

**ICBL Intervention on Article 7  
(Agenda Item: Transparency and Exchange of Information)**

**Delivered by Steve Goose (Human Rights Watch), Head of the ICBL Delegation,  
to the Standing Committee on General Status and Operation of the Convention  
Geneva, Switzerland  
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Thank you Mr. Chairman and thanks also to Belgium for its coordination of the Article 7 contact group and its informative report. We have produced our traditional Landmine Monitor Fact Sheet on Article 7, and I would like to highlight some of the points from it, but I also encourage all delegates to get a copy of the fact sheet which has more detail, and names more names, than I can in this intervention.

**Annual Reporting**

It appears that compliance with the requirement for annual updates of Article 7 transparency reports is slipping. A total of 26 States Parties did not submit an annual report for either 2004 or 2005 (due 30 April 2005 and 30 April 2006). An additional 11 States, or 37 total, did not submit an annual report for 2005. Of these, Republic of Congo, Djibouti, Malawi, and the Philippines are of greatest concern, because they are mine-affected, or their mine-affected status is uncertain.

**Initial Reporting**

Since the publication of *Landmine Monitor Report 2006*, three States Parties met their deadline for submitting initial Article 7 reports: Brunei, Ukraine, and Vanuatu. Congratulations to them. In addition, Guyana finally submitted its initial report, due 31 July 2004, in October 2006.

However, three States Parties did not meet their deadlines—Bhutan (31 July 2006), Haiti (28 January 2007), and Cook Islands (28 February 2007). In addition to those three, five other States Parties are late in submitting their initial reports: Equatorial Guinea (due by 28 August 1999), Cape Verde (due by 30 April 2002), Gambia (due by 28 August 2003), São Tomé e Príncipe (due by 28 February 2004), and Ethiopia (due by 28 November 2005). Of these, Ethiopia is most worrisome because it is mine affected and likely has a sizeable stockpile of antipersonnel mines.

Equatorial Guinea, Cape Verde and Gambia are not only grossly non-compliant in fulfilling the treaty's transparency obligation, but each has passed its deadline for destroying any stockpiled antipersonnel mines (1 March 2003, 1 November 2005 and 1 March 2007 respectively). None has informed States Parties of compliance with this core obligation. São Tomé e Príncipe's deadline for stockpile destruction is 1 September 2007. None are believed to have stocks, but all have an obligation to report that information.

A total of two State Parties have pending deadlines: Montenegro (27 September 2007) and Indonesia (28 January 2008).

### **Expanded Reporting on Retained Mines**

States Parties agreed to adopt a new voluntary expanded reporting format for Form D on retained mines at the Sixth Meeting of States Parties in December 2005. This modified format allows States Parties to report on the intended purposes and actual uses of mines retained under Article 3. Disappointingly, only 11 States Parties made use of the new expanded form in reports submitted in 2006. And as of 12 April 2007, only two States Parties had used the new form in reports submitted in 2007. We strongly encourage States Parties to use the expanded reporting format.

### **Reporting on and Destroying Captured or Newly Discovered Stockpiles**

States Parties regularly discover, capture, seize, or receive turned-in arms caches containing antipersonnel mines. It is a States Party's responsibility to report on the acquisition and disposition of captured, seized, or turned-in antipersonnel landmines. States Parties should reveal through Article 7 forms the details of newly found antipersonnel landmines depending on whether they are maintained for a period as stockpiled mines (Form B), transferred for destruction or training purposes (Form D), actually destroyed (Form G), or retained for training purposes (Form D). This reporting should occur for discoveries and seizures made both before and after the completion of stockpile destruction programs.

This responsibility to report is reflected in both Action #15 of the Nairobi Action Plan and the Final Report of the September 2006 Seventh Meeting of States Parties. The Final Report suggested that Form G of the Article 7 reporting format could be amended to facilitate reporting, a suggestion that originated with the ICBL.

Since mid-2006, there have been reports of discoveries or seizures of antipersonnel mines in Afghanistan (by national and coalition forces), Algeria, Bangladesh, Bosnia and Herzegovina (by EUFOR), Colombia, DR Congo, and the Philippines.

### **Reporting on Mines with Sensitive Fuzes and Sensitive Antihandling Devices**

Mines with sensitive fuzing mechanisms (such as tilt rods, breakwires or tripwires) or equipped with sensitive antihandling devices (AHD) which explode from an unintentional act of a person are banned by the treaty, regardless of being labeled as antivehicle mines. Thus, prohibited mines with sensitive fuses or sensitive AHD should be included in Article 7 reporting, including types and numbers possessed, modified, and destroyed.

### **Voluntary Reporting on Claymore-Type and OZM-72 Mines, and Foreign Stocks**

Use of Claymore-type mines (directional fragmentation munitions) and OZM-72 is legal under the Mine Ban Treaty as long as they are command-detonated, and not victim-actuated (used with a tripwire). States Parties should voluntarily report on stockpiled Claymore-type and OZM-72 mines and steps taken to ensure their use in command-detonated mode only. States Parties should also report on any foreign stockpiles in order to be consistent with the spirit of the convention aimed at no possession of antipersonnel mines by anyone.

Thank you.