

International Campaign to Ban Landmines

Intervention on Friday, 17 June 2005

Standing Committee: General Status and Operation of the Convention

Agenda Item: Article 3

Speaker: Steve Goose (Human Rights Watch), Head of ICBL Delegation

We appreciate the extensive discussion that has taken place on Article 3. Such a discussion is both worthwhile and necessary, as Article 3 is the most notable exception in a treaty remarkably free of exceptions or loopholes. The ICBL, as well as a number of States Parties, including New Zealand and Norway, have long questioned the need to retain ANY live mines for training purposes.

In an effort to clarify their intent and to discourage potential abuse of the Article 3 exception, many States Parties joined together at the end of the Oslo negotiations in 1997 to state that the “minimum number absolutely necessary” meant retaining hundreds or perhaps thousands of mines, but not tens of thousands. This view has been repeated and reconfirmed repeatedly by numerous States Parties during five years of Standing Committee discussions.

At this point, it may be said that the number of mines retained is less important than why mines are being kept and how those mines are being utilized. In this context, Nairobi Action Point #54, in which States Parties agreed to provide details on intended purposes and actual uses of retained mines, is very important. We commend the GSOC co-chairs for focusing attention on this Action Point and we commend Argentina and Chile for their detailed proposal on how to implement Action Point #54. We strongly support the proposal.

More detailed and expanded reporting on retained mines is especially important because for a very large number of States Parties, it is unclear if they are using their retained mines in *any* way. Rather, it seems the mines are simply sitting in warehouses, not serving any active purpose. This is apparently true even for some of the states retaining the highest numbers of mines.

According to the new Landmine Monitor Fact Sheet on Article 3, 70 States Parties retain over 250,000 antipersonnel mines. While 70 are keeping mines, 68 States Parties have decided not to retain any AP mines, and six States Parties have not yet made clear their intention to retain or not.

Nearly one-third of all retained mines are held by just five States Parties: Brazil (16,125); Turkey (16,000); Algeria (15,030); Bangladesh (15,000); and, Sweden (14,798). Turkey is the most recent addition to this list of those keeping far more mines than is standard

state practice. Another ten states retain between 5,000 and 10,000 mines, including recent additions Namibia (9,997), Serbia and Montenegro (5,000) and Sudan (5,000).

Most of these states have not yet provided details on the intended purposes and actual uses of their mines. For these states retaining very large numbers of mines, it is especially important to understand what the special requirements are for them to keep so many more mines than other nations, and to understand how they have justified this as the “minimum number absolutely necessary” as required by the Mine Ban Treaty.

But increased transparency reporting is not only important and relevant for those with large numbers of retained mines. It is important for all States Parties keeping mines, especially because it appears that so many are not in fact utilizing the mines at all.

Only 15 States Parties have so far reported consuming (i.e., destroying) retained AP mines in 2004. The number may increase as more Article 7 reports come in, but only 17 reported consuming retained mines in 2003, and only 16 in 2002.

There is a long list of States Parties whose number of mines retained has not changed year after year, indicating no consumption. Perhaps some States Parties are using retained mines for training and development purposes without consuming or destroying any of those mines. But clearly greater transparency and reporting is needed.

The ICBL believes that states that retain antipersonnel mines and do not use any of these mines for the permitted purposes abuse the exception in Article 3.
