

ICBL comments on Compliance

Mine Ban Treaty's 5th Review Conference, Siem Reap, Cambodia, 25-29 November 2024

Thank you Mr. President,

Compliance with the Mine Ban Treaty to this day has generally been very good, especially with respect to the core prohibitions, making this treaty a gold standard in the field of humanitarian disarmament. This record is due in part to the outstanding commitment States Parties have shown to fully complying with their obligations, reporting thoroughly on their implementation, and setting the highest possible bar of expectations for their fellow States Parties.

There have, of course, been exceptions. Two states parties – Greece and Ukraine - have stockpiles remaining that still need to be destroyed, and both are long past their deadline. Greece is now progressing with the destruction of its stocks, though we were hoping for greater clarification on a completion timeline this week. Past reports of use in a handful of countries were or are currently being investigated, and we look forward to hearing the results of such investigations as soon as possible.

Today, however, the Mine Ban Treaty is facing a test on a level it has never faced before, and we are counting on ALL States Parties to clearly demonstrate their usual fierce dedication to this treaty in response, with no excuses and no exceptions. The crisis of course is the announcement of a US decision to transfer antipersonnel mines to Ukraine, which, if accepted and the mines used, would be a clear and significant violation of the Mine Ban Treaty.

As a preface to our comments, the ICBL would like to acknowledge the extraordinarily difficult circumstances facing Ukraine today. Russia's illegal, devastating invasion and massive mine use have led to unimaginable suffering by the Ukrainian people. The ICBL stands in absolute solidarity with the people of Ukraine, and all of our remarks should be seen exactly as they are intended – as an effort to protect Ukrainian women, men, and children from any more harm from this horrific conflict and from the terrible wounds that landmines inflict on soldiers and civilians alike.

We learned last week that the US government has, for the first time since 1992, authorized the transfer of antipersonnel mines to Ukraine. Three types of mines are being sent: ADAMs, Volcano, and MOPMs – vile weapons that eject multiple tripwires, jump into the air to spray fragments at the height of the torso, or contain depleted uranium.

As others have said, in case anyone is wondering if the treaty's definition covers antipersonnel mine fitted with self-destruct or self-neutralization mechanisms, the answer is a definitive YES. The Mine Ban Treaty comprehensively prohibits ALL types of victim-activated explosive devices, regardless of their predicted longevity, delivery method, or type of manufacture. There are no exceptions. Period. This question was put to rest during the 1997 negotiations of the Mine Ban Treaty. It is inconceivable that it is being raised again.

The US decision to make the transfer contradicts its own policy and long-standing practice to not use or transfer mines, and in the words of a US official resigning in protest this week, it “tarnishes American leadership in a rule-based international system.” But under this compliance agenda item, we are speaking about the obligations of States Parties, which we had hoped the US would also respect. We therefore hope very much that the mines offered by the US will be firmly rejected by Ukraine. We welcome clarification from Ukraine in that regard, and we thank Ukraine for communicating the concerns of this room about the announced transfer back to Kyiv.

It goes without saying that if Ukraine were to accept these antipersonnel mines and use them, it would raise by far the most serious compliance challenge that the international treaty has ever faced. We therefore hope and expect Ukraine will respect its legal obligations and reject this deadly gift.

In closing, we call on all States Parties to do everything in their power protect the norms of the Mine Ban Treaty and to work with all states to prevent any use, or any acts that would facilitate use of these indiscriminate, inhumane weapons.

Thank you.