

ICBL Comments in Response to Stockpile Destruction Presentations
Stockpile Destruction Standing Committee Meeting
2 June 2008

Thank you Madame Co-Chair,

Part I

As we have previously articulated, we are deeply concerned about the three cases of non-compliance with Article 4 of this convention. Because of these failures to respect one of the fundamental obligations of the Mine Ban Treaty, over 7 million antipersonnel mines are left in stockpiles in these states. Although each State Party's case is different, we are also generally dissatisfied with the level of transparency surrounding these failures and the lack of capacity to predict when completion will be finished. We should not have to wait any longer to learn when the deadlines might be met – the late states should already be able to set a firm date now, four years after they were obliged to begin SD work and as a minimum step following their violation of the treaty. We would hope to hear at the 9MSP that they have already finished. We would now like to make some comments and raise some questions related to each of these states.

We start with Greece because it is the country we have heard the least from concerning its progress on Article 4. Over the past years we have only heard brief statements from Greece that they were on track to meet their deadline, and after 1 March, we had to surmise that the deadline was missed since there was no note verbale communicating this fact. Their 2007 Article 7 report submitted on 30 April only provides a short description of the reasons for the delay in compliance, making clear that none of its 1.6 million mines have been destroyed to date. The report also admits that the final contract with the company that will be responsible for destroying the mines *has not yet been finalized*. We are deeply concerned that four years have passed with so little having been accomplished. We therefore encourage Greece in the strongest terms to provide more information about the reasons the deadline was missed, and even more importantly, the concrete steps being taken to ensure that the contract is finalized and the mines are destroyed in the shortest possible delay.

Regarding Turkey, which still has over 2.5 million mines in stocks, we appreciate that it sent a note verbale to the other SPs signaling, though not explicitly stating, that it missed its deadline. And we were pleased to be invited to Ankara in late May to visit the Turkish Munitions Disposal Facility where we saw the ongoing destruction work and learned some of the reasons for the delay in destruction. On the other hand, neither the letter, the visit, nor the latest Article 7 report are able to shed light on the key remaining questions:

- How many mines have been destroyed in the new facility?
- What is the productivity rate of the facility?
- According to current or expected productivity, when approximately will the work be finished?

Unless we can be reassured of the rapidity of the current solution, we would encourage Turkey to revisit a decision to use only the facility to finish its obligations and complement this work with supplemental means.

During the visit and again today, Turkey stated that it has destroyed all the fuzes of its AP mines, which is a very positive step, though we would encourage Turkey to provide

information on when and where this took place. Indeed, let us take this opportunity to remind all SPs with ongoing obligations about the utility of public destruction events as a useful confidence-building measure.

While Belarus's failure to meet its deadline is just as unfortunate as the other two, since it joined the MBT, it has been transparent about the special challenges it has been facing in destroying its large quantity of PFM mines. We encourage Belarus to continue to be transparent about the progress it is making to destroy its mines. We also encourage all actors involved in the provision of assistance and cooperation to Belarus to do all in their power to facilitate and expedite the process.

Lastly, to finish on a positive note, we would like to congratulate again Burundi and Sudan for on-time completion despite the logistical difficulties they faced, and we would like to express appreciation to the UNDP and other actors that helped them meet their deadline.

Part II

Regarding states with later deadlines, we hope they have learned valuable lessons from the experience of 2008. Early action and transparency is critical. In this regard, we are concerned that Ethiopia only submitted its initial transparency report last month, though it was due back in 2005. And while we are pleased to learn that it has begun destroying its stockpile, it should also have reported its initial stock, which will allow SPs to know the extent of the remaining obligation. We are also looking forward to clarification on the stockpiles of Iraq and Kuwait.

We were pleased to hear about that Ukraine's non-PFM mine destruction and its status on PFM destruction. It appears that we are hearing an early sign of potential difficulties to meet its deadline based on current capacity, and we hope that other States Parties and donor organizations will respond to this alert.

Finally, Indonesia, with its very small stock to destroy, should follow the model of those countries that finished their Article 4 obligations early – there is no reason to wait until the end of the four years.

Thank you.

Compliance

While we have spent a good deal of time looking back with regret over cases of non-compliance, we should also make the best of this situation by learning valuable lessons for the future. We would first like to emphasize the words of the convention on Article 4 : “Each SP undertakes 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 the entry into force of this Convention for that State Party.” This means work to implement this obligation should begin in year one, if not day one. Transparency should also begin at the outset, with a clear indication of the initial stockpile and the status of programme for their destruction, with details on its plans, resources, progress, and timeline for completion. These reports and presentations in Standing Committee meetings and MSPs promote confidence that the SP is working toward on-time completion and can send an early warning to others where this is not the case.

As we have often said regarding the Article 5 clearance obligation, while treaty compliance is first and foremost the responsibility of the concerned State Party, we also regard full implementation of the convention as a collective responsibility of all States Parties. So when early warning signs are heard – and silence from SPs is just as loud a warning as minimal information - we would all States Parties to use bilateral or multilateral fora to raise the matter with the concerned states. (We strongly support the paper circulated by the SD co-chairs on “Ensuring the full implementation of Article 4”).

We encourage strong action not only as a preventive measure, but also in reaction to the current cases of non-compliance. Compliance with Article 4 is at the heart of the Mine Ban Treaty’s goal of eliminating these indiscriminate weapons for all times. We cannot afford to let these deadlines slip. If they do, we expect that there will be a chorus of voices expressing concern to those parties, with continual pressure on them to finish with no further delay. We are pleased to hear that the 8MSP President has written to the three late states to express concern and offer to visit them to discuss the matter further. We also congratulate the SD co-chairs for the leadership on their tackling this issue and work with non compliant cases , including by convening a special meeting to discuss PFM mines. States Parties that have missed their deadlines, as we said earlier, should be immediately transparent about why it was missed and when compliance is expected.