

ICBL Statement on Article 3
Intersessional Standing Committee Meetings
25 June 2010

Chairperson,

As noted by the Landmine and Cluster Munition Monitor's fact sheet on Article 3, a total of 74 States Parties report that they retain antipersonnel mines for training and research purposes under Article 3 of the Mine Ban Treaty.

This number has increased in the past year with **Cape Verde** for the first time reporting that it retains mines and **Cambodia** declaring retained mines after reporting in previous years that it did not retain any. The status of two of the 74 is unclear. **Botswana** reported many years ago that it intended to retain some mines, but has never provided an update on its situation and **DR Congo** indicated in 2003, 2004, and 2008 that a decision concerning the retention of mines is pending.

Alternatively, a total of 81 States Parties have declared that they do not retain any antipersonnel mines. Of these states, a total of 24 previously stockpiled antipersonnel mines and have chosen not to retain any mines – **Kuwait** joined this group in 2009.

One State Party, Equatorial Guinea, has never indicated whether it possesses antipersonnel mines, let alone retains any mines. Its initial transparency report was due in August 1999.

Disturbingly, only two-thirds of States Parties retaining mines have submitted an annual transparency update for calendar year 2009, which was due by 30 April 2010. Thus, at this point, it is not possible to compile a complete picture of the status of practice for 2009.

It is also regrettable that so few states are using Expanded Form D to report on retained mines. We count only 28 State Parties that have used the expanded format at least once since its adoption by States Parties in 2005: Afghanistan, Argentina, Belgium, Bosnia and Herzegovina, Canada, Chile, Croatia, Czech Republic, France, Germany, Guinea-Bissau, Indonesia, Japan, Latvia, Malawi, Mauritania, Nicaragua, Peru, Portugal, Romania, Rwanda, Serbia, Slovakia, Tajikistan, Thailand, Tunisia, Turkey, United Kingdom.

We would like to highlight three trends that are discernable from the reports available:

First, and a major concern for the ICBL, is the large number of States Parties that are retaining mines, but apparently not using those mines for permitted purposes. For these States Parties, the number of mines retained remains the same year after year, indicating none are consumed (destroyed) during training or research activities and no other details are provided about how the mines are being used. A total of ten States Parties have not reported consuming any mines for permitted purposes since the treaty entered into force for them: **Angola, Bangladesh, Belarus, Bhutan, Djibouti, Ethiopia, Greece, Nigeria, Togo, and Venezuela**. Numerous others have not reported any consumption for multiple years. We welcome the announcement by Cyprus that they will reduce the number of retained mines after a review of its requirements.

The ICBL sees this as an abuse of the exception for retaining mines, and should be treated as a compliance issue. If retained mines are not being utilized at all for the permitted purposes, it would appear to constitute ongoing stockpiling. And some states certainly appear to be keeping more than the minimum number absolutely necessary.

A second unfortunate trend emerging this year is that numerous States Parties are reporting decreases in the number of mines retained, but are not explaining the reductions in their transparency reports. These mines are not being reported properly on Form D of the annual transparency; only the total decreases each year.

Eleven states reduced the number of mines retained without explanation for calendar year 2009: **Brazil** (935 fewer mines), **Bulgaria** (10 fewer mines), **Chile** (12 fewer mines), **Czech Republic** (22 fewer mines), **Denmark** (58 fewer mines), **Germany** (28 fewer mines), **Guinea-Bissau** (100 fewer mines), **Netherlands** (199 mines fewer mines), **Portugal** (63 fewer mines), **Spain** (62 fewer mines), and the **United Kingdom** (70 fewer mines). As a corollary to this trend, **Mozambique** increased the number of mines it retains without providing explanation in its transparency report. This trend must be reversed in order for all actors in the Mine Ban Treaty family to have the necessary level of confidence that the exception permitted by Article 3 is being implemented in a consistent and transparent manner.

The final aspect we would like to draw attention to is that several States Parties apparently retain mines for training and research purposes that are irreversibly incapable of functioning as an antipersonnel mine. There are several variations reported including mine bodies without fuzes or any way to initiate them and mine bodies rendered free from explosives. For example, **Bosnia and Herzegovina** reports that all of its retained mines do not have fuzes. Other States Parties reporting that some mines they retain are inert or fuzeless,

include **Afghanistan, Australia, Eritrea, Iraq, and Portugal**. **Malawi** helpfully notes in its recent transparency report that its Defence Force uses “dummy” mines for training in mine detection, mine clearance, or mine destruction techniques.

This situation leads to an interesting ambiguity. While appreciating the spirit of transparency being demonstrated by reporting these mines, States Parties are not required to report these mines on Form D. However, such information does demonstrate that inert, fuzeless and free-from-explosives devices can function equally as effectively for permitted purposes as “live” mines. We think it would benefit all States Parties to exchange experiences on this matter to ensure consistent reporting and perhaps motivate other States Parties that retain “live” mines to examine alternatives that cannot function as antipersonnel mines.

We would like to close by warmly welcoming the adoption of Actions 55 to 57 of the Cartagena Action Plan and the call contained therein for States Parties to conduct a regular review of the number of mines retained under Article 3 to ensure that they constitute the minimum number absolutely necessary and to destroy those in excess of this number. In this spirit, the ICBL congratulates **Indonesia** for destroying 2,524 retained mines of the 4,978 initially retained and **Peru** for destroying an additional 1,985 retained mines. Thanks to Croatia, Germany, Ireland, Japan, and Thailand for the detailed updates they provided during this session.

Thank you.