

**Intervention by Stephen Goose, Head of Delegation,
International Campaign to Ban Landmines (ICBL)**

To the Standing Committee on General Status and Operation of the Convention

On Compliance

16 May 2003

Matters Pertaining to Compliance Concerns

We would like to begin by noting our extreme disappointment that, as just reported by Canada, no State Party has put forward a topic or initiative to move the compliance discussion forward. The ICBL's views are well-known: States Parties should put a high priority on operationalizing Article 8 and on finding a new mechanism or a new way of ensuring a more coordinated, systematic and effective response to compliance concerns. This should be done by the time of the 2004 Review Conference.

Earlier the ICBL expressed its concern about Turkmenistan and its failure to fully meet its stockpile destruction obligation. We also want to inform delegates that Landmine Monitor is currently investigating two allegations of use of antipersonnel mines by States Parties. We receive such allegations every year, and while some have been quite serious, happily none have been definitively confirmed.

Delegates may not be aware that two States Parties in their recent Article 7 reports have revealed that they used antipersonnel mines while they were signatories to the Mine Ban Treaty. A third State Party has also openly acknowledged use of antipersonnel mines as a signatory. Landmine Monitor for each of the past four years has either confirmed or reported credible allegations of use by signatories. We are looking into credible reports on use by two signatories for the forthcoming 2003 edition.

While these acts are not a violation of the Mine Ban Treaty – you cannot violate a treaty to which you are not a party--they are a violation of international humanitarian law. The Vienna Convention on the Law of Treaties states that treaty *signatories* must refrain from acts, which would defeat the object or purpose of the instrument they have signed. Obviously, use of AP mines is contrary to the object and purpose of the Mine Ban Treaty. States Parties to this treaty should be much more vigorous in responding to and criticizing instances of use by signatories.