

Statement on Compliance
16th Meeting of States Parties to the Mine Ban Treaty
21 December 2017



We thank the Committee on Cooperative Compliance for its diligent and important work, and also thank it for the opportunity for the ICBL and its members to contribute to the process.

There is no question that the overall record of compliance with the Mine Ban Treaty is admirable. But it is by no means perfect, and States Parties can do better.

The most serious compliance concern of course is the possible use of antipersonnel mines by a State Party. There has been one confirmed instance of this in the past 20 years, by Yemen in 2011-2012. We have just heard from the Committee about its actions with respect to Yemen, as well as to allegations of use by three other States Parties: South Sudan, Sudan, and Ukraine.

It is worth noting that there have been no new allegations of use by States Parties in the past three years. The allegations about government use in these countries are now all three to five years old. The Compliance Committee has noted that in all of these cases, the States Parties have mined areas under their jurisdiction, but outside of their control, and that the cases will have to remain open until those states conclude appropriate investigations into those areas.

As more time passes, the potential effectiveness of any investigation decreases greatly.

We appreciate the updates just provided by Sudan and South Sudan. These updates were not included in the report of the Compliance Committee to this Meeting of States Parties, and we look forward to seeing the updates in writing, to studying them, and to having the Compliance Committee assess them.

In June 2017, Sudan reported that it had conducted an investigation in one area where there was alleged use by government forces, and concluded that no use had occurred. Sudan said it was not able to investigate in three other areas with alleged use. Today, Sudan indicated that at least one more area has been investigated, without finding any evidence of mine use by government forces. But at least one more area still needs to be investigated.

South Sudan today stated that it carried out an investigation in November 2017, and found no evidence of use of antipersonnel mines. It is unclear if further investigations into other areas still need to be conducted.

Full transparency with respect to these investigations and their findings is crucial.

While being the most serious, use allegations are by no means the only compliance issues of concern.

On Article 4, the long-missed stockpile destruction deadlines for Greece and Ukraine remain unmet. We will elaborate on this in our statement on stockpile destruction later. We enthusiastically congratulate Belarus for having completed its destruction program.

On Article 3, we fail to understand why States Parties are not speaking out and asking questions to the many States Parties that are keeping mines under the Article 3 exception without ever using them for any of the permitted purposes. These are in essence stockpiled mines, not mines retained for training or development.

On Article 5, there are far too many mine clearance extension requests, and too little respect for the “as soon as possible” requirement. Of deep concern, as noted by many States Parties, Ukraine has been in violation of the treaty since 1 June 2016 for missing its clearance deadline without having requested an extension in time. We continue to hope Ukraine will move to remedy this situation as soon as possible, as it is clearly in its own best interests to do so. Extension requests are required, and submission of a request is not a matter for negotiation or for pre-conditions. Given the very difficult conflict situation it is enduring, it is hard to understand why Ukraine is needlessly bringing harsh criticism upon itself for its failure to abide by the treaty’s legal requirements.

On Article 7, the compliance rate for transparency reporting continues to be embarrassingly low (less than 50% for 2016), indicating widespread disregard for this legal obligation.

In closing, it is vital to promote compliance with the norm being established by the Mine Ban Treaty: that there should not be any use of antipersonnel mines by any actor under any circumstance.

According to Landmine Monitor, in the past year, two governments continued using antipersonnel mines: Syria and Myanmar. In both cases, the number of mines used appeared limited.

However, non-state armed groups have continued using antipersonnel mines (mostly improvised mines, also called victim-activated improvised explosive devices, which are prohibited by the Mine Ban Treaty) in at least nine countries, with extensive use in Afghanistan, Iraq, and Syria, and limited use in India, Myanmar, Nigeria, Pakistan, Ukraine, and Yemen.

As an aside, the issue of improvised antipersonnel mines can also be a compliance issue. States Parties need to treat these as they do other antipersonnel mines, to report them in transparency reports as contaminated areas, and to report on clearance in accordance with treaty mandated deadlines.

States Parties should condemn any new use by non-state armed groups as well as government forces, and States Parties should seek out new ways to stigmatize and stop the use of improvised antipersonnel mines. Thank you.