

**Notes for ICRC intervention under agenda item "Addressing concerns about compliance with Article 4"**

**Standing Committee on Stockpile Destruction  
Monday 25 May 2009**

Thank you Madam Co-Chair,

While we welcome the progress reported by several States Parties earlier today in complying with their obligations under Article 4, we must conclude that only limited progress has been achieved since the Ninth Meeting of States Parties. Failure to comply with Article 4 still represents a serious challenge for all States Parties to this Convention and has implications that go far beyond the obligations of Article 4 alone.

All States Parties should be preoccupied about the implications of this situation for the health of the Convention.

When we have raised this issue with States Parties this past year, we have heard a view expressed by some that the obligation under Article 4 to destroy stockpiled mines is less important than other obligations as the failure to comply does not have any negative humanitarian consequences.

We are very concerned that the signal this may send to other States Parties is that compliance with any provision can be delayed, as long as the humanitarian consequences are limited. This may affect future compliance by States Parties, not only with regard to their stockpile destruction obligations, but also their mine clearance obligations under Article 5 as well as other provisions. This would undermine the credibility of the treaty as a whole and would indeed have humanitarian implications both in the short and long-term.

We believe the situation we face in relation to stockpile destruction needs to be addressed as a high priority by the Second Review Conference. The Review Conference should agree on measures to address more proactively situations in which States Parties are at risk of, or fail to meet, their stockpile destruction commitments. The priorities outlined by the President of the Ninth Meeting of States Parties in the Geneva Progress Report, based on the proposals developed by the previous Co-Chairs, provide guidance in this regard. In our view, compliance should be a primary preoccupation of the Review Conference in Cartagena. As regards Article 4, we believe the Conference should unequivocally call on States that remain non-compliant to announce and meet fixed dates in 2010 by which they will complete stockpile destruction.

The Review Conference should also follow up on the recommendations of the 9MSP by underlining the importance of transparency and communication as guiding principles when States Parties believe they will have difficulties in meeting upcoming deadlines. Any such concerns should be shared with the Mine Ban Treaty community at the earliest possible time, so that other States Parties in a position to do so might be able to provide support, expertise or funding if necessary. Transparency and cooperation, which have always been the hallmark of this convention, remain vital to achieving full and prompt compliance with the Convention's obligations in the period ahead.

+++