



PERMANENT MISSION OF THE REPUBLIC OF MOLDOVA  
TO THE UNITED NATIONS OFFICE IN GENEVA

*Check against delivery*

**STATEMENT**  
**on Universalisation and the question of “Non-State Actors”**  
**by Mr. Victor Moraru**  
**Representative of the Republic of Moldova**  
**at the 2008 meetings of the Standing Committee on the General Status and Operation of**  
**the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of**  
**Anti-Personnel Mines and on Their Destruction**

*Geneva, 2 June 2008*

Mr. Co-Chair,  
Distinguished participants,

Let me begin by thanking the Coordinator of the Universalization Contact Group (Canada) for her excellent overview of steps taken since the Eighth Meeting of States Parties to promote universalization. We are pleased that the universalization efforts have continued apace and more States have made progress towards adherence to the Ottawa Convention. This is indeed an important manifestation of the actions #1 through #8 of the *Nairobi Action Plan* in which we agreed that “universal adherence will remain an important object of cooperation among States Parties.”

We are also encouraged by the fact that a number of States not parties share the objectives of the Ottawa Convention and participate on a regularly basis in the meetings of Standing Committees. We call on all these States to follow the recent example of Montenegro, Kuwait, Indonesia, Iraq and Palau and to join the Convention as soon as possible.

Like other States Parties, we are not convinced that staying away from this remarkable humanitarian treaty will be the right or the only answer to the military or security challenges.

Mr. Co-Chair,

We believe that additional efforts aimed at improving the understanding of some provisions of the Convention should help some non-ratifiers to reconsider their position towards it.

While much focus has been put on how States Parties interpret and implement certain aspects of various articles, including Articles 1, 2 and 3, there were few attempts to clarify better the meaning of the phrase “jurisdiction or control” in regard to the Convention’s core provisions.

One would argue that this matter has been discussed in a comprehensive way during the negotiations of the treaty and that the same language has been used in other conventions, starting with the 1972 Biological Weapon Convention and 1993 Chemical Weapon Convention.

But not all States participated in the negotiating process and the existing legal commentaries are not very explicit in relation to the specific obligations under Articles 4, 5, 6, 7 and 8, arising from a situation when a state is prevented to exercise complete jurisdiction and control over or within a part of its national territory.

The same is true when applied to a situation where foreign troops and stocks that might contain antipersonnel mines are stationed illegally on a part of the territory of a State Party which is not controlled by the central Government.

Since the Art.19 does not allow reservations, the circumstances referred to were among the key reasons for certain countries' decision not to adhere to the Convention. The practical challenges of implementation and the perception that they will not be able to fulfill the resultant obligations have prevented them so far to reconsider earlier decisions.

We think, Mr. Co-chair, that the Universalization Contact Group should direct additional specific efforts towards encouraging adherence of States faced with problems of this nature.

Before the ratification of the Ottawa convention, my own country had the same dilemma. Yet, desiring to support the humanitarian objectives of the treaty, we have chosen to ratify it despite the circumstances described above.

Carrying out in good faith the obligations which it assumed by the Ottawa Convention, the Republic of Moldova completed, *inter alia*, the destruction of all anti-personnel mines far ahead of the established deadlines under Articles 4 and 5.

Our current objective is to ensure the implementation of the Convention in the eastern part of the country, currently controlled by an anti-constitutional entity. To this end, we are open to cooperation with all interested State Parties, as well as with the relevant non-governmental organizations.

In this context, it should be emphasised, Mr. Co-Chair, that Moldova is appreciative of the work of NGOs aimed at engaging non-State Actors to apply the provisions of the Ottawa Convention and promote their adherence to its norms. Moreover, we recognize the important complementary role that NGOs could play in universalizing the Convention in the broader context of implementation of the actions #7 and #46 of the *Nairobi Action Plan*.

At the same time, we are strongly behind the view that, when engagement by NGOs of non-State Actors is contemplated, vigilance is required in order to prevent entities with separatist ambitions from exploiting the Ottawa Process for asserting a political and legal status and for international recognition. It is, therefore, imperative that NGOs proceed with great care in these situations, in a manner that is fully consistent with paragraph 17 of the Zagreb Progress Report.

In conclusion, I would like to stress that the Republic of Moldova fully identifies with the statement of the European Union made earlier by the distinguished representative of Slovenia.

Thank you, Mr. Co-Chair.