

Statement of the International Campaign to Ban Landmines

To the Fifth Meeting of States Parties to the 1997 Mine Ban Treaty

Delivered by Stephen Goose (Human Rights Watch), Head of ICBL Delegation

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Mr. President, distinguished delegates,

I speak on behalf of the more than 1,400 non-governmental organizations in more than 90 countries that constitute the ICBL. We are especially pleased to be here in Thailand, a mine-affected country that has shown admirable leadership in our common effort to ban antipersonnel mines. We very much look forward to working closely with Thailand in its role as President of the Fifth Meeting of States Parties.

We must express our most sincere gratitude to Ambassador Jean Lint for his outstanding work during the past year as President of the Fourth Meeting of States Parties, during previous years as co-chair of the Standing Committees on Mine Clearance and on General Status and Operation, and during earlier years as well. Ambassador Lint's dedication, activism, creativity, and leadership have been truly remarkable, and his contributions to the achievement of a mine-free world have been immeasurable.

Mr. President, the past year has been a very encouraging one in our common effort to completely eradicate antipersonnel mines. One year ago, we were condemning the massive mine-laying operations by India and Pakistan as the most widespread use of mines in years or even decades, and we were lamenting the fact that global funding for mine action programs had stagnated for the first time since the early 1990s. This year, we can take heart that global use of antipersonnel mines has decreased markedly, while global mine action funding has increased sharply, by some 30 percent. Nearly every indicator of progress is positive, including the fact that twenty States Parties have reported completion of destruction of their stockpiles of antipersonnel mines in the past year.

Yet, huge challenges remain. Globally, the number of new mine casualties each year has apparently not continued to decrease in the way one would expect with expanded mine action programs. Moreover, according to Landmine Monitor findings, in 48 of the 65 countries reporting new casualties, assistance is inadequate to meet the needs of mine survivors—and as the number of survivors grows each year, so does the need for increased resources for survivor assistance. Despite increased global spending totals, too many affected countries and too many mine action organizations continue to report funding shortages. As the ICBL cautioned last year, it still appears many States Parties will have difficulty meeting the ten-year mine clearance deadline. Universalization of the

Mine Ban Treaty and the norm it represents also remains one of our greatest challenges, notably in this Asian region, with its disproportionate number of hold-out states and non-state actors, mine users, mine producers, and major antipersonnel mine stockpilers.

Fifth Meeting of States Parties

This Fifth Meeting of States Parties can play an important function in ensuring ongoing success. Among the concrete outcomes the ICBL would like to see from the Fifth Meeting of States Parties, we would like to highlight three that should be included in the “Conclusions and Recommendations” section of the Final Report, all to be achieved by or at the First Review Conference:

First, the Meeting should call upon mine-affected States Parties, those requiring assistance in meeting the needs of landmine survivors, and those in the process of destroying stockpiled antipersonnel mines to ensure that prior to the First Review Conference plans are in place consistent with the Mine Ban Treaty’s deadlines, to take concrete steps to implement those plans, and to present their problems, plans, progress and priorities for assistance during the Standing Committee meetings in 2004.

Second, with respect to resource mobilization, the Meeting should call upon donor States Parties to renew their commitments to provide the resources necessary to implement the Mine Ban Treaty, should call upon mine-affected States Parties to integrate mine action into national development and poverty reduction strategies, and, should call upon all States Parties to share information on matters pertaining to resource mobilization prior to the First Review Conference.

Third, the Meeting should call on States Parties to reach common understandings at the First Review Conference on outstanding issues pertaining to the interpretation and application of Articles 1, 2, and 3, and to utilize the intersessional process to this end.

In addition, we strongly urge States Parties to endorse the Standing Committee reports and to act urgently on their recommendations. We encourage States Parties to expand their support to the Sponsorship Program, which has contributed to both effective implementation and universalization of the Mine Ban Treaty.

We also hope the Fifth Meeting of States Parties will be successful in advancing the ongoing planning for the First Review Conference. We are convinced that the Review Conference should be a watershed event in the life of the Mine Ban Treaty, not so much for the opportunity to review the past five years, but as a means of ensuring commitments, and facilitating concrete and results oriented planning for the next five years. We encourage States Parties to participate at the highest possible level.

Mr. President, I would now like to turn to some major issue areas that are essential to any assessment of the health of the mine ban movement. First, State Party compliance with the Mine Ban Treaty; second, global use of antipersonnel mines; and third, the status of

universalization of the Mine Ban Treaty and the ban norm. I will draw on the findings of *Landmine Monitor Report 2003*.

State Party Compliance

Overall, State Party compliance with the Mine Ban Treaty must be judged to be very good. Landmine Monitor has not received any definitive reports of use, production or transfer of antipersonnel mines by a State Party during the most recent reporting period (since May 2002). While there have been some unverifiable allegations, it appears these core obligations have been respected by all States Parties.

It also appears that every State Party thus far has met its four-year deadline for stockpile destruction, with one notable exception: Turkmenistan. The seriousness with which states have treated the stockpile destruction deadline, and the willingness of other States Parties to encourage and facilitate compliance, is testament to the strength of the Mine Ban Treaty.

Compliance with the requirement to submit transparency reports under Article 7 had increased impressively to 88 percent (for initial submissions) as of the end of July 2003. The number of late initial reports was halved in the past year, from 30 to 15. Among the 15 states late in submitting initial Article 7 reports were Angola, Cote D'Ivoire, Equatorial Guinea, Eritrea, Guinea, Liberia, Namibia, Nigeria, Sierra Leone, and Suriname, as well as five small island nations known not to have landmines. Some reports are more than three years late, and in the cases of Equatorial Guinea, Guinea and Namibia, their stockpile destruction deadlines have passed, meaning those states have not officially reported whether they have met that vital treaty requirement.

Our most serious compliance concern at this time relates to Turkmenistan. Turkmenistan reported that it completed its stockpile destruction by its 1 March 2003 deadline, destroying more than 1.1 million mines. However, it also reported that it plans to retain 69,200 mines for training. The ICBL believes that 69,200 mines is an unacceptable, and likely illegal, number as it is obviously not the "minimum number absolutely necessary," as required by Article 3 of the treaty. The ICBL also believes that retention of such a large number of mines in fact means that Turkmenistan has not yet fully destroyed its stocks, and could therefore be considered in violation of its core treaty obligation under Article 4.

It is possible that Turkmenistan is unaware of or does not fully understand its obligations and State Party practice regarding mines retained for training, and the common understanding that the number kept should be in the hundreds or thousands, but not tens of thousands. It is essential that Turkmenistan drastically reduce the number of mines retained. It is also essential that other States Parties rise to this compliance challenge and respond effectively. This is clearly a test of the informal and unstructured approach States Parties have adopted with respect to compliance concerns thus far. The ICBL urges States Parties to consult with the Turkmenistan government to seek clarification and express concern regarding compliance with the Mine Ban Treaty. This should be

done in the “spirit of cooperation” called for in the treaty’s Article 8, under which States Parties have agreed to “consult and cooperate with each other” to facilitate compliance with obligations.

While the ICBL identified Tajikistan as the State Party of greatest concern one year ago, we have been very impressed by the steps taken by Tajikistan in the past year to fulfill its treaty obligations and to embrace the spirit of transparency and cooperation so central to the success of the Mine Ban Treaty.

With respect to allegations reported by Landmine Monitor two years ago regarding use by Uganda, we have been disappointed that Uganda has not, as promised, reported to States Parties on progress in investigating the matter.

Use of Antipersonnel Mines

While there have been some positive and some negative developments, the overall picture is one of greatly reduced use of antipersonnel mines around the world in the past year.

In its latest reporting period, since May 2002, Landmine Monitor noted confirmed use of antipersonnel mines, or compelling evidence of use of antipersonnel mines, by at least six governments. This compares to use by at least nine governments in the previous period and thirteen the year before that.

Of the six, four were in Asia: India, Pakistan, Nepal, and Burma (Myanmar). The others were Russia (in Chechnya) and Iraq. Of the six governments, only two are actively laying antipersonnel mines today: Russia and Myanmar. India and Pakistan wound down their border mine-laying in mid-2002 and began clearance operations. Nepal, which greatly expanded its use of mines during 2002, to include every district in the country, has apparently not used the weapon since the January 2003 cease-fire. The Iraqi government, which was the only new addition to the “users list” in this Landmine Monitor report, has ceased to exist. U.S. and other coalition forces apparently did not use antipersonnel mines in the Iraq conflict.

Landmine Monitor did not definitively conclude that any of the 12 signatory governments used antipersonnel mines in this reporting period, but it noted that there were ever-more compelling reports of use of antipersonnel mines by the Burundi Army. There were also serious allegations of use by government forces in Sudan. However, both governments deny any mine-laying.

The ICBL believes the use of antipersonnel mines by a signatory is a violation of international humanitarian law, in that the Vienna Convention on the Law of Treaties states that signatories must refrain from acts which would defeat the object and purpose of the instrument they have signed. It is noteworthy that in recent Article 7 reports, Ecuador and Venezuela indicated that they used antipersonnel mines after signing the

Mine Ban Treaty in December 1997, but before entry-into-force. Angola has also openly admitted using antipersonnel mines when it was a signatory.

States Parties should strive to ensure that signatories are fully aware of their obligations under international law, and should react more forcefully to acts by signatories that are inconsistent with the Mine Ban Treaty.

Among non-state actors (NSAs), the good news is that Landmine Monitor identified use of antipersonnel mines by NSAs in three fewer countries than the previous year (11 versus 14). The most disturbing development was the expanded use of antipersonnel mines by guerrilla and paramilitary groups in Colombia, which resulted in a sharp increase in the number of civilian mine casualties. The Maoist rebels in Nepal also increased use during 2002, but there have been few reported incidents since the January 2003 cease-fire. Two more rebel groups in Burma were identified as mine-layers, bringing the total to 15 groups. Rebel groups in the Philippines (MILF) and Sudan (SPLA) used antipersonnel mines after signing the Geneva Call Deed of Commitment banning antipersonnel mines.

The annual Meetings of State Parties should serve to reinforce the new international norm against any use of antipersonnel mines by anyone. The ICBL has condemned, and we have called upon States Parties to condemn, loudly and consistently those who choose to stay outside of the norm, particularly those who continue to use antipersonnel mines.

Without question, Mine Ban Treaty States Parties can do more to criticize and punish, diplomatically and otherwise, those who continue to use antipersonnel mines. We once again call for some sort of informal mechanism or process that will ensure a more consistent and strong response to instances of use of antipersonnel mines by non-States Parties and by rebel groups.

Universalization

We welcome Central African Republic, Gambia, Cyprus, Sao Tome and Principe, Timor Leste, Lithuania, Guyana, and most recently, Belarus, as new members of the Mine Ban Treaty family since we met in Geneva for the Fourth Meeting of States Parties. The overall total of 136 countries that have given their consent to be bound is impressive for a young convention. Another 12 countries have signed but not yet ratified, bringing the total number of countries legally committed to no further use of antipersonnel mines to 148—more than three-quarters of the world's nations. That leaves 46 countries completely outside of the Mine Ban Treaty.

However, the pace of universalization has continued to slow, with 19 new States Parties in 2000, 13 in 2001, eight in 2002, and six thus far this year. There is hope for reversal of that trend as five countries have completed domestic procedures for ratification or accession (Burundi, Greece, Serbia and Montenegro, Sudan and Turkey), and a number of other countries have indicated their intention to come on board in the near future,

including several in the Asia-Pacific region, such as Cook Islands, Indonesia, and Papua New Guinea.

The lack of adherence to the Mine Ban Treaty is notable in several regions: the Middle East and North Africa, the former Soviet republics, and Asia-Pacific. Lack of adherence is also notable among major antipersonnel mine stockpilers particularly China, Russia, the United States, Ukraine, India and Pakistan (these six are estimated to hold more than 185 million stockpiled antipersonnel mines, roughly 90 percent of the world's total). The fifteen remaining producers of antipersonnel mines are also key targets for universalization.

Positive Steps by Non-State Parties

There are encouraging signs that even among non-States Parties, the international norm is taking hold. For example: the United States apparently did not use antipersonnel mines in the Iraq conflict, just as it did not in Afghanistan; Russia surprisingly revealed that it destroyed 16.8 million stockpiled antipersonnel mines from 1996-2002 (previously it had only reported destruction of 1 million mines); in November 2002, Russia also stated for the first time that for the past eight years it has not produced or supplied to its troops PMN or PFM type mines, particularly deadly mines which have been responsible for innumerable civilian casualties around the world in recent decades; Ukraine destroyed 405,000 antipersonnel mines between July 2002 and May 2003; a number of countries formally extended or reconfirmed their moratoria on exports of antipersonnel mines, including China, Israel, Poland, Russia, Singapore, South Korea, Turkey and the United States; Latvia and Poland submitted voluntary Article 7 transparency reports as an indicator of their commitment to join the Mine Ban Treaty eventually.

Non-State Actors

Another important aspect of universalization – not of the treaty itself, but of the international norm it represents—is engagement of non-state actors. Many of the NGOs involved with the ICBL have been increasingly attempting to educate and convince non-state actors about the importance of banning antipersonnel mines. States Parties should give greater attention to the NSA landmine issue, and should support efforts to obtain strong ban commitments from non-state actors. When in a position to do so, States Parties should help create the conditions to allow international organizations and NGOs to engage safely and expeditiously with non-state actors on a landmines ban.

The Final Declarations from the last two Meetings of States Parties have included language calling on non-state actors to ban antipersonnel mines. This language should be expanded upon in the Final Declaration here in Bangkok, by expressing support for the efforts of international and non-governmental organizations in engaging NSAs on a total ban on antipersonnel mines, and calling on governments to support and facilitate such engagement.

There have been encouraging developments in the past year. As noted above, NSAs used antipersonnel mines in three fewer countries than the previous year (with a cessation of NSA use in Afghanistan, Angola, and Sri Lanka). Moreover, two Kurdish groups in

northern Iraq and 15 factions in Somalia signed the Geneva Call Deed of Commitment for non-state actors, agreeing to implement a comprehensive ban on antipersonnel mines.

Other Major Landmine Monitor Findings

I would now like to report to delegates some of the other major findings of this year's *Landmine Monitor Report 2003*:

Mine Action Funding: For 2002, Landmine Monitor identified \$309 million in mine action funding by more than 23 donors, a 30 percent increase from the previous year. This is particularly welcome news since in 2001, global mine action funding stagnated for the first time. However, it must be noted that one donor—Japan—is responsible for well over half of the \$72 million increase in mine action donations in 2002, and more than two-thirds of the increase went to one country—Afghanistan. Mine action funding has totaled over \$1.7 billion since 1992, including \$1.2 billion since the Mine Ban Treaty was opened for signature in 1997. However, it is evident from current rates of progress that even greater increases in mine action funding will be needed in the future to cope fully with the global landmine problem and to enable Mine Ban Treaty States Parties to meet their ten-year deadlines for mine clearance.

Mine-affected countries and Mine Action: Landmine Monitor research identifies 82 countries that are affected to some degree by landmines and/or unexploded ordnance, of which 45 are States Parties to the Mine Ban Treaty. Congratulations to Costa Rica, which declared itself mine-free in December 2002. The number of mine-affected countries reporting organized mine clearance operations increased in 2002, and there were substantial increases in the amount of land cleared in many countries. However, no mine clearance was recorded in 16 of the affected countries and no mine risk education activities were recorded in 25 countries.

Landmine Casualties and Survivor Assistance: In 2002 and through June 2003, there were new landmine casualties reported in 65 countries; of which 41 were at peace, not war. Only 15 percent of reported casualties in 2002 were identified as military personnel. Nearly one-quarter of the casualties were children. The reported landmine casualty rate declined in 2002 in the majority of mine-affected countries, but it is likely that there were between 15,000 and 20,000 new landmine casualties, as in other recent years. In 2002, the greatest numbers of reported new casualties were found in Chechnya, Afghanistan, Cambodia, Colombia, and India. In many mine-affected countries the assistance available to address the needs of survivors is inadequate and it would appear that additional outside assistance is needed in providing for the care and rehabilitation of mine survivors. In this reporting period, Landmine Monitor has identified at least 48 mine-affected countries where one or more aspects of assistance are reportedly inadequate to meet the needs of mine survivors.

Stockpile destruction: Some four million stockpiled antipersonnel mines were destroyed since the last Landmine Monitor report, bringing the total to more than 50 million in recent years, by States Parties and non-States Parties. Another twenty Mine Ban Treaty

States Parties have reported completing destruction of their stockpiles, destroying some 10.8 million mines. Kenya and Chile are the most recent to finish, just last month. Others include Brazil, Chad, Croatia, Djibouti, El Salvador, Italy, Japan, Jordan, FYR Macedonia, Moldova, Mozambique, the Netherlands, Nicaragua, Portugal, Slovenia, Thailand, Turkmenistan, and Uganda. Another eleven States Parties are in the process of destroying their stockpiles.

Trade: There were no confirmed instances of antipersonnel mine transfers, as the *de facto* global ban on trade held tight. Global trade in antipersonnel mines has dwindled to a very low level of illicit trafficking and unacknowledged trade.

Production: Nepal for the first time admitted that it has produced antipersonnel mines, making it the first addition to the ranks of the producers since Landmine Monitor reporting started in 1999.

A total of 110 Landmine Monitor researchers in 90 countries systematically collected and analyzed information from a wide variety of sources for this comprehensive report. Their names are listed at the beginning of the report. We would like to thank fourteen States Parties—Australia, Austria, Belgium, Canada, Denmark, France, Germany, Italy, Luxembourg, the Netherlands, Norway, Sweden, Switzerland, and the United Kingdom-- as well as the European Commission, for funding the Landmine Monitor initiative this year. As always, we welcome comments, clarifications, and corrections from governments and others, in the spirit of dialogue and in the search for accurate and reliable information necessary to reach the goal of a mine-free world.

Intersessional Work Program

The intersessional work program has continued to be vitally important in ensuring progress in the work of the Mine Ban Treaty. We deeply appreciate the extensive role accorded to the ICBL, and believe that this informal, inclusive, and cooperative approach has been key to the success of the Mine Ban Treaty. We would especially like to commend the excellent work of the Implementation Support Unit during the past year, and thank the GICHD for all its contributions. The establishment of the Resource Mobilization Contact Group has been another important and innovative initiative to ensure that the Mine Ban Treaty is fully realized.

We will intervene in detail later this week regarding the matters before each of the four Standing Committees, but would like to make a few remarks today.

Standing Committee on Victim Assistance and Socio-Economic Reintegration

Landmine survivors are still not receiving the assistance they are promised under Article 6.3 of the Mine Ban Treaty. While global funding for mine clearance has increased greatly, funding for survivor assistance has been stagnant--even though the number of survivors continues to grow in every region of the world. A particular problem is States Parties who say they “do not do victim assistance,” but instead insist they are helping landmine survivors by funding general, broad-based, mainstream development activities.

Yet these general activities may not reach people who need it the most. Donors must recognize that specific, explicit strategies and practices are needed to ensure that mine survivors and other people with disabilities are positively impacted. Short of that, it is unclear if the State Party is truly meeting its obligation to “provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims.”

Another key to improving survivor assistance would be for mine-affected States Parties to make specific, well-thought-out, well-documented requests for assistance. Although this has been called for many times in intersessional meetings, to our knowledge, only one State Party, Albania, has ever responded to this call with the detailed information on their plan of action and the funding required for its implementation.

Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies

It is ever more clear that much greater increases in mine action funding, as well as higher cost-efficiency, will be needed to enable States Parties to meet their mine clearance deadlines and cope fully with the global landmine problem. To be successful, non-traditional donors and funding streams will have to be tapped. Mine-affected countries will need to utilize their national budgets, to integrate mine action into national development and poverty reduction strategies, and more generally, to assert national ownership of the problem and to take responsibility for meeting deadlines through thorough planning and prioritization, and identification of problems and progress. Mine action operators must also take responsibility for more efficient use of resources, and better priority setting in humanitarian mine action operations.

Standing Committee on Stockpile Destruction

States Parties are to be commended for meeting their four-year deadlines for stockpile destruction. It is essential to the credibility of the Mine Ban Treaty that all States Parties meet this legal obligation. Thus, it is important that the cases of Turkmenistan, and those few States Parties that have failed to report formally having complied with their deadline, be dealt with expeditiously. States Parties must continue to track carefully the progress and problems other States may be having meeting their deadline, and offer assistance where needed.

Standing Committee on General Status and Operation of the Convention

The ICBL has put a high priority on the need for States Parties to reach common understandings on interpretation and implementation of Articles 1, 2, and 3 at the First Review Conference. After five years of discussion on these issues, it is reasonable to expect States Parties to reach conclusions. The Mine Ban Treaty will be stronger if ambiguity is removed and State practice is consistent. Our energies can then be focused even more on implementation of other key aspects of the treaty. Another top priority for the ICBL continues to be progress regarding related to compliance and Article 8. It will be difficult to call the First Review Conference a success unless it is able to deal with all these matters. We will have much more to say on these issues and others facing this Standing Committee, such as implementation of Articles 7 and 9, later this week.

Conclusion

In closing, we must note that the challenges of the coming years are indeed daunting: the challenges of universalizing the Mine Ban Treaty; of ensuring deadlines for stockpile destruction and mine clearance are met; of ensuring the needs of mine survivors are better met; the challenge of firmly establishing the new international norm so that no new antipersonnel mines are laid and we move toward our goal of no new mine victims.

We can only meet the challenges if the treaty and the landmine issue continue to be given high priority by governments and NGOs, and if political will remains strong. We can best meet the challenges by maintaining and even intensifying the government-NGO partnership that has characterized the Ottawa Process and the intersessional work program. In the ICBL, we look forward to rising to the challenges, together with all of you.

Thank you.