

ICBL Statement on the engagement of Non-State Armed Groups to the 11th Meeting of States Parties to the Antipersonnel Mine Ban Convention.

Geneva Call and International Campaign to Ban Landmines (ICBL) agreed to make this statement together as ICBL to the plenary of the conference. Readers will find slightly different language used in places. For example, ICBL uses the term non-State armed group (NSAG) while Geneva Call uses the term armed non-State actor (ANSA)

Phnom Penh, Cambodia, 1 December 2011

Thank you Mr. President,

The ICBL believes that the use of antipersonnel mines by anyone, anywhere is unacceptable and must be condemned, due to their indiscriminate nature and long-term humanitarian and developmental impact, and that efforts have to be made to address this.

Activities to engage non-state armed groups (NSAGs) in a ban on antipersonnel mines should remain a priority for the mine ban community until there is no longer any recorded use by such entities. A ban on antipersonnel mines cannot be truly global and universal unless non-state armed groups also abide by it.

In the past decade, use by NSAGs has consistently decreased. According to Landmine Monitor Report 2011, non-state armed groups used antipersonnel mines or victim-activated improvised explosive devices *banned* under the Convention in at least four countries, including Afghanistan, Colombia, Myanmar, and Pakistan. This represents a 75% drop from the 18 countries in which non-state armed groups used mines in 2000.

Engagement of NSAGs can and must be carried out in a non-partisan manner, as a humanitarian objective. Such engagement does not change the groups' legal or political status. States Parties should facilitate this process, by providing access for engagement and monitoring by civil society, and humanitarian mine action by appropriate entities.

At the same time, criminalization of antipersonnel mine use under Article 9 of the Mine Ban Treaty must apply to any and all individuals under the jurisdiction or control of a State Party.

NSAGs should be encouraged to make unilateral declarations renouncing the use of antipersonnel landmines, including signing the Geneva Call *Deed of Commitment*, or by other means.

The most recent rebel group to publicly renounce antipersonnel mine use was the Libyan National Transitional Council, which made a unilateral public statement in April this year that it would not use either antipersonnel or antivehicle mines, would destroy mines which they seized during their operations, and would "cooperate in the provision of mine clearance, risk education, and victim assistance." The communiqué said further that "any future Libyan government should relinquish landmines and join the 1997 Mine Ban Treaty."

This statement was received through the active engagement of Human Rights Watch, Handicap International and Mines Advisory Group, as well as the United Nations Mine Action Service (UNMAS).

The ICBL believes that the mine ban community's engagement with non-state armed groups does not only include a total ban but also advocacy on mine clearance – which should be carried out to internationally accepted standards - mine risk education, survivor assistance and the destruction of cleared and stockpiled mines to prevent further use and save lives.

In February 2011, the Polisario Front in Western Sahara, signatory of the *Deed of Commitment*, destroyed 1,506 stockpiled antipersonnel mines. In Puntland, another signatory of the *Deed of Commitment*, and with the assistance of Mines Advisory Group, destroyed 382 recently discovered antipersonnel mines. This brings the total of AP mines destroyed by armed non-State actors engaged towards a total ban to over 20,000.

This October, the Niger Justice Movement (MNJ), after years of engagement by Geneva Call, agreed to attend a meeting with Government military representatives and to share information and maps on the location of mines they have laid. Discussion on clearance operations integrating former rebels has also been initiated.

In November, South Sudan succeeded to the Mine Ban Treaty. This builds on the SPLA/M's unilateral commitment to a mine ban in 1996, and its 2001 signature to the *Deed of Commitment*.

Responsibility for landmine victim assistance resides with all parties to a conflict, and conflict situations should not be used as a pretext for avoiding this moral and humanitarian responsibility.

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