

## **International Campaign to Ban Landmines**

**Intervention on Friday, 17 June 2005**

**Standing Committee: General Status and Operation of the Convention**

**Agenda Item: The practical implementation of the various other provisions of the Convention**

**Speaker: Steve Goose (Human Rights Watch), Head of ICBL Delegation**

**Topic: Compliance Concerns, Article 8 and Article 5**

In the past this Standing Committee has usually had an agenda item to address compliance concerns, and I would like to use this opportunity to do so now. Let me begin by noting that the ICBL has often expressed its disappointment that States Parties have done little to nothing to operationalize Article 8 and to prepare themselves to deal with any serious future compliance issues. Likewise, States Parties have not established an effective informal mechanism to deal with compliance and implementation issues short of invoking Article 8. The ad hoc manner used in the past to deal with concerns (such as allegations of use of antipersonnel mines and missed stockpile destruction deadlines) cannot be relied upon to be effective in the future.

Today, I would like to reflect briefly on Article 5, which requires clearance of mined areas within ten years of entry into force for a State Party. For the first time, we have prepared a Landmine Monitor Fact Sheet on Article 5 and we hope delegates will pick up a copy.

Compliance with Article 5 will be the major challenge for the next five to ten years. We suggest that Article 5 should be addressed in this Standing Committee as well as the Mine Clearance Standing Committee. We make that recommendation in part because there are concerns related to Article 5 that go beyond the crucial issues of whether or not the ten-year deadlines are reached and the necessary requirements or conditions for requesting and granting an extension.

What should States Parties do if a country declares that it has met its Article 5 obligation to clear all mined areas, and yet mined areas still exist? This is apparently the current situation for Djibouti, which in January 2004 declared itself mine-safe and reported in its Article 7 report that no mined areas or suspected mined areas exist. Yet a May 2005 U.S. State Department travel advisory warned that despite the “mine-safe” label, landmines are known to be present in two northern districts and reported to be present in one southern district. Recent visitors to Djibouti have confirmed this information.

States Parties should establish a specific process for clarifying whether a country has met its obligation under Article 5 to clear all antipersonnel mines in mined areas.

In a similar vein, *Landmine Monitor Report 2004* identified six States Parties as mine-affected, but these states have never officially declared mined areas or suspected mined areas in their Article 7 reports. Landmine Monitor has credible evidence of the presence of mines in all six countries, perhaps most notably in Bangladesh and Namibia, but also in Belarus, Liberia, Sierra Leone and the Philippines. These states may have valid reasons for not declaring mined areas, but they have not to our knowledge been articulated for the benefit of other States Parties.

States Parties should establish a specific process for clarifying situations such as these when a State Party declares no mined areas but there is evidence to the contrary. This can and should be done in the spirit of cooperative compliance that has been a hallmark of the Mine Ban Treaty. Thank you.