

**ICBL Statement on Cooperative Compliance**  
**19<sup>th</sup> Meeting of States Parties to the Mine Ban Treaty, 15-19 November 2021**

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Overall, States Parties' record of compliance with the Mine Ban Treaty is admirable. This is especially true with respect to the comprehensive bans on use, production, and trade.

But, there are serious compliance concerns, as States Parties recognized at the 2019 Review Conference and in the Oslo Action Plan. Most disturbing is Eritrea's situation, where it remains in violation of the treaty by virtue of its failure to meet its clearance deadline, failure to submit an extension request, and failure to undertake any clearance operations. States Parties should invoke Article 8 to address this matter. That would entail utilizing the offices of the UN Secretary-General and preparing for a fact-finding mission, if necessary.

Mr. President, apart from Eritrea, there are compliance concerns with respect to Article 3 on mines inappropriately retained for training and research, Article 4 on missed stockpile destruction deadlines, Article 5 on delayed action or non-action on mine clearance, Article 7 on the low rate of transparency reporting, and Article 9 on lack of national implementation measures.

At the review conference and in the Oslo Action Plan, States Parties agreed to expand the role of the Committee on Cooperative Compliance, giving it responsibilities under Articles 3, 4, 5, 7, and 9. They also agreed to expand the President's role in compliance, through what has been called an "early warning mechanism." If no information on implementing Articles 3, 4, or 5 is provided for two consecutive years, "the President will assist and engage with the States Parties concerned." The President has just given us examples of that type of engagement over the past year.

With the expansion of the roles of the President and the Committee on Cooperative Compliance, States Parties are in a much better position to deal with implementation and compliance concerns at an earlier stage and more effectively. Unfortunately, as the President also noted, he and the Committee have a lot of work to do.

I will now look at each area of compliance concern.

With respect to Article 3, many States Parties are retaining mines under the Article 3 exception, but are not utilizing the mines for the permitted research and training purposes. As this continues to be the case year after year after year, it appears that the mines in fact are simply being stockpiled. As a matter of compliance, these states should either utilize the mines as permitted, or destroy them urgently.

A total of **48 States Parties** have not consumed any retained mines or provided any updated information for at least two consecutive years. **Eighteen States Parties** have not consumed any

retained mines for at least 10 years, and **7 States Parties** have never reported consuming any mines retained for permitted purposes since the treaty entered into force for them.

With respect to Article 4, Greece and Ukraine remain in violation of the Treaty for their ongoing failure to complete the destruction of their stockpiles LONG after their deadlines. They have made little progress in recent years and neither has identified a completion date.

With respect to Article 5, there are six mine-affected States Parties that have not reported information on implementation of Article 5 in an Article 7 report for two or more years, including one that has not reported for 16 consecutive years. In addition, there are instances when State Parties have been granted mine clearance deadline extensions, but then undertaken little to no action to meet the new deadline. It would appear that such non-action or non-implementation is against the objectives and purposes of the Treaty, and should be addressed as a compliance matter. There are also situations (for example in Senegal) where little to no clearance has occurred around some military installations, raising the question of possible military benefit from the emplaced mines. Another compliance issue is the failure of some states to submit extension requests on time, as is the case with Eritrea, or to submit at all when faced with new contamination (as for Cameroon and Mali).

On Article 7, the level of compliance with the obligation to submit an annual transparency report has fallen to an embarrassing 45%. Ninety-one States Parties have not submitted a report for calendar year 2020, of which most have failed to provide a report for two or more years. Notably, some states with key outstanding obligations such as clearance are failing to submit. Eleven States Parties with clearance and/or victim assistance obligations have not submitted a report in 2021 covering 2020.

Similarly, too many States Parties have failed to enact appropriate national implementation measures as required by Article 9. There are more than 50 States Parties without national measures in place. The ICBL believes that new, stand-alone national legislation is the best way to meet the Article 9 requirement. Action #50 of the Oslo Action Plan calls on states to urgently undertake and report on national measures by the 20<sup>th</sup> Meeting of States Parties.

Finally, with respect to the Mine Ban Treaty norm, the global stigma is strong and has resulted in de facto compliance by most States not party. In recent years, only one government armed force is confirmed to have used antipersonnel mines—Myanmar. However, Landmine Monitor identifies use of antipersonnel mines, usually of an improvised nature, by non-state armed groups in at least six countries in late 2020 and 2021.

These various compliance concerns are not new. They are long-standing, and States Parties have wisely begun to develop new approaches to deal with them. The key now will be dedicated and sustained attention from the President, the Committee on Cooperative Compliance, and all States Parties.

Thank you.