

## Preliminary observations on the status of implementation of article 4 (stockpile destruction) of the Anti-Personnel Mine Ban Convention<sup>1</sup>

### President of the Fourth Review Conference

#### I. Background

1. The destruction of stockpiled anti-personnel mines is an obligation covered by Article 4 of the Convention which requires each State Party to “destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after entry into force of the Convention for that State Party”.
2. In the **Maputo Action Plan 2014-2019**, States Parties committed to a number of actions related to the destruction of stockpiled anti-personnel mines. In addition, the Seventeenth Meeting of the States Parties (17MSP) appealed to States Parties which are in non-compliance with Article 4 obligations to intensify efforts for completion.
  - **Action #5** states that “each State Party that has missed its deadline for the completion of its Article 4 obligations will provide to the States Parties, through the President, by 31 December 2014, **a plan for the destruction of all stockpiled anti-personnel mines under its control or jurisdiction as soon as possible**, and thereafter keep the States Parties apprised of efforts to implement its plan through annual transparency reports and other means.”
  - **Action #6** states that “each State Party in the process of destroying its stockpiled anti-personnel mines will **regularly communicate to the States Parties, through annual transparency reports** and other means, **plans to fulfil its obligations and progress achieved**, highlighting as early as possible any **issues of concern**.”
  - **Action #7** states that “**each State Party which discovers previously unknown stockpiles after stockpile destruction deadlines have passed will inform the States Parties as soon as possible**, report pertinent information as required by the Convention, and destroy these anti-personnel mines as a matter of urgent priority and no later than six months after the report of their discovery.”
2. **As part of the transparency measures** which exist under Article 7 of the Convention, each year, no later than 30 April, States Parties shall provide updated information on a number of matters including on:
  - the **total of all stockpiled anti-personnel mines owned or possessed** by them, or under their jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
  - the **status of programs for the destruction of anti-personnel mines** in accordance with Articles 4, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
  - the **types and quantities of all anti-personnel mines destroyed** after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4, respectively, along with, if

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<sup>1</sup> These observations- have been prepared using information submitted by the relevant States Parties through their Article 7 reports submitted in 2019 as well as through statements delivered at Meetings of the States Parties and intersessional meetings.

possible, the lot numbers of each type of anti-personnel mine in the case of destruction in accordance with Article 4.

## II. Status of implementation of Article 4

3. At the close of the 17MSP and further to the announcement of completion by Oman, three States Parties reported that they were still in the process of implementing Article 4 of the Convention, including two States Parties – **Greece** and **Ukraine** – which are in non-compliance with their Article 4 obligations and one State Party – **Sri Lanka** - with a deadline of 1 June 2022.
4. On 29 April 2019, the President wrote to Greece, Sri Lanka and Ukraine to encourage them to participate in the 22-24 May 2019 intersessional meetings and share updated information on their efforts to implement Article 4 as well as on the challenges they may be facing. In addition, the President had a bilateral meeting with Ukraine to discuss issues related to the implementation of the Convention, including stockpile destruction.
5. As of 10 May 2019, Greece and Ukraine had submitted updated information on stockpiled anti-personnel mines in accordance with the relevant provisions of Article 7. Based on this information as well as previous reports, the following is understood to be the quantity of stockpiled anti-personnel mines destroyed and remaining to be destroyed:

State Party	Total number of anti-personnel mines destroyed	Total number of anti-personnel mines remaining to be destroyed	Article 4 projected completion date
Greece	1,171,715	396,452	End of September 2019 <sup>2</sup>
Sri Lanka	57,033	56,712	End of 2020
Ukraine	3,222,240	3,581,141 <sup>3</sup>	2021
<b>Total</b>	<b>4,450,988</b>	<b>4,034,305</b>	

## III. Information provided by States Parties on the implementation of Article 4 and preliminary observations by the President

### Information submitted by Greece

6. At the 17MSP, **Greece** provided information on the issue of anti-personnel mines in Bulgaria and indicated that at the end of November 2018, HDS completed the transfer of the 190,570 anti-personnel mines from the Bulgarian facilities to their warehouses at Lavrio plant and have already begun the demilitarization process. Greece underlined that the successful completion of the transfer of anti-personnel mines from Bulgaria sets an example of how challenges related to the implementation of the Convention can be addressed by States Parties in a constructive and effective manner.
7. In information provided in 2019 in accordance with its Article 7 transparency obligations, Greece reported that there were 396,452 anti-personnel mines remaining to be destroyed and that these mines have been already gathered and transferred in 12 final sites, from which they are being collected and transferred to Hellenic Defence Systems in Lavrio, Attica, in order to be destroyed. Greece further reported that since the beginning of the stockpile destruction programme, 1,171,715 stockpiled anti-personnel mines, out of a total of 1,568,167, have been destroyed. Additionally, 504 stockpiled anti-personnel mines M692L were destroyed by NSPA in 2007.

<sup>2</sup> Statement delivered by Greece at the 16MSP, 21 December 2017.

<sup>3</sup> Article 7 report submitted by Ukraine in 2019.

8. At the 17MSP, Greece reiterated that, when it comes to the use of the term “non-compliance” in reference to stockpile destruction commitments, it was of crucial importance to retain a clear distinction among different cases of non-fulfilment and in particular, to duly take into account whether the non-compliance is wilful or not. Greece also stated that it fully recognise its obligations stemming from the Convention and despite the challenges which Greece has encountered it has never wavered from its commitment to the Convention’s implementation.

#### **Preliminary observations by the President on the information submitted by Greece**

9. The President welcomes the completion of the transfer of anti-personnel mines stored in Bulgaria and encourages Greece to continuously update the States Parties on the destruction of these anti-personnel mines when relevant. The President highlighted the importance of continued transparency on this issue and welcomes the constructive cooperation between Greece and Bulgaria which remained throughout the process.
10. The President noted the importance of keeping the States Parties informed on progress made by Greece to complete the destruction of its remaining 396,452 stockpiled anti-personnel mines by the reported September 2019 deadline. The President encourages Greece to try its utmost to report completion of implementation of its Article 4 obligations by the Fourth Review Conference.
11. The President recognises the commitment of Greece to fully implement Article 4 and understands that impeding circumstances have led Greece to miss its Article 4 deadline in 2008. The President recognises that these circumstances have been beyond Greece’s control and that it is clear that there has never been an intention by Greece to not fulfil its Article 4 obligations and the Maputo Action Plan commitments adopted in 2014. The President further recognises that Greece has provided regular updated information on the situation and has been consistently transparent in this regard. However, the delays experienced have unfortunately led to Greece not being able to “destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses as soon as possible but not later than four years after the entry into force of the Convention” and resulted in the country being in non-compliance with the provisions contained in Article 4 of the Convention. The President is pleased to note that this situation is coming to an end with the announcement of a projected completion date and the start of the destruction process at the Lavrio Plant.

#### **Information submitted by Ukraine**

12. On 16 August 2016<sup>4</sup>, **Ukraine** indicated that the timeline for destruction of the remaining 3 million PFM-1-(1S) type anti-personnel mines depended on the production capacity of the State enterprise “Scientific-Production Association – Pavlograd Chemical Plant” which is the only actor in Ukraine authorised to conduct anti-personnel mine disposal. Ukraine informed that at the current rate, the 3 million mines are expected to be destroyed by 2019. Ukraine also indicated that the destruction of all stockpiled anti-personnel mines (including the 3 million PFM-1 (1S) type mines, depending on the production capacity of the authorised contractor, was expected to be completed in 2021.
13. At the Sixteenth Meeting of the States Parties, Ukraine indicated that, in 2017, it successfully finished the destruction of all PFM-1 mines, which amounts to 1.9 million mines.
14. In information provided by Ukraine in its transparency report in 2019, Ukraine reported that 3,581,141 stockpiled anti-personnel mines remained to be destroyed as of 1 January 2019, including 3,431,520 PFM-type, 149,016 POM-2 and 605 OZM-4 type mines. Ukraine also reported that the 605 OZM-4 mines are in areas outside of Ukraine’s effective control.

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<sup>4</sup> Letter from Ukraine to the 15MSP President, 16 August 2016.

	2019	2020	2021	Total
Stockpiled anti-personnel mines remaining to be destroyed by Ukraine	Information not provided	Information not provided	Information not provided	3,581,141

15. In addition, Ukraine reported that, during the period 1 January 2018 to 1 January 2019, 892,320 PFM-1C type stockpiled anti-personnel mines had been destroyed.
16. At the 17MSP, Ukraine reported that along with its international partners it is continuing the disposal of PFM-1 type mines. Accordingly, within the framework of the Partnership for Peace programme, the MoD of Ukraine, the NATO Support and Procurement Agency and Ukraine's State Enterprise "Scientific Production Association "Pavlograd Chemical Plant" have concluded a contract which envisages the disposal of 3,192,696 PFM-1S type mines by 2021.

#### **Preliminary observations by the President on the information submitted by Ukraine**

17. The President noted that given the current rate of destruction of mines it would be welcome if Ukraine indicated whether it still expects to achieve completion by 2021. The President noted that updated information would be welcome, including a detailed timetable containing milestones leading to the 2021 completion date and information on issues of concern which may potentially affect the projected timetable.
18. The President noted that Ukraine provided information on the status of its stockpile destruction programme, including information on the total number and types of stockpiled anti-personnel mines remaining to be destroyed and those destroyed during the most recent reporting period. However, the President noted that the information provided by Ukraine on the amount of PFM-type mines held and destroyed is unclear and encouraged Ukraine to provide information disaggregated by type of mine so as to ensure information is comparable from previous reports.

#### **Information submitted by Bulgaria**

19. At the 17MSP, **Bulgaria** reported that, as a result of coordinated efforts and in the spirit of excellent cooperation between the Bulgarian and Greek authorities at different levels, on 20 November 2018, both sides managed to successfully conclude the transferring process of the remaining anti-personnel mines back to the territory of Greece. Bulgaria further reported that in total, 190,570<sup>5</sup> anti-personnel mines were transferred and that the process took 8 weeks.
20. Bulgaria stated that the entire process could serve as a good example to States Parties as it was a unique case in the history of the Convention. Bulgaria indicated that it is ready to share lessons learned and best practices with partners.

#### **Preliminary observations by the President on the information submitted by Bulgaria**

21. The President welcomed the announcement made by Bulgaria and Greece and highlighted the constructive cooperation between Bulgaria and Greece that led to the transfer of the stockpiled anti-personnel mines back to Greece. The President also noted that it was positive that both Bulgaria and Greece had provided information on this situation each step along the way.

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<sup>5</sup> 190,570 instead of 190,574 anti-personnel mines were transferred to Greece. Four of the initially reported quantity of mines were left for destruction in Bulgaria due to technical malfunctions.

### Information submitted by Sri Lanka

22. In information provided in 2018 in accordance with its Article 7 transparency obligations, **Sri Lanka** reported that 57,033 stockpiled anti-personnel mines were destroyed during the course of 2018 and that 56,712 stockpiled anti-personnel mines remained to be destroyed.
23. Sri Lanka reported that it has established a Committee on Stockpile Destruction made up of senior officials from the Ministry of Defence, Ministry of Foreign Affairs and the Tri-forces to monitor its programme for the destruction of anti-personnel mines, to ensure that destruction respects relevant legislative measures, international obligations and to report as required.
24. Sri Lanka provided a plan for the destruction of its stockpile which aims to be completed in 2020:

Quantity of anti-personnel mines to be destroyed	Time period
968	December 2018
14,387	October 2018 to March 2019
23,680	April 2019 to March 2020
5,098	April to June 2020
579	July 2020
12,000	August to December 2020
<b>Total: 56,712</b>	

### Preliminary observations by the President on the information submitted by Sri Lanka

25. The President noted that Sri Lanka had provided information on the number of stockpiled anti-personnel mines held, the number of stockpiled anti-personnel mines destroyed in the previous calendar year, the status of its stockpile destruction programme, including a plan for the completion of the destruction of its stockpiled anti-personnel mines by its 1 June 2022 Article 4 deadline.