine threat in the country or their clearance activities in other countries? It would not appear to be the case.
- Is it necessary to know how to lay a doctrinal minefield to do training for humanitarian demining?
- Are mines, especially fuze components, that are past their “use-by” date or beyond their expected shelf life safe to retain?

The ICBL continues to question the need for live antipersonnel mines for training and calls on States Parties to continue to evaluate the necessity for this exception, especially for those states that have not used mines for permitted purposes in prior years.

The ICBL urges all States Parties that retain mines under Article 3 to adopt the following best practices in order to ensure that the exception granted for retaining antipersonnel mines is not being misused.

- Use the expanded voluntary format of Form D for annual transparency reporting.
- Declare the intended purposes and actual uses of antipersonnel mines retained under Article 3 in statements made at Meetings of States Parties, intersessional Standing Committee meetings, or in communications with Landmine Monitor.
- Carry out a detailed evaluation of the precise number of antipersonnel mines needed for specific activities. Provide the justification for why and the method how a particular number was arrived at.

- Regularly re-evaluate the number of retained mines to ensure that it is the minimum number absolutely necessary for permitted purposes.
- Reduce the number of retained mines to a level consistent with an annual requirement for live mines actually being used in training and research activities.
- Explore available alternatives to using live mines for training and research activities.
- Do not retain any antipersonnel mines as a contingency for possible future needs, as opposed to demonstrated current needs.

Thank you.