

Mines Retained for Training (Article 3)

Prepared by Human Rights Watch

Article 3 of the 1997 Mine Ban Treaty permits the retention of a number of antipersonnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques. The treaty requires that the amount of such mines shall not exceed the “minimum number absolutely necessary” for the above-mentioned purposes.

The International Campaign to Ban Landmines is concerned that many States Parties are retaining more antipersonnel mines than “absolutely necessary” and are not using mines retained under Article 3 for the permitted purposes. There appears to be widespread abuse of this exception in the treaty.

- Some States Parties have yet to use their retained mines for either training or development purposes; the mines are simply sitting in storage.
- Some States Parties are retaining mines when they do not have active demining, training, or development programs.
- Many States Parties have not provided sufficient detail and justification for their requirement to retain any mines, or a certain number of mines.
- Many States Parties have not undertaken a detailed process to determine the minimum number of mines needed.
- Some States Parties state that they are using retained mines for training or development purposes, but the number of retained mines does not change from year to year, indicating none of those mines are consumed (destroyed), contrary to the experience of most other states engaged in those activities.
- Many States Parties provide inadequate and inconsistent information about retained mines in their required Article 7 annual transparency reports.
- Too few States Parties are using the expanded Article 7 Form D agreed to at the Sixth Meeting of States Parties to facilitate reporting on the intended purposes and actual uses of retained mines.
- Unless a State Party is clearly retaining the minimum number of antipersonnel mines, is actively utilizing the mines for the permitted purposes, and is being fully transparent about the process, there may be concerns that the mines could be used for war fighting purposes.

During the Oslo negotiations in 1997 and during Standing Committee discussions from 1999-2006, most States Parties have agreed that, if states find it necessary to retain mines, they should number in the hundreds or thousands or less, but not tens of thousands.

Status of States Practice

Of the current 153 States Parties, 68 retain over 232,000 antipersonnel mines for training and research purposes. Ukraine joined this group in January 2007 as it declared its intent to retain 1,950 antipersonnel mines when it submitted its initial transparency report.

Five States Parties account for nearly one-third of all retained mines: Turkey (15,150), Brazil (15,038), Algeria (15,030), Bangladesh (14,999), and Sweden (14,402). A total of nine States Parties retain between 5,000 and 10,000 mines: Australia, Belarus, Chile, Croatia, Greece, Japan, Serbia, Sudan, and Tunisia. The majority of States Parties that retain mines, a total of 35, retain between 1,000 and 5,000 mines. Another 19 States Parties retain less than 1,000 mines.

No Reported Consumption of Retained Mines

In most cases, programs for demining training or development involve the consumption (destruction) of the mines being used for those purposes. However, there is a clear history of little to no consumption of retained mines by a significant number of States Parties. Few of those states have explained why mines are not being consumed.

Eighteen countries have not reported consuming any mines for permitted purposes since entry-into-force for that country: Algeria (1 April 2002), Angola (1 January 2003), Bangladesh (1 March 2001), Belarus (1 March 2004), Burundi (1 April 2004), Republic of Congo (1 November 2001), Cyprus (1 July 2003), Djibouti (1 March 1999), Greece (1 March 2004), Guinea-Bissau (1 November 2001), Jordan (1 May 1999), Kenya (1 July 2001), Rwanda (1 December 2000), Serbia (1 March 2004), Sudan (1 April 2004), Togo (1 September 2000), Tunisia (1 January 2000), and Uruguay (1 December 2001). In addition, Yemen has stated in its annual transparency reports that it uses 240 mines each year in training, but its total number of retained mines has never changed.

Algeria and Bangladesh are particularly notable in that they have never reported consuming any retained mines even though they keep the third (15,030) and fourth (14,999) highest totals, respectively, among all States Parties.

The Republic of Congo does not engage in any demining activities either domestically or internationally, and has never carried out any training or development programs, so its need to retain mines is not evident. Rwanda has acknowledged that retained mines have not been used because there has been no demining training.

Another fifteen countries have not reported consuming mines for two or more consecutive years: Bulgaria, Czech Republic, El Salvador, Italy, Luxembourg, Mali, Mauritania, Portugal, Romania, Spain, Suriname, Tajikistan, Venezuela, Zambia and Zimbabwe.

Only a few states have attempted to explain why they have not consumed any mines during training or research activities. Peru has said that its retained mines are held by the combat engineer units of the army and are used in “show and teach” instruction on mine handling and storage and that mines are not usually consumed during training. Spain has said its mines are used for training in mine clearance and for the ANGEL research project, and that neither of the programs requires the destruction of mines. A Ugandan military official said that retained mines were used for training at the Kabamba Army Training School, but not destroyed in the process.

Justification for Retained Mines Insufficient or Vague

Too many States Parties have not provided any justification for the quantities of mines retained, including Angola, Colombia, Republic of Congo, Djibouti, Ecuador, Jordan, Kenya, Latvia, Mauritania, Mozambique, Netherlands, Romania, Sudan, and Togo.

Other States Parties have limited their explanation of mines retained to simply repeating the language used in Article 3, or a similar formulation, without stating any further justification or quantitative requirement for retaining mines. This includes Cyprus, Eritrea, El Salvador, Mali, Namibia, Portugal, Rwanda, Serbia, Slovenia, Slovakia, South Africa, Thailand, Tunisia, Venezuela, and Zimbabwe.

Bangladesh, Bulgaria, Slovenia, Suriname, Uruguay and others have cited participation in peacekeeping operations as a justification for retaining mines. However, according to UN officials, only three UN-managed programs have a mine clearance capacity compliant with International Mine Action Standards and require training (Lebanon, Eritrea, and Sudan).

Brazil, with the largest number of retained mines, has only stated that the country requires a large number because it is “an active contributor to international humanitarian mine clearance missions” and the mines are needed “to safeguard the training capacity of the Brazilian Armed Forces.”

According to the Ministry of Defense of Serbia, the number of retained mines was somewhat arbitrary and the mines “would probably” be destroyed once demining is finished.

Little Use of the Expanded Transparency Reporting Format

At the Sixth Meeting of States Parties in November-December 2005, States Parties agreed to adopt a new voluntary expanded reporting format for Form D of the annual transparency declaration. This modified format allows countries to report on the intended purposes and actual uses of mines retained under Article 3.

Disappointingly, only 11 States Parties provided information in the new expanded form in reports submitted in 2006: Argentina, Canada, Chile, Czech Republic, France, Germany, Guinea-Bissau, Japan, Nicaragua, Romania, and Tajikistan.

As of 12 April 2007, two States Parties had provided information in the new form in reports submitted in 2007: Tajikistan and the United Kingdom.

Unaccounted for Decreases in Retained Mines

Many states do not sufficiently explain yearly decreases in the number of mines retained. For example, Denmark reported 2,058 mines retained in its June 2004 Article 7 report, 1,989 in its June 2005 report and only 60 its most recent report submitted in May 2006. Presumably, Denmark consumed these mines during training but has failed to make this fact explicit. The following countries have in the past reported fewer mines retained for training without providing explanation for the decrease: Australia, Bosnia and Herzegovina, Bulgaria, Denmark, El Salvador, France, Ireland, Latvia, Namibia, the Netherlands, Portugal, Slovenia, Slovakia, Spain, Uganda, and the United Kingdom.

Examples of Positive Practice

There has been some progress by a number of States Parties in fully disclosing the intended purposes and actual uses of retained mines. Some States Parties have provided information such as the rationale for retaining specific quantities of mines, details or justification for what institutions retain mines, and a timeline for the continued need for retained mines. Such states include Afghanistan, Australia, Canada, Chile, Croatia, Germany, Greece, Nicaragua, Sweden, Tajikistan, Tanzania, and Zambia.

A number of States Parties have also re-evaluated the number of mines needed, and decided to decrease the amount. In May 2006, Chile announced that it would destroy 1,292 retained mines that were no longer needed for training. In April 2007, the United Kingdom reported that 1,248 mines were destroyed because they were no longer safe. The UK now retains only 650 mines for training, down from 1,795 reported in the previous year.

Most Frequently Cited Uses for Retained Mines

- Personnel training. Some states cite the importance of “live mine” confidence and effects demonstration for troops. States using mines for personnel training include Australia, Belgium, Brazil, Denmark, Greece, Ireland, Luxembourg, Netherlands, and Slovenia.
- *Destructive testing on equipment, such as personal protective gear, mine-proof vehicles, vegetation cutting and earth-moving machines, mechanical clearance machines, etc.* States using mines for this purpose include Canada, Croatia, Czech Republic, France, Germany, Japan, Slovakia, South Africa, and Sweden.
- Detection equipment testing. States using mines for this purpose include Canada and Germany.
- Dog training. States using mines for this purpose include Afghanistan, Belarus, Nicaragua, and Yemen.

Unanswered Questions About Retained Mines

- Are “live mines” necessary for training in manual clearance or with metal detectors? There are obvious safety and risk issues to using live mines. Some operators have pointed out that an option is to have the fuze buried on top of the mine body for signal response, but not inserted to make a “live mine.”
- Are “live mines” required for training of mine detecting dogs? Some operators have pointed out that fuze assembly is not required, and without fuze assembly, mines stay in the ground longer and are not destroyed.

- Are “live mines” necessary for peacekeeping operations? As noted above, only three UN-managed programs have IMAS-compliant mine clearance capacity and require training (Lebanon, Eritrea, Sudan). Some states engaged in demining as part of peacekeeping operations do not retain mines (for example, Austria, New Zealand, and Norway).
- Are the mines that many states are retaining representative of the mine threat in the country or their clearance activities in other countries? It would not appear to be the case.
- Is it necessary to know how to lay a doctrinal minefield to do training for humanitarian demining?
- Are mines, especially fuze components, that are past their “use-by” date or beyond their expected shelf life safe to retain?

Recommendations to Facilitate Transparency and Compliance

The ICBL continues to question the need for live antipersonnel mines for training and calls on States Parties to continue to evaluate the necessity for this exception, especially for those states that have not used mines for permitted purposes in prior years.

The ICBL urges all States Parties that retain mines under Article 3 to adopt the following best practices in order to ensure that the exception granted for retaining antipersonnel mines is not being misused.

- Use the expanded voluntary format of Form D for annual transparency reporting.
- Declare the intended purposes and actual uses of antipersonnel mines retained under Article 3 in statements made at Meetings of States Parties, intersessional Standing Committee meetings, or in communications with Landmine Monitor.
- Carry out a detailed evaluation of the precise number of antipersonnel mines needed for specific activities. Provide the justification for why and the method how a particular number was arrived at.
- Regularly re-evaluate the number of retained mines to ensure that it is the minimum number absolutely necessary for permitted purposes.
- Reduce the number of retained mines to a level consistent with an annual requirement for live mines actually being used in training and research activities.
- Explore available alternatives to using live mines for training and research activities.
- Do not retain any antipersonnel mines as a contingency for possible future needs, as opposed to demonstrated current needs.

STATES PARTIES RETAINING MINES

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Country	Initial Declaration	Current Declaration	Country	Initial Declaration	Current Declaration
Turkey	16,000	15,150	Canada	1,781	1,992
Brazil	17,000	15,038	Ukraine	1,950	1,950
Algeria	15,030	15,030	Uganda	2,400	1,764
Bangladesh	15,000	14,999	Argentina	3,049	1,596
Sweden	13,948	14, 402	Angola	1,460	1,460
Sudan	5,000	10,000	Slovakia	7,000	1,427
Australia	10,000	7,226	Mozambique	1,427	1,319
Greece	7,224	7,224	Bosnia-Herze govina	2,405	1,305
Croatia	17,500	6,236	Latvia	2,980	1,301
Belarus	7,530	6,030	Burundi	1,212	1,212
Chile	28,647	5,866	Portugal	3,523	1,115
Japan	15,000	5,350	Tanzania	396	1,102
Serbia	5,000	5,307	Nicaragua	1,921	1,021
Tunisia	5,000	5,000	Cyprus	1,000	1,000
Venezuela	2,214	4,960	Jordan	1,000	1,000
Czech Repub lic	4,859	4,829	Luxembourg	998	956
Thailand	15,604	4,761	Colombia	986	886
South Africa	4,830	4,433	Honduras	1,050	815
France	4,539	4,216	Italy	8,000	806
Peru	9,526	4,012	Mauritania	5,728	728
Yemen	4,000	4,000	Zimbabwe	946	700
Namibia	9,999	3,899	United Kingdom	4,437	650
Belgium	5,980	3,820	Mali	2,000	600
Bulgaria	10,466	3,676	Uruguay	500	500
Zambia	6,691	3,346	Togo	436	436
Kenya	3,000	3,000	Congo Rep of.	372	372
Djibouti	2,996	2,996	Suriname	296	150
Slovenia	7,000	2,993	Tajikistan	255	105
Netherlands	4,076	2,878	Rwanda	101	101
Afghanistan	1,076	2,833	Eritrea	214	100
Spain	10,000	2,712	El Salvador	5,408	96
Germany	3,006	2,525	Ireland	130	77
Romania	4,000	2,500	Guinea-Bissau	67	67
Ecuador	170,344	2,001	Denmark	4,991	60



NOT RETAINING MINES

Albania*	Cameroon*	Gabon*	Kiribati	Mauritius*	Papua New Guinea	Seychelles
Andorra	Central African Rep.	Gambia	Liberia	Mexico	Paraguay	Solomon Islands
Antigua & Barbuda	Chad*	Ghana	Lithuania*	Monaco	Philippines*	Swaziland
Austria*	Comoros	Grenada	Lesotho	Moldova*	Qatar	Switzerland*
Bahamas	DR Congo*	Guatemala	Liechtenstein	Nauru	St. Kitts & Nevis	Timor-Leste
Barbados	Costa Rice	Guinea*	Macedonia FYR*	New Zealand*	St. Lucia	Trinidad & Tobago
Belize	Cote D'Ivoire	Guyana	Madagascar	Niger	St. Vincent & Grenadines	Turkmenistan*
Benin	Dominica	Holy See	Malaysia*	Nigeria*	Samoa	Vanuatu
Bolivia	Dominican Rep.	Hungary*	Malawi	Niue	San Marino	* once stockpiled
Brunei	Estonia	Iceland	Maldives	Norway*	Senegal	
Cambodia*	Fiji	Jamaica	Malta	Panama	Sierra Leone*	

INTENT TO RETAIN EXPRESSED, NO FIGURE DECLARED

Botswana
Burkina Faso

NOT KNOWN

Bhutan
Cape Verde
Cook Islands
Equatorial Guinea
Ethiopia
Haiti
Sao Tome and Principe