

**ICBL Intervention on Compliance**  
**Delivered by Steve Goose, Human Rights Watch, Head of Delegation**  
**7<sup>th</sup> Meeting of States Parties to the Mine Ban Treaty**  
**Geneva, 21 September 2006**

We congratulate the five States Parties that have taken the important—and required—step of adopting national implementation measures for the Mine Ban Treaty since the last Meeting of States Parties (Albania, Chad, Croatia, Peru, and Senegal). But we also echo the concerns expressed by the International Committee of the Red Cross about how few States Parties have fulfilled this Article 9 obligation, and we share the ICRC’s view that all States Parties must undertake national measures, including penal sanctions.

We would like to make comments on both parts of this agenda item, both on “facilitating compliance” and on “preventing and suppressing prohibited acts.”

First, with regard to compliance, we reiterate the dismay that the ICBL has expressed over the years with the failure of States Parties to operationalize Article 8 (Facilitation and Clarification of Compliance), and the failure to develop informal mechanisms to ensure that, short of invoking Article 8, compliance concerns are addressed in a systematic and coordinated fashion. We reiterate that dismay as a prelude to the following unwelcome information.

Earlier this year, a UN panel leveled the most serious and specific allegation ever of a transfer of antipersonnel mines by a State Party to the Mine Ban Treaty. In May 2006, the UN arms embargo monitoring group for Somalia reported that the government of Eritrea had delivered 1,000 antipersonnel mines to militant fundamentalists in Somalia on 5 March 2006. Eritrea denied the claims as “baseless and unfounded” and labeled the report as “outrageous and regrettable.” An earlier October 2005 report from the UN monitoring group stated that between March and April 2005, Eritrea twice shipped arms including mines to an opponent of Somalia’s Transitional Federal Government, but the report did not specify antipersonnel or antivehicle mines.

We strongly urge States Parties to seek further information and clarification on this matter from both the UN monitoring group and the government of Eritrea.

With respect to preventing and suppressing prohibited acts, we ask the question: are States Parties in fact preventing and suppressing prohibited acts? We ask the question because there is a striking lack of information on the application of penal sanctions contained in the domestic landmine legislation in any country. We are not aware of any specific instances of application of penal sanctions contained in laws developed to implement the Mine Ban Treaty. There would seem to have been many instances where penal sanctions could or should have been applied, as there have been many instances recorded of possession and even use of antipersonnel mines in states party to the treaty by criminals, members of armed opposition groups and others.

In light of the emphasis by States Parties on Article 9 as *the* compliance mechanism for the treaty (in the Nairobi Action Plan and elsewhere), it would be useful for States Parties to include information in their Article 7 reports, and to share information with the Standing Committee on General Status and Operation of the Convention, on the application of penal sanctions.

Thank you.