

ICBL Statement on Article 3 (Retained Mines)
Tenth Meeting of States Parties of the Mine Ban Treaty
3 December 2010

Mr. President,

As noted by the recently released *Landmine Monitor 2010*, a total of 77 States Parties report that they retain antipersonnel mines for training and research purposes under Article 3 of the Mine Ban Treaty, including four States Parties that reported for the first time they were retaining mines. **Cambodia** declared it was retaining 182 mines after many years of reporting no retention, but it did not provide an explanation. **DR Congo** confirmed for the first time that it retains some live antipersonnel mines for training, but it did not disclose the types and numbers of mines retained. Finally, **Cape Verde** and **Gambia** both declared retained mines in their overdue initial Article 7 reports that were submitted in 2009.

A total of 78 States Parties have declared that they do not retain any antipersonnel mines. **Kuwait** joined this group in 2009. Of these states, 24 previously stockpiled antipersonnel mines.

One State Party, Equatorial Guinea, has never indicated whether it possesses antipersonnel mines, let alone retains any mines. Its initial transparency report was due in August 1999. Additionally, **Botswana** reported many years ago that it intended to retain some mines, but has never provided an update on its situation.

It is disconcerting that only 81% (62 states) of the 77 States Parties that have reported retaining mines have submitted their annual transparency update for calendar year 2009, and many of them did not include information on how the mines are being used, as called for in Action 57 of the Cartagena Action Plan. Indeed, we count only 28 States Parties that have used the expanded format of Form D at least once since its adoption by States Parties in 2005. These states are: Afghanistan, Argentina, Belgium, Bosnia and Herzegovina, Canada, Chile, Croatia, Czech Republic, France, Germany, Guinea-Bissau, Indonesia, Japan, Latvia, Malawi, Mauritania, Nicaragua, Peru, Portugal, Romania, Rwanda, Serbia, Slovakia, Tajikistan, Thailand, Tunisia, Turkey, and the United Kingdom.

On a positive note, several states that did report noted a decrease in the number of mines retained after a reevaluation of their requirements to ensure it is kept to the “minimum number absolutely necessary,” as called for in Action 56 of the Cartagena Action Plan. **Cyprus** decided to reduce the number of mines it retains by destroying 494 mines in 2010, leaving a total of 500. **Indonesia** destroyed 2,524 of its 4,978 mines initially retained, while **Peru** destroyed an additional 1,985 retained mines, leaving 2,060. The ICBL welcomes these steps.

Greece also reported that in 2009, it consumed 1,066 mines in training activities, leaving 6,158. This was the first time that Greece reported consuming retained mines.

We would like to conclude by highlighting three trends that are discernable from the reports available:

First, and of major concern for the ICBL, is the large number of States Parties that retain mines, but apparently are not using those mines for permitted purposes. For these States Parties, the number of mines retained remains the same year after year, indicating none are consumed (that is, destroyed) during training or research activities, and no other details are provided about how the mines are being used.

A total of 12 States Parties have not reported consuming any mines for permitted purposes since the treaty entered force for them: **Angola, Bangladesh, Belarus, Bhutan, Burundi, Cape Verde, Cyprus, Djibouti, Ethiopia, Nigeria, Senegal, and Togo**. Numerous other states have not reported consumption for multiple years. The ICBL sees this as an abuse of the exception for retaining mines. If retained mines are not being utilized at all for the permitted purposes, it would appear to constitute ongoing stockpiling, and should therefore be treated as a compliance issue.

Another area of concern involves changes by States Parties in the number of retained mines that are not accompanied by an explanation in the transparency reports. While it is positive that 14 states reported a reduction in the number of mines retained in 2009, they did not provide any explanation for the change. These states are: **Brazil, Bulgaria, Chile, the Czech Republic, Denmark, Germany, Italy, the Netherlands, Portugal, Spain, and the UK**. Conversely, five states increased the number of mines retained without explanation between calendar years 2008 and 2009: **Australia, Canada, Eritrea, Mozambique, and South Africa**. The ICBL calls on all of these states to provide such information in order to establish the necessary level of confidence that the exception permitted by Article 3 is being implemented in a consistent and transparent manner.

Finally, we would like to point out that several states continue to report on mines retained for training and research purposes that are irreversibly incapable of functioning as an antipersonnel mine. **Afghanistan, Australia, Belgium, Eritrea, Iraq, Portugal, and Serbia** reported that some mines they retain are inert or fuzeeless, while **Bosnia and Herzegovina** indicated that all of its retained mines are fuzeeless. Although States Parties are not required to report these mines in Form D, this information demonstrates that inert, fuzeeless and free-from-explosives devices can function equally as effectively for permitted purposes as “live” mines, demonstrating that States Parties do not need to retain “live” mines for training.

Thank you.