

International Campaign to Ban Landmines
Statement during the General Exchange of Views
Delivered by Steve Goose, Human Rights Watch, Head of ICBL Delegation
Tenth Meeting of States Parties to the Mine Ban Treaty
Geneva, Switzerland
29 November 2010

Mr. President, delegates,

The Mine Ban Treaty continues to be one of the great success stories in the disarmament realm and in global humanitarian efforts. As reported by the ICBL in this year's Landmine Monitor, there has been record-breaking progress in key areas. The annual casualty rate is at an all-time low, the level of clearance is at an all-time high, and new use of antipersonnel mines is more limited than ever, by both governments and rebel groups.

This has happened in large part because of the commitment of the governments, NGOs, and international organizations in this room, and the cooperative partnership we have forged and nurtured over the years.

But let's not pause too long to pat ourselves on the back. We also have a record number of States Parties in serious violation of the Treaty, and others who are clearly not doing nearly enough to implement key provisions.

We are facing real challenges to the credibility and integrity of the Treaty, and there is a real danger that its effectiveness—so impressive in the past year and the past decade—will be severely eroded in the future if the challenges are not acknowledged, openly discussed, and addressed together as the cooperative community we have become.

First and foremost are the compliance concerns, those regarding use of antipersonnel mines, missed stockpile destruction deadlines, and failure to initiate clearance activities.

Turkey acknowledged during the June intersessional meeting that it was investigating allegations of use of antipersonnel mines by members of its armed forces. These appeared to be the most serious and credible allegations of use by the armed forces of a State Party ever. Turkey pledged to report to States Parties on the outcome of the investigation. There have been unconfirmed press accounts that the investigation has concluded. We hope to hear directly and definitively from Turkey this week, as soon as possible. Transparency and accountability are absolutely essential. How Turkey and other States Parties handle this most serious of possible breaches of the treaty will be a clear indicator of the treaty's strength and integrity at this point in time.

Four countries are in violation of the treaty for missing stockpile destruction deadlines: Belarus, Greece, and Turkey since March 2008 and Ukraine since June 2010. Of these, it is our understanding that Turkey is close to completion, but the other three are still unable to determine when they will come into compliance. Ukraine has said it will take many more years. We recognize that none of these four states are in willful violation of the treaty, and none desire to maintain an operational stockpile. Still, the very lengthy period of non-compliance for each cannot fail but give the impression of a treaty that is not functioning properly, where a basic obligation goes unmet without much concern or consequence. We again ask the four states to commit to a firm date for completion and to report monthly on progress. Moreover, all States Parties should feel a collectively sense of responsibility to resolve these situations, especially in the cases of Belarus and Ukraine, which made clear from the very beginning that their ability to meet the deadline was dependent on international funding.

One mine-affected State Party, and only one, has failed to even begin clearance operations: Venezuela. It is difficult to comprehend how this is possible for a country that has been part of the treaty for more than 11 years. After all this time, it is reasonable for other States Parties to begin treating this as a compliance concern, and not just a matter of an implementation challenge.

In other areas of concern:

Universalization: It grows more and more disappointing with each passing day that no country has joined the Mine Ban Treaty since 2007. Many of the 39 states not party – perhaps half of them – could come on board in the foreseeable future. Even the United States, which many have thought of as one of the hardest cases, is giving serious consideration to accession. Re-invigorated and carefully targeted work on universalization could still bear fruit. More also needs to be done to convince non-state armed groups to accept the global standard of behavior rejecting antipersonnel mines.

Clearance: Regrettably, Article 5 clearance deadline extension requests are becoming the norm rather than the exception. Twenty-two states have asked for extensions, and at this stage it appears at least another nine will request extensions in the future. Many states that have already received extensions are clearly not on track to meet their new deadlines. In some cases, the problem is inadequate funding, but more often, the root causes are delays in initiating a program, poor management, and insufficient political will. We hope that this week affected states will provide clear information on the identification and clearance of mined areas, especially states that are requesting or have received deadline extensions, and that they also provide updates on operational plans. All States Parties

should feel an obligation to engage in the review of and decision-making on new Article 5 extension requests.

Victim Assistance: While progress is being made in victim assistance, huge gaps remain. Many states are still struggling to meet the Cartagena Action Plan's call to assess the needs and priorities of mine victims and the availability and quality of relevant services. Affected states that still lack a comprehensive understanding of the needs of survivors should take swift action to remedy this gap, and donor states should help make this happen. Many countries still need to develop effective coordination, monitoring, and planning mechanisms to improve victim assistance. It is critical that more progress is made in the area of survivor inclusion, including meaningful involvement in all national victim assistance activities, as well as participation in delegations at international meetings. There is a continued need to improve the quality of and access to services, which have the greatest impact on the lives of survivors if they are both implemented soon and made sustainable for the future. We hope that states this week will provide an update on national victim assistance plans, including how landmine survivors are involved in designing, carrying out, and monitoring the work.

Cooperation and Assistance: This is an extremely important feature of the treaty that is deservedly getting more attention in recent years. The ICBL believes that it is just as important to discuss the effective and efficient use of funds as it is the level and sustainability of funding.

Retained Mines: Too many states are retaining mines for training and development without ever using them for these purposes; the mines apparently simply sit in warehouses. At some point, this surely constitutes stockpiling and not retention for specific permitted purposes. Thirteen States Parties have not reported consuming any retained mines since the treaty entered into force for them, and numerous others have not reported consumption for multiple years.

Transparency Reporting: The compliance rate for Article 7 reporting has gone from a high of 79% in 2003, to this year's dismal 54%, the lowest on record. Dozens of States Parties have not submitted transparency reports for two or more years.

National Legislation: Only 61 States Parties have passed domestic legislation to implement the Mine Ban Treaty. Another 14 report that they are in the process. The ICBL believes all States Parties should pass comprehensive national legislation that provides for full implementation of all aspects of the treaty and includes penal sanctions for possible future violations.

Mr. President, I would now like briefly to highlight some of the key findings of *Landmine Monitor 2010*, which the ICBL released a few days ago.

Only one government, Myanmar, was confirmed to use antipersonnel mines. We removed Russia from our list of countries actively laying mines. Non-state armed groups used antipersonnel mines in six countries, the smallest number yet.

The number of recorded casualties from mines and explosive remnants of war in 2009 was the lowest ever, at just under 4,000. As is the case each year, the actual number is no doubt considerably higher, due to incomplete data collection.

At least 198 square kilometers of mined areas were cleared in 2009, by far the highest annual total ever. In addition, at least 359 square kilometers of battle areas were cleared.

Donors and affected states devoted about \$622 million to mine action in 2009. Of that, thirty-three international donors provided \$449 million, about the same as the previous year, and the third highest total ever for international funding.

From these findings, it is clear that tremendous strides continue to be made in our common effort to combat antipersonnel mines and their lasting effects, despite the daunting challenges we now face in some areas of implementation of and compliance with the Mine Ban Treaty. It is equally clear that much work remains to be done, which will require sustained and even increased efforts by all of us in this noted partnership of governments, NGOs, the ICRC and UN agencies.

Finally, Mr. President, we would like to encourage the more than 50 Mine Ban Treaty States Parties that have not joined the Convention on Cluster Munitions to do so as a matter of urgency. Both the letter and the spirit of this convention banning cluster munitions are based on the Mine Ban Treaty and the experience of its implementation over a decade. Both weapons, by their very nature, cause far too much human suffering. So don't delay, get on board now!

Thank you.