

Statement on Compliance

ICBL Statement on Compliance

Tenth Meeting of States Parties to the Mine Ban Treaty

3 December 2010

Mr. President,

The ICBL raised a number of serious compliance concerns on Monday during the General Exchange of Views. There have been some positive developments on some of these during the course of the week.

First, **Venezuela** announced that it has started mine clearance, a very welcome development. We again urge it to complete clearance as soon as possible.

In addition, we heard some good news from three of the four states that have missed stockpile destruction deadlines, particularly **Turkey**, which has now finished destroying all of its stocks except for its ADAM mines, and it has a contract in place for destruction of those.

In **Belarus**, a company has been selected to destroy PFM mines. In **Ukraine**, **Norway** has pledged funds that will allow the start of large-scale destruction of PFM mines soon.

However, very disturbingly, in **Greece** the destruction process remains in suspension, as it has been for most of this year. We again call on Greece to put the highest priority on meeting its international treaty obligations and not on other legal or financial complications.

Despite some good news, all four of these countries remain in non-compliance with the treaty, and none have set a firm completion date, as urged by the Cartagena Action Plan.

Mr. President, on a related matter, it seems to us that it would be useful for States Parties to elaborate on their understanding of the treaty's requirement to destroy or "ensure the destruction" of stockpiled mines. **Greece's** experience shines the spotlight on the phrase "ensure the destruction." The ICBL believes that a State Party's obligation continues until all stocks are physically destroyed. The obligation does not end when a contract is signed, or when a company is selected, or when the mines are shipped out of country for destruction elsewhere. The State Party should have a system to monitor and confirm actual destruction, with careful, detailed accounting that is then included in Article 7 reporting.

As we have seen with Greece, things can happen. There can be factory explosions, palettes of mines unaccounted for, and cancelled contracts. In a similar context, **Belgium** and **Austria** experienced long delays for a variety of reasons in destruction of their cluster munition stocks that had been shipped out of country for destruction. So we encourage all States Parties to make clear that the obligation, including the reporting obligation, remains in place until the physical destruction of all stockpiled mines is completed.

Another crucial compliance issue before States Parties is the serious allegation of use of antipersonnel mines by Turkish armed forces. We appreciated **Turkey's** intervention on Monday that this is being taken seriously, that the investigation is ongoing, and that Turkey will inform States Parties when the investigation is completed. We believe all States Parties should follow closely this most fundamental of possible treaty violations, and encourage full transparency and accountability.

Turkey has indicated it is not yet in a position to share such information as who is being investigated, what is being investigated, who is doing the investigating, what domestic laws apply, and when the investigation is expected to be completed. It has not confirmed or denied media reports with extensive details on these matters.

We did note that Turkey said on Monday that it has not been established if mines or Improvised Explosive Devices were used. In this regard, it is important to note that over the years, including during the negotiations in 1997, numerous states have confirmed that victim-activated IEDs are captured by the definition of antipersonnel mine in the Mine Ban Treaty, and are therefore banned.

As noted in our previous intervention, one last issue to touch on is that of mines retained for training or development which are apparently not being used for the permitted purposes. Instead, they are simply sitting in warehouses, in some cases in significant numbers. This would seemingly constitute stockpiling, not retention for training or development. The Cartagena Action Plan calls on States Parties to provide precise details on how retained mines are being used and to destroy those in excess of needs.

The Cartagena Action Plan also calls on current and incoming Presidents of Meetings of States Parties or Review Conferences, as well as relevant Standing Committee co-chairs, to take the lead in pro-actively addressing potential compliance concerns. This is an excellent and important Action Point that we urge be taken most seriously. At the same time, it is important that all States Parties are ever-vigilant in monitoring compliance and -crucially- speaking out when concerns arise.

Thank you.