

Stockpile Destruction (Article 4)

Prepared by Human Rights Watch

Article 4 of the Mine Ban Treaty obligates all States Parties to destroy their antipersonnel mine stockpiles, and all antipersonnel mines under their jurisdiction or control, as soon as possible but no later than four years after entry-into-force of the treaty for each country. **There is no provision for extension of this deadline.**

A total of 76 States Parties have completed the destruction of their stockpiles, collectively destroying more than 40 million antipersonnel mines. Landmine Monitor estimates that about 15 million antipersonnel mines remain to be destroyed by 11 States Parties that still have to complete their stockpile destruction programs: Afghanistan, Belarus (3.7 million), Burundi, Cyprus, Ethiopia, Greece (1.6 million), Indonesia, Montenegro, Serbia, Sudan, Turkey (3 million), and Ukraine (6.7 million).

According to the best available information, 141 States Parties do not have stockpiles of antipersonnel mines, apart from those retained for training purposes. That includes the 76 states that have completed stockpile destruction programs, 58 states that indicated they had no stocks to destroy upon joining the treaty, and seven states that are assumed to have no stocks, even though they have not made an official declaration.

Since the 7th Meeting of States Parties, Angola completed its stockpile destruction program, meeting its 1 January 2007 deadline. Afghanistan was apparently unable to destroy all known stockpiled mines by its deadline of 1 March 2007 (see below). In addition, since the 7MSP, Brunei, Guyana, and Vanuatu have officially declared not having stocks.

76 States Parties have completed destruction of their stockpiles: Albania, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Bosnia & Herzegovina, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chad, Chile, Colombia, Rep of Congo, Croatia, Czech Republic, Denmark, Djibouti, DR Congo, Ecuador, El Salvador, France, Gabon, Germany, Guinea, Guinea-Bissau, Honduras, Hungary, Italy, Japan, Jordan, Kenya, Latvia, Lithuania, Luxembourg, Macedonia FYR, Malaysia, Mali, Mauritania, Mauritius, Moldova, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Peru, Philippines, Portugal, Romania, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, Tajikistan, Tanzania, Thailand, Tunisia, Turkmenistan, Uganda, United Kingdom, Uruguay, Yemen, Venezuela, Zambia, and Zimbabwe.

58 States Parties have officially declared not having a stockpile of antipersonnel mines: Andorra, Antigua & Barbuda, Bahamas, Barbados, Belize, Benin, Bolivia, Botswana, Brunei, Burkina Faso, Central African Republic, Comoros, Costa Rica, Cote D'Ivoire, Dominica, Dominican Rep, Eritrea, Estonia, Fiji, Ghana, Grenada, Guatemala, Guyana, Holy See, Iceland, Ireland, Jamaica, Kiribati, Lesotho, Liberia, Liechtenstein, Madagascar, Malawi, Maldives, Malta, Mexico, Monaco, Nauru, Niger, Niue, Panama, Papua New Guinea, Paraguay, Qatar, Rwanda, St. Kitts & Nevis, St. Lucia, St. Vincent & Grenadines, Samoa, San Marino, Senegal, Seychelles, Solomon Islands, Swaziland, Timor Leste, Togo, Trinidad & Tobago, and Vanuatu. A number of these apparently had stockpiles in the past, but used or destroyed them prior to joining the Mine Ban Treaty including Eritrea, Rwanda, and Senegal.

9 States Parties are in the process of destroying their stockpiles: Afghanistan, Belarus, Burundi, Cyprus, Greece, Serbia, Sudan, Turkey, and Ukraine.

8 States Parties are late to declare the presence or absence of stockpiles: Bhutan, Cape Verde, Cook Islands, Equatorial Guinea, Ethiopia, Gambia, Haiti, and Sao Tome & Principe.

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All are late in submitting their initial Article 7 transparency reports. Only Ethiopia is thought to possess stockpiles of antipersonnel mines.

2 States Parties will formally announce the presence or absence of stockpiles in their initial transparency measures report: Indonesia and Montenegro. In 2002, Indonesia estimated its stockpile at about 16,000 mines, but has since said that is an unverified number. At the 7th Meeting of States Parties, the Serbian representative stated that “all stockpiled APM that remained at the territory of the Republic of Montenegro are still in the process of destruction in...Serbia, which proves the continuation of the joint activities towards implementation of the Article 4, and that the dissolution of the State Union will not affect the cooperation between the two republics.”

Stockpile Destruction Deadlines

1 July 2007	Cyprus
1 Sep 2007	[Sao Tome e Principe]
1 Mar 2008	Belarus Greece Serbia Turkey
1 Apr 2008	Burundi Sudan
1 June 2009	Ethiopia
1 Feb 2010	[Bhutan]
1 June 2010	Ukraine
1 Aug 2010	[Haiti]
1 Sep 2010	[Cook Islands]
1 Aug 2011	Indonesia
1 April 2011	Montenegro

[States Parties not thought to possess antipersonnel mine stockpiles]

ISSUES AND CONCERNS

Afghanistan: Missed Deadline

The International Campaign to Ban Landmines was informed that Afghanistan was unable to destroy some stockpiled antipersonnel mines prior to its 1 March 2007 deadline because the mines were held by a provincial authority and were not made available for the destruction process. Assuming that these are mines that the government of Afghanistan “owns or possesses, or that are under its jurisdiction or control,” Afghanistan has not yet fulfilled its treaty obligation.

Recent Completions, but Stocks Still To Be Found

Democratic Republic of Congo (announced May 2006), **Latvia** (August 2006), and **Angola** (December 2006) are the most recent States Parties to complete their stockpile destruction programs.

The DR Congo and Angola, as well as Afghanistan, have all indicated that they anticipate that stockpiles of antipersonnel mines will continue to be discovered, reported, and destroyed as these countries continue to cope with conflict and post-conflict situations, and to implement disarmament and demobilization programs.



Belarus and Ukraine: Destruction of PFM Type Mines and Missing Deadlines

The technical and environmental challenges posed by the destruction of millions of PFM type remotely delivered antipersonnel mines in the stockpiles of Belarus and Ukraine has been extensively documented by Landmine Monitor in previous years. In both cases, extensive program planning and financial commitment by donors was the key to obtaining the accession/ratification of these countries.

However, developments in recent months have raised serious concerns about the ability of Belarus, and to a lesser extent Ukraine, to meet their stockpile destruction deadlines (1 March 2008 and 1 June 2010, respectively).

In December 2006, the European Commission (EC) canceled a €3 million tender for the destruction of Belarus' stockpile of 3.6 million PFM type mines. According to EC officials in February 2007, the process of allocating new EC funding and beginning a new tender process must start over. They have indicated that these new efforts will not occur in time to allow Belarus to destroy its PFM stockpiles by its treaty-mandated deadline.

In the case of Ukraine, no PFM type mines have been destroyed to date, despite the award of an EC funded tender. It is unclear whether Ukraine, with EC assistance, will be able to destroy its stockpile of approximately 6 million PFM type mines in the two years remaining before its deadline.

Failure to Confirm Compliance

Equatorial Guinea (1 March 2003), **Cape Verde** (1 November 2005) and **Gambia** (1 March 2007) have passed their deadlines for destroying any stockpiled antipersonnel mines, but none has informed States Parties of compliance with this core obligation. These States Parties have never submitted an Article 7 transparency report. Nor has São Tomé e Príncipe, whose deadline for stockpile destruction is 1 September 2007. None of these states are believed to possess stocks, but they have an obligation to confirm that information.

Reporting on and Destroying Captured or Newly Discovered Stockpiles

States Parties regularly discover, capture, seize, or receive turned-in arms caches containing antipersonnel mines. It is a State Party's responsibility to report on the acquisition and disposition of captured, seized, or turned-in antipersonnel landmines. States Parties should reveal through Article 7 forms the details of newly found antipersonnel landmines depending on whether they are maintained for a period as stockpiled mines (Form B), transferred for destruction or training purposes (Form D), actually destroyed (Form G), or retained for training purposes (Form D). This reporting should occur for discoveries and seizures made both before and after the completion of stockpile destruction programs.

Action #15 of the Nairobi Action Plan states: "When previously unknown stockpiles are discovered after stockpile destruction deadlines have passed, report such discoveries in accordance with their obligations under Article 7, take advantage of other informal means to share such information and destroy these mines as a matter of urgent priority." The Final Report of the 18-22 September 2006 Seventh Meeting of States Parties noted, "States Parties continued to discuss their commitment to report, in accordance with Article 7 and through informal means, discoveries of previously unknown stockpiles found after stockpile destruction deadlines have passed. And they reaffirmed the need to destroy these mines as a matter of urgent priority. It was suggested that Form G of the Article 7 reporting format could be amended to facilitate reporting."

In recent years, Burundi, Cambodia, Sudan, and Turkey have provided some official information on discoveries or seizures of mines. According to media and other accounts, Bangladesh, Bosnia and Herzegovina, Colombia, DR Congo, Kenya, Philippines, Serbia and Montenegro, Uganda, and Yemen have also made such discoveries or seizures in recent years, but none have reported to other States Parties about the acquisition or destruction of the mines.

Since mid-2006, there have been reports of discoveries or seizures of antipersonnel mines in Afghanistan (by national and coalition forces), Algeria, Bangladesh, Bosnia and Herzegovina (by EUFOR), Colombia, DR Congo, and the Philippines. Their Article 7 reports were not yet available for 2006 to verify reporting.

The International Campaign to Ban Landmines recommends that Form G, which already contains provisions for listing the destruction of stockpiled antipersonnel mines, be amended to include a section on the destruction of newly captured, seized, or turned-in antipersonnel mines following the completion of the formal stockpile destruction program. In addition to the quantity of antipersonnel mines found and destroyed, the form should allow States Parties to provide information on where and when antipersonnel mines were discovered. Without adequate documentation and accountability as required by Article 7, captured, seized, or turned-in antipersonnel mines can potentially be misplaced or misused.

Voluntary Reporting on Foreign Stocks

A State Party is required to report on mines “owned or possessed by it, or under its jurisdiction or control.” States Parties should also report on foreign stockpiles in order to be consistent with the spirit of the treaty aimed at no possession of antipersonnel mines by anyone. **Tajikistan** is the only State Party to declare the number of antipersonnel mines stockpiled by a non-State Party on its territory. Russian forces hold 18,200 antipersonnel mines in Tajikistan. **Germany, Japan, Qatar,** and the **United Kingdom** state that U.S. antipersonnel mine stocks in those countries are not under their national jurisdiction or control and they have not reported on these stockpiles.

Voluntary Reporting on Claymore-Type and/or OZM-72 Mines

The use of Claymore-type directional fragmentation and OZM-72 mines is legal under the Mine Ban Treaty as long as they are command-detonated, and not victim-actuated (used with a tripwire). States Parties should voluntarily report on stockpiled Claymore-type and OZM-72 mines and steps taken to ensure their use in command-detonated mode only. **Belarus, Latvia, Lithuania, Moldova, New Zealand,** and **Sweden** in their Article 7 reports have reported on the measures taken to modify Claymore-type and/or OZM-72 mines. **Norway** provided a detailed technical briefing on the steps it took at a December 2000 Standing Committee Meeting.