

## **ICBL Intervention on Compliance (Agenda Item: Other Provisions)**

**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  
27 April 2007**

Mr. Chairman, I am afraid that I am going to make another unpleasant intervention, but it is an important one that I hope States Parties will listen to carefully. The ICBL has done as much or more than anyone else to promote and report on the success of the Mine Ban Treaty. But some very serious compliance concerns have arisen that must be acknowledged and dealt with. These are compliance concerns related to the fundamental obligations of the treaty: the prohibitions on use, transfer, and stockpiling, and the deadlines for stockpile destruction and clearance of mined areas.

It is possible that looked at individually, each of these compliance issues can be explained away in some fashion, or dismissed as not posing any real threat to the integrity of the treaty. But taken as a whole, they can be seen as a very troubling indicator about the health of the treaty.

First, there was the intervention from Venezuela earlier this week stating that it has not yet started clearing the mined areas around its naval bases, even though its deadline is 1 October 2009, because it has not finalized its search for alternatives that would provide early warning and protection of its bases from Colombian guerrillas. Venezuela has attached a note to its most recent Article 7 report with a similar statement. We do not understand why this did not draw a response from any State Party. Does this not constitute “use” of antipersonnel mines? Venezuela has in essence said that it is purposefully deploying antipersonnel mines in order to derive military benefit from them, and is refusing, as required by the treaty, to clear them as soon as possible, or possibly even by the ten-year deadline. It can be easily argued that this may constitute two treaty violations: of the Article 1 prohibition on use and of the Article 5 clearance requirements.

Second, it must be noted that this is not a phenomenon limited just to Venezuela. There appear to be several cases where States Parties are using antipersonnel mines that they laid in the past to serve an ongoing military purpose. In particular, we have seen this with mines laid, and not yet cleared, around military installations and prisons, and in border areas. It is not just new use of antipersonnel mines that is prohibited by the Mine Ban Treaty. States Parties should not be purposefully utilizing existing minefields to derive military benefit. Their obligation instead is to clear those minefields as soon as possible.

Third, there is continued concern about possible transfer of antipersonnel mines from one or more State Parties to entities in Somalia. At the 7<sup>th</sup> Meeting of States Parties, we drew your attention to a May 2006 report from the UN arms embargo monitoring group for Somalia which stated that the government of Eritrea had delivered 1,000 antipersonnel mines to militant fundamentalists in Somalia on 5 March 2006. Eritrea denied the claim

as “baseless and unfounded.” Subsequently, a November 2006 report from the monitoring group cited another shipment of antipersonnel mines from Eritrea on 28 July 2007. It also reported that Ethiopia had transferred 180 antipersonnel mines to militias in Puntland. Ambassador Millar, the President of the 7<sup>th</sup> Meeting of States Parties, informed us earlier this week that she had written to the monitoring group seeking further information but had not yet received a reply. While we appreciate Amb. Millar’s effort, it does not appear that States Parties are vigorously pursuing clarification of these matters, even though they are surely among the most specific and serious allegations of treaty violations to date.

Fourth, as we heard earlier this week, Afghanistan missed its stockpile destruction deadline (though we welcome the news it will finish very soon), Belarus is almost certain to miss its deadline, Ukraine is in danger of missing, and Angola just made its deadline with a major last minute effort. After a near pristine record of States Parties destroying stockpiles on time, and often far ahead of deadlines, these developments are troubling, and should not become part of a new pattern.

Fifth, as the ICBL elaborated this morning, there appears to be widespread abuse of the exception in Article 3 allowing for the retention of mines for training and development purposes. Many States Parties are retaining more antipersonnel mines than “absolutely necessary” (the treaty language) and are not using the retained mines for the permitted purposes. Some States Parties have yet to use their retained mines at all; they are simply sitting in storage—the equivalent to continued stockpiling. 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 could be used for war fighting purposes.

In addition, it has become increasingly evident, especially after this week’s interventions, that a large number of States Parties will not meet their mine clearance deadline, and at least four have not yet removed a single mine. And, of course, the ICBL has repeatedly said that many States Parties are still not providing adequate assistance to survivors.

Article 9 on national implementation measures cannot be counted on to deal effectively with all compliance concerns, especially since to date less than half the States Parties have fulfilled their Article 9 obligations.

Mr. Chairman, all of this does not add up to a pretty picture. The ICBL has expressed its dismay over the years with the failure of States Parties to operationalize Article 8 (Facilitation and Clarification of Compliance), and the failure to develop informal mechanisms to ensure that, short of invoking Article 8, compliance concerns are addressed in a systematic and coordinated fashion.

The need for these steps is greater now than ever before. In this year, the ten year anniversary of the negotiation and signing of the Mine Ban Treaty, we all need to do more, to do more together, to promote full implementation of and full compliance with the Mine Ban Treaty. Thank you.