

ICBL Statement on Compliance
Standing Committee on the General Status and Operation of the Convention
9 April 2014

Thank you Co-Chair,

We will focus this statement on the egregious treaty violation in Yemen, but there are other compliance concerns that we will address as well. We will also use this opportunity to talk about the allegations of Russian use of landmines in Ukraine.

We thank Yemen for the update it has just given us. Indeed, we expressed appreciation to Yemen at the last Meeting of States Parties for acknowledging that the most serious violation of the Mine Ban Treaty—use of the weapon by government forces—had occurred in Yemen, in the Bani Jarmooz area, under a previous government in 2011. We also expressed appreciation that Yemen agreed to identify and prosecute those responsible, to undertake urgently marking, fencing, clearance, risk education, and victim assistance, and to report back to States Parties by the end of March on steps taken.

We likewise appreciate that Yemen submitted its interim report on 29 March. As we have just heard, in the report, Yemen indicated that orders have been given to identify those responsible and to bring them to court, and Yemen stated that plans have been made for marking, clearance, risk education, and victim assistance.

Regrettably, Yemen has done little so far except to outline what it is going to do in the future. It reports plans and intentions, but little concrete action. On the positive side, the Yemen Executive Mine Action Center (YEMAC) visited the area and identified 25 affected villages. It also sent a demining team for several days, but it appears they were not able to undertake mine action activities.

Indeed, ICBL member Human Rights Watch has made available to delegates a memorandum, based largely on testimony from locals living near the mined area, that concludes that there seems to have been no clearance, no marking or fencing of mine-affected areas, and little or no risk education and victim assistance carried out.

Unfortunately, Human Rights Watch has also been told that there have been multiple mine explosions and new mine victims in the mined areas, with at least seven more civilian landmine victims, including three children, in Bani Jarmooz since one year ago. Altogether since late 2011, landmines in the area have caused at least 22 civilian casualties.

On 1 April 2014, a resident of a village in Bani Jarmooz told Human Rights Watch that the situation “has gotten worse” since last year as there has been no mine action, but more mine casualties.

Moreover, to date no one has been held accountable for the landmine use, and it is unclear if any investigative activities have yet been carried out regarding those

responsible or the source of the mines or the possible presence of additional stocks.

We understand that there are serious security, political, financial and other difficulties in Yemen that hinder rapid action, but it is nonetheless disappointing and indeed worrisome, that so little has been done thus far.

We ask Yemen to elaborate more clearly why there has not been more progress, to identify any actions that States Parties and other relevant actors can take to help Yemen make greater progress, and to provide a more concrete timeline for when the various steps it has promised to take will be undertaken and completed.

We ask other States Parties to engage with Yemen extensively, both to emphasize the importance and urgency of resolving this matter, and to help facilitate its mine action efforts and its efforts to identify and prosecute the perpetrators in accordance with its national law.

Yemen agreed at the last Meeting of States Parties to provide reports in both March and December 2014. There should be a high expectation of much more concrete and meaningful progress by the Review Conference in June, and by the end of 2014.

We remind States Parties that there have been other disturbing allegations of use by States Parties in the past five years. In Turkey, two members of the armed forces received initial convictions for the use of antipersonnel mines, and there were media reports in 2010 of another possible incident of use by members of the armed forces. There have also been in recent years allegations of use by members of the armed forces of South Sudan and Sudan. Both promised investigations, and South Sudan has recently reported on an investigation, but we have heard nothing from Sudan. But in our view, for all of these States Parties, the use incidents have still not been fully investigated, addressed, or reported in a satisfactory fashion.

Mr. Co-Chair, these use allegations still demand attention on the part of States Parties, as they invoke the most serious violation of the treaty.

But they are not the only compliance issues. In addition, there are the cases of multi-year non-compliance with 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 continues to fall ever lower. There continue to be clearance deadlines missed that should have been met.

These concerns demonstrate that even though the Mine Ban Treaty continues to be strong and have significant humanitarian impact, fifteen years into its life ever greater vigilance is needed. In this respect, we believe the proposal for a Cooperative Compliance Committee is a good step, but it will be crucial that all States Parties engage when serious compliance concerns arise.

Mr. Co-chair, one month ago reports emerged of possible Russian use of landmines in Ukraine. Photographs published by international media showed an apparent minefield near a checkpoint established by Russian military forces near the town of Chongar, a few kilometers north of the Crimean peninsula in Kherson Province in Ukraine.

The ICBL expressed concern and asked Russia and Ukraine to clarify the situation. Since then, there have been several developments, which are detailed in an ICBL update issued yesterday.

In short, Ukraine has directly and publicly accused Russian forces of laying antipersonnel mines, notably at a CCW meeting last week. But Ukraine has not been able to identify the types of antipersonnel mines or provide photographic or other tangible evidence. Russia has denied use of antipersonnel mines, indicating only flares with tripwires (also known as signal mines) have been used. An OSCE mission report indicated use of antivehicle mines, but not antipersonnel mines.

Thus, there has not yet been confirmation of use of antipersonnel mines in Ukraine, while indicators point more toward use of antivehicle mines. The ICBL calls on Russia and Ukraine, as well as States Parties to the Mine Ban Treaty, to make further efforts to clarify the situation, in order to make a definitive determination about whether antipersonnel mines have been used.

In closing, let me return to compliance concerns regarding States Parties and emphasize, as we have in the past, that the ICBL continues to believe that the “cooperative compliance” approach of this treaty has worked well, and can continue to do so in the future—an approach underpinned by trust, good will, and the desire to facilitate proper implementation and compliance.

But this does not mean States Parties should look the other way when serious compliance issues arise. That will only weaken and undermine the treaty, not strengthen it.

Thank you.