

Ensuring the full implementation of Article 4

Lithuania and Serbia Co-Chairs of the Standing Committee on Stockpile Destruction

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On 1 March 2008, the Convention faced three cases of failure to comply with their obligations to destroy or ensure the destruction of stockpiled anti-personnel mines they own or possess or that are under their jurisdiction or control not later than four years after entry into force of the Convention.

The failure to comply with Article 4 presents a serious challenge to all States Parties. Stockpile destruction is essential in order that the Convention fulfils its promise to end the suffering and casualties caused by anti-personnel mines for all people for all time. Complying with Article 4 demonstrates full commitment to the Convention's comprehensive ban on antipersonnel mines and helps ensure no future use and no future victims.

The Co-Chairs of the Standing Committee on Stockpile Destruction believe due attention must be given to cases of non-compliance and to preventing future instances of non-compliance. In this regard, we recommend the following:

- Non-compliant States Parties should act in a committed and transparent way, immediately communicating, preferably in a form of a *note verbale* addressed to all States Party, the reasons, which should be extraordinary, for failing to comply and providing a date and plan to ensure compliance as soon as possible. They should commit national resources to fulfill their obligations and, if relevant, actively pursue assistance.
- In order to prevent or address compliance issues, the Co-Chairs of the Standing Committee on Stockpile Destruction should hold informal consultations with concerned States Parties, donors and relevant experts. Consultations as a preventative measure should be undertaken well in advance of deadlines to achieve their intended impact.
- States Parties in the process of implementing Article 4 should communicate to other States Parties, through annual transparency reports, at every meeting of the Standing Committee on Stockpile Destruction and at every meeting of the States Parties, plans to implement Article 4, successively reporting increasing progress that is being made towards the fulfillment of Article 4 obligations.
- Alongside the States Parties which have obligations under Article 4, other States Parties should also engage by means in their disposal, for example diplomatic contacts, notes verbales, etc., to encourage and facilitate, where appropriate, the destruction of APL stockpiles process in the States Parties concerned. They should be concerned and preventative measures should be *taken* if, one year after entry into force, a State Party that must implement Article 4 does not have a plan to do so and if, two years after entry into force, no progress in the destruction of stockpiled mines has been reported.