

**13<sup>th</sup> Meeting of States Parties to the Mine Ban Treaty  
ICBL Statement during General Exchange of Views  
2 December 2013**



Thank you, Mr. President,

We would like to begin by thanking the 12MSP President Ambassador Kovacic for his leadership in advancing the work of the treaty and for expressing concern about new mine use instances this year. We now look forward to working with you Ambassador Delmi in your capacity to the 13MSP President and with the President-Designate of the Third Review Conference Vice-Minister Banze in the lead up to this milestone meeting.

The Mine Ban Treaty undoubtedly remains a success story in the field of humanitarian disarmament, making a real difference on the ground. As reported last week by the ICBL's Landmine Monitor and mentioned this morning by Jody Williams, the number of recorded ERW and mine casualties has been steadily decreasing and is at the lowest level since the treaty's entry into force in 1999. At the same time, clearance of contaminated land and funding for mine action are at their peaks.

This year we were also happy to welcome a new State Party - Poland - to the Mine Ban Treaty. We look forward to further accessions to the treaty. With every new member the global norm rejecting antipersonnel mines is reinforced.

We can all be proud of these achievements. They should not be taken for granted though. It's the result of the hard work of this community – in particular of committed governments, NGOs, the ICRC and international organizations in this room, and the cooperative partnership we have forged and nurtured over the years. Without the ongoing vigilance and daily efforts, the treaty no doubt would not be in such a good shape.

At the same time we are also faced with some very serious challenges – where our close attention and reaction are crucial. Maintaining the credibility and effectiveness of this treaty largely depends on how we collectively tackle these challenging issues.

We are extremely disturbed about extensive use of antipersonnel mines by State Party Yemen in 2011. We are also deeply concerned about still unresolved serious allegations of use by the armed forces of States Parties Sudan and South Sudan, plus the ongoing investigations and legal proceedings in Turkey.

In May this year we alerted States Parties to credible reports of extensive use of antipersonnel mines in 2011 by the government forces of Yemen outside of the capital. This information followed earlier reports of antipersonnel mines laid at the Ministry of Industry building in Sana'a, also in 2011. Evidence gathered during investigations by Human Rights Watch, with local partners, including photographs and eyewitness testimony, indicated that Yemen's Republican Guard forces laid thousands of antipersonnel mines around their base camps in the Bani Jarmooz area, just north of the capital Sana'a, beginning in September 2011. Moreover, local community leaders said that Republican Guard forces have prevented clearance of the mines, despite the fact that they have caused at least 15 civilian casualties. We were pleased to hear Yemen committing at the last intersessional meeting in May to

conduct an investigation into these reports and to address the problem on the ground. On 17 November, an official communiqué of the Prime Minister's Office of Yemen acknowledged a 'violation' of the treaty and reaffirmed Yemen's commitment to an investigation and fulfillment of its obligations under the Treaty.

This morning the Ambassador of Yemen clearly referred to this official communiqué in his statement. However, probably due to interpretation challenges, the crucial information contained in the communiqué did not come across clearly to us. In this communiqué the government of Yemen admits 'violation' of the treaty through mine use in 2011. It is important that States Parties understand we no longer deal with alleged use but with confirmed use, as admitted by the government of Yemen.

We appreciate Yemen's transparency in sharing this information and the commitment to conduct a thorough investigation. We are concerned however that it seems few concrete steps to investigate and bring the perpetrators to justice have taken place so far, six months after the allegations have been brought to Yemen's attention. This is the gravest violation in the life of the treaty, and it must be addressed with adequate urgency and seriousness. We expect Yemen and all States Parties to treat this violation with the highest level of attention and concern, including, if warranted, making use of Article 8 of the treaty on facilitating and clarifying compliance. It is vital that Yemen present concrete actions undertaken so far and the next steps of the investigation and response, including establishing criminal responsibility. We look forward to hear more details on this from Yemen still this week, in particular on Thursday when compliance will be on the agenda.

In South Sudan, reports of new mine use that indicate possible use by government forces also remain a grave concern. Based on a report by Refugees International issued in July this year, as well as concerns expressed by other actors previously, the allegations are serious and merit careful investigation. We hope to hear a report from South Sudan on its investigation and its findings this week.

Sudan remains a similar concern due to repeated and so far unaddressed reports of use from 2011, 2012 and 2013, including photographic evidence, clearly pointing to new mine use, either by government or rebel forces, or both. Sudan previously stated, most recently in May 2013, that it would indeed conduct an investigation. We still wait to hear from Sudan on the investigation findings.

Apart from responsibility for use, it is clear that antipersonnel mines are still available in those States Parties, which raises another concern, regarding the source of these mines in States Parties that have reportedly destroyed their stocks.

If these use and supply allegations remain unaddressed, States Parties should consider making use of Article 8 to help facilitate investigation processes in both countries.

In addition, States Parties should not lose sight of two separate instances of allegations of antipersonnel mine use by members of the Turkish Armed Forces back in 2009. One of the incidents led to an investigation and trial where a Turkish general and another soldier were convicted, though, according to the information provided by the Turkish delegation in May, the initial verdict and sentence do not seem to be related to Turkey's obligations under the Mine Ban Treaty, since there was no mention of the illegal use of antipersonnel mines. In

regard to the second alleged instance of use, at the last intersessional meeting Turkey reported that ‘a detailed investigation’ was undertaken. Turkey should provide additional information such as when the investigation began, who conducted it, and what specifically was or is being investigated. More details about the findings of the investigation should also be reported.

How States Parties handle these most serious breaches and alleged breaches of the treaty will be a clear test of the Mine Ban Treaty’s strength and credibility. We look forward to hearing from many more States Parties on how they plan to address the use by Yemen and use allegations by the other three States Parties on Thursday when compliance will be discussed.

We also continue to be disturbed by new mine use by states not party – both Myanmar and Syria used antipersonnel mines this and last year. In addition, forces of the internationally unrecognized territory of Nagorno-Karabakh used antipersonnel mines in 2013, as well as non-state armed groups in as many as eight countries, according to *Landmine Monitor 2013*.

Though new mine use remains rare and limited, any and all use deserves strong, vocal condemnation by States Parties. The ICBL reaffirms its commitment to work with the new President and indeed all States Parties to ensure any new use is condemned.

One of the treaty’s greatest successes has been the destruction of over 47 million stockpiled antipersonnel mines. Yet, this is also the area where we have the treaty’s longest cases of non-compliance. Three States Parties are still in violation of the treaty for missing their stockpile destruction deadline: Belarus and Greece since March 2008 and Ukraine since June 2010. We take note of all their efforts to make progress on stockpile destruction, and we know each country is struggling with various challenges, most of all financial. But we are especially worried about the long period of time they have been in non-compliance, the fact that none of them are actively destroying stocks at this time to our knowledge, and that none of them has an expected completion date. We again call on all parties that can or are currently supporting these states to work with them on the most efficient route to completing destruction.

We also remain concerned about large number of states that are retaining antipersonnel mines without any indication that they are using them for training and research purposes, but instead the mines simply sit in stocks. It has reached the stage where this should be seen as a compliance issue, not just a reporting issue.

On clearance, we should all be pleased about a record high of at least 281km<sup>2</sup> of mined areas released through clearance or survey in 2012. A total of 24 States Parties have so far reported completion of their clearance obligations. But we should and must do better. Still 35 States Parties remain affected. As many as 34 States Parties have asked for additional time to fulfill their clearance obligations, including six this year. And we see no signs that the high rate of states needing extensions to their clearance deadline will slow down in the coming years.

While some extension requests were to be expected and are justified, clearly many of these states should have been able to finish within 10 years. Alarming, some States Parties waited for years without taking action and then requested additional time. From those that have been granted extensions, only a handful now seem to be on track to meet their revised deadlines. We need these States Parties to act with greater urgency and to put a higher priority on complying with this treaty obligation, as soon as possible. In many cases, lives and limbs are

at stake.

All States Parties should engage in the review and decision-making on extension requests, as well as be actively concerned about the slow progress on clearance in so many countries.

Mr. President, as I mentioned at the beginning we are pleased about the significant and steady drop in the annual number of new casualties. In 2012, a total of 3,628 casualties were recorded, an almost 20% decline compared to 2011. This means approximately 10 casualties per day last year. This is about a 60% decrease from what was reported for 1999, when there were approximately 25 casualties each day. This shows the strength of the treaty's preventative value.

Still the total number of survivors in need of victim assistance continues to grow every year. In this regard, the *Landmine Monitor* recorded progress on the following commitments States Parties made through the Cartagena Action Plan:

- Improving the understanding of victims' needs, as well as coordinating and planning measures to better address them;
- Linking victim assistance coordination with multisectoral coordination mechanisms, such as those for disability and development; and
- Strengthening legal frameworks to promote the rights of victims.

However significant challenges remain on the ground, including:

- Increasing the availability and sustainability of relevant programs and services, especially to survivors in remote areas; and
- Ensuring that all victims have access to programs that meet their specific needs, particularly in employment and livelihoods as well as psychological support.

We are again pleased to see continuing high levels of global funding for mine action – reaching an all-time high of \$681 million in national and international allocations in 2012. However, ensuring funds are used in an effective and efficient manner is as important as sustaining the level of funding.

Effectively addressing the issues we have just raised depends on getting high quality information from States Parties, including through their annual Article 7 reports. Regrettably, the transparency reporting rate remains at a low 53% for reports due this year, with varying quality. If you are among the remaining 47% with overdue reports, we would like to remind you that transparency reporting is a treaty obligation and a crucial way to keep track of progress made towards the full implementation of the treaty.

In closing, Mr. President, with less than seven months before the next Review Conference, we would like to offer to this community a *completion challenge*. We want to challenge all states to step up their efforts and come to Maputo next year with a solid plan and publicly pledge to complete their remaining specific treaty obligations within a clearly defined, ambitious deadline.

To put it simply, the ICBL is calling on you all to work hard towards the Review Conference and come to Maputo to ***Commit to Complete*** the remaining job in the shortest possible time.

Thank you.