

ICBL Statement on Compliance
12th Meeting of States Parties to the Mine Ban Treaty
Geneva, Switzerland
7 December 2012

Thank you Mr. President,

This week, we have raised a disturbing number of serious compliance issues that States Parties should be addressing, but do not seem to be pursuing with any vigor.

By far the most disconcerting are the allegations of use of antipersonnel mines by Sudan and Yemen. It is clear that mines have been used in both States Parties. It is NOT clear whether government or rebel forces have been responsible. But, in both cases, there are indicators that government forces could be the culprits.

The details on the use allegations and the indicators of government responsibility are contained in the Landmine Monitor and have also been provided to Sudan and Yemen on several occasions through formal letters, bilateral meetings, and a public briefing at this year's intersessional meetings.

In brief, with regard to Sudan, in 2011 there were reports of new mine-laying in South Kordofan state, and UN reports claimed that both Sudanese government forces and opposition forces laid antipersonnel mines in strategic areas of Kadugli, the state capital. In 2012, a journalist photographed crates of antipersonnel mines in a warehouse in the town of Taroji in South Kordofan which locals said belonged to government forces until rebels seized it two days earlier; locals also said the hills surrounding the town had been mined by government forces. Also in 2012, a Small Arms Survey report contained photographs of antipersonnel mines allegedly recovered from Sudan Armed Forces in Taroji. The mines had markings from a Sudanese Military Industrial Corporation subsidiary.

In Yemen, antipersonnel mines were laid inside a building compound of the Ministry of Industry and Trade in the capital of Sana'a. This came to light after a boy was injured by one of the mines in March 2012. Human Rights Watch subsequently spoke with guards at the compound from the government's Central Security forces, who said that members of the government's Republican Guard had told them they had laid the mines after recapturing the compound from rebels in October 2011, prior to transferring control of the compound to Central Security in January 2012. There is video of deminers from the Army Engineering Corps removing at least 25 antipersonnel mines from the compound in March 2012. We must note that there is ample evidence that rebel forces have been laying antipersonnel mines in other parts of the country in 2011 and 2012, and the ICBL has condemned that use, but the responsibility in this instance is, at the least, open to question.

As far as we can determine, neither Sudan nor Yemen has undertaken an investigation into these allegations. Earlier this week, both denied the allegations, and in Sudan's case,

it also issued a denial at intersessionals earlier this year, while at the same time promising an investigation. Yet, States Parties have heard little or nothing from either government this week about the basis for their denials, or any assurances that investigations are underway or have already been carried out, or any findings of investigations.

These allegations demand urgent and forceful attention on the part of States Parties, as they invoke the most egregious violation of the treaty. We have seen only limited responses thus far. Earlier this week, Germany expressed grave concerns about the use allegations and stated that it has asked the Yemeni Army about them. Canada made a strong call for investigations and a resolution of these matters, and Austria made a similar call. Today, Norway also expressed deep concerns and stressed the need for investigations and resolutions of these matters. But we are not aware of any other actions on the part of States Parties.

As we noted earlier this week, the allegations of use by Sudan and Yemen are not the only compliance concerns. As we mentioned Monday, there are also as yet unresolved allegations about use in recent years by three States Parties, perhaps most notably in Turkey. Turkey is appropriately carrying out investigations into two 2009 incidents, although there has been little information available about either. Turkey has said twice this week that it is still inappropriate to discuss the case that has been in court for more than two years, but it has been equally unable to provide much detail about an investigation, which has not reached the courts, into a second allegation of use of antipersonnel mines by members of the Turkish Armed Forces in 2009, more than three and one-half years ago.

In addition, there are the multi-year violations of the stockpile destruction deadline by Belarus, Greece, and Ukraine. There are the numerous States Parties who are retaining mines under the Article 3 exception, but never using them for permitted purposes, thus in effect, continuing to stockpile. The compliance rate for the transparency reporting requirement has been embarrassing low in recent years. This humanitarian-based, life-saving treaty deserves better.

Yet, in closing, it is important to acknowledge, and to take pride in the fact that, the overall record of implementation of and compliance with the Mine Ban Treaty has been undeniably impressive, especially compared to other international instruments. That success above all reflects the collective sense of responsibility to end the suffering caused by antipersonnel mines. What we have called the “cooperative compliance” approach of this treaty has worked well, an approach underpinned by trust, good will, and the desire to facilitate proper implementation and compliance, not to play the “gotcha” or “blame” game.

But we believe the treaty is strong enough, that it must be strong enough, to address serious compliance issues head on, and not to look the other way or sweep them under the carpet. Non-compliance directly corresponds to a weakened humanitarian impact of the treaty. Fifteen years after its negotiation, the treaty is being tested perhaps as never before. We implore States Parties to rise to the occasion. Thank you.