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DRAFT REVIEW OF THE OPERATION AND STATUS OF THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTIPERSONNEL MINES AND ON THEIR DESTRUCTION: 1999-2004

Introduction

1. The very purpose of the Convention is to put an end to the suffering and casualties caused by antipersonnel mines. The preamble to the Convention emphasises that the path towards fulfilment of this humanitarian promise is undertaken through the pursuit of both humanitarian and disarmament actions, particularly; ensuring universal acceptance of the Convention's comprehensive prohibitions; destroying existing stockpiled antipersonnel mines; clearing mined areas; and, assisting the victims. The Convention also foresees that certain matters are essential for achieving progress in these areas, including: cooperation and assistance; transparency and the exchange of information; and, measures to prevent and suppress prohibited activities, and to facilitate compliance.

2. The Convention came into being as a result of unprecedented partnership and determination. Since it was established in Oslo on 18 September 1997, the Convention's unique spirit of cooperation has been sustained, ensuring the Convention's rapid entry into force and over five successful years of implementation. A great deal of progress has been made. However, considerable challenges remain. This review is intended to document what has been accomplished and to take stock of the essential work that lies before the States Parties in ensuring that the Convention indeed lives up to its promise.

I. Universalizing the Convention

3. Article 15 indicates that the Convention was to be open for signature at Ottawa, Canada, by all States, from 3 December 1997 until 4 December 1997, and at the United Nations headquarters in New York from 5 December 1997 until its entry into force. Between 3 December 1997 and the Convention's entry into force on 1 March 1999, 133 States signed the Convention, thereby indicating an intention to ratify the Convention.

4. Article 16 states that the Convention is subject to ratification, acceptance or approval of the Signatories and that it shall be open for accession by any State that did not sign the Convention. This article also states that the instruments of ratification, acceptance, approval or accession shall be deposited with the Depository – which Article 19 notes is the Secretary-General of the United Nations. Between 3 December 1997 and 3 December 2004, a total of [142] States – over 70 percent of all States – had deposited instruments of ratification, acceptance, approval or accession with the Secretary-General. (See Table 1 [A TABLE OF DATES OF ACCEPTANCE AND ENTRY INTO FORCE TO BE INCLUDED IN THE FINAL VERSION].)

5. Article 17 states that the Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession had been deposited. On 16 September 1998, Burkina Faso became the 40th State to deposit such an instrument, thereby assuring the Convention's entry into force on 1 March 1999. In accordance with Article 17, paragraph 2, the Convention has since entered into force for [all 142 States] which have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General. [Nine (9)] of the Convention's 133 signatories have not yet ratified, accepted or approved the Convention: [Brunei Darussalam, the Cook Islands, Ethiopia, Haiti, Indonesia, the Marshall Islands, Poland, Ukraine and Vanuatu]. However, in accordance with Article 18 of the 1969 Vienna Convention on the Law of Treaties, these signatories are obliged to refrain from acts which would defeat the object and purpose of the Convention.

6. In addition to the impressive quantitative progress in universalizing the Convention, important qualitative gains have been made. First, the **production** of antipersonnel mines has decreased significantly. According to the International Campaign to Ban Landmines (ICBL), at one time more than 50 States produced anti-personnel mines. Thirty-three (33) of these States are now

parties to the Convention and hence the majority of countries that at one time produced anti-personnel mines will never again do so. In addition, at least three States not parties have ceased production and others have not produced anti-personnel mines for several years.

7. Second, the global **trade** in anti-personnel mines has effectively ceased. By having joined the Convention, [142] of the world's States have accepted a legally-binding prohibition on transfers of anti-personnel mines. Even for most States not parties this has become the accepted norm, with many of these States having put in place moratoria or bans on transfers of the weapon. It is significant that from 1999 to 2004 there has been no acknowledged trade in anti-personnel mines with any trade likely limited to a very low level of illicit trafficking.

8. Third, the **use** of anti-personnel mines has decreased dramatically. Use of antipersonnel mines was widespread, and increased exponentially throughout the last decades of the twentieth century. The campaign for and the establishment of the Convention changed this. Not only does the Convention's prohibition on the use of anti-personnel mines bind its [142] members, but the Convention's norm of non-use also has enjoyed widespread acceptance by States not parties. Since the Convention entered into force, the ICBL's annual *Landmine Monitor* has reported declining use of the weapon. The use of anti-personnel mines has been stigmatized – as evidenced both by this decline in use and by statements made by many States not parties attesting to their agreement with the goals of the Convention, and their intentions to eventually join.

9. The States Parties have deplored <u>any</u> use of anti-personnel mines. Thus, in addition to demanding that all States cease use, the States Parties have affirmed that progress to free the world from anti-personnel mines will be enhanced if **armed non-State actors** embraced the international norm established by the Convention. The States Parties have urged all such actors to cease and renounce the use, stockpiling, production and transfer of anti-personnel mines according to the principles and norms of international humanitarian law, and to allow actions to eliminate the effects of mines to take place. The States Parties have welcomed the efforts of non-governmental organizations, the International Committee of the Red Cross (ICRC) and the United Nations in engaging armed non-State actors on a ban on anti-personnel mines. The States Parties have expressed their appreciation for the work of these organizations and as well as their desire that individual States Parties that are in a position to do so facilitate this work.

10. Efforts to universalize acceptance of the Convention have been important manifestations of the Convention's spirit of partnership and cooperation. States Parties, and international, regional and non-governmental organizations have undertaken countless activities, individually and in cooperation and coordination with each other, to promote universalization of the Convention in all types of fora. There is strong evidence that such efforts have contributed greatly to formal acceptance of the Convention, and to the increasing strength of it as a norm.

11. The preamble to the Convention highlights "the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban on anti-personnel mines (….)" The ICRC and the ICBL in particular have perpetuated the voice of public conscience since the Convention's entry into force, playing a central role in promoting universal acceptance of the Convention. The United Nations has contributed to this effort. The United Nations General Assembly annually has voted to "(invite) all States that have not signed the Convention (…) to accede to it without delay" and to "(urge) all States that have signed but not ratified the Convention to ratify it without delay."[1] The United Nations system has had as one of its objectives in its mine action strategy to see that "all States regularly (are) encouraged to ratify, accede to and comply with, existing

[1] See for example United Nations General Assembly Resolution 57/74, *Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and on Their Destruction*, (A/RES/57/74).

international instruments on landmines."[2] In addition, the United Nations Secretary-General – the Convention's depository – has called for universal acceptance of the Convention, along with other senior UN officials. Regional organizations, such as the Organization of American States (OAS), the Organization for Security and Co-operation in Europe (OSCE), and the North Atlantic Treaty Organisation (NATO) have also played similar roles, where appropriate.

12. Despite great progress towards universal acceptance, [52] States have not yet ratified or acceded to the Convention. Among these States are several which could have a significant impact on the global disarmament, as well as humanitarian, goals of the Convention, for example because they still produce, stockpile or have anti-personnel mines laid on their territory. These States not parties include [10] States which, according to the ICBL, have used anti-personnel mines since the Convention entered into force: [Georgia, India, Israel, Nepal, Myanmar, Pakistan, Russia, Sri Lanka and Uzbekistan, as well as Iraq under its former regime.] Moreover, according to the ICBL [15] States not parties continue to produce anti-personnel mines or retain the capacity to produce anti-personnel mines: [China, Cuba, Egypt, India, Iran, Iraq, Korea (DPR of), Korea (Republic of), Myanmar, Nepal, Pakistan, Russia, Singapore, the United States of America and Vietnam.] According to the ICBL, a small number of States not parties likely hold vast stockpiles of anti-personnel mines, including the three permanent members of the United Nations Security Council that remain outside of the Convention.

13. Whereas almost every State in the Western Hemisphere, Africa and Europe has become a party to the Convention, the rate of acceptance remains low in Asia and the Middle East – this despite vigorous bilateral and regional efforts to promote the Convention in these regions.

14. A compelling case has been made regarding how the terrible humanitarian consequences that result from antipersonnel mine use greatly outweigh their limited military utility. This case has been made, inter alia, by senior active and retired military officers from many States Parties and States not parties – and by virtue of close to three-quarters of the world's States having accepted the Convention. Some States not parties, however, continue to claim that antipersonnel mines are necessary. Others have linked the possibility of accession to the Convention to the resolution of a territorial, regional or internal dispute or conflict. These States have not yet been swayed by the evidence of the indiscriminate nature of antipersonnel mines, the devastating socio-economic consequences of these *hidden killers*, and that removing anti-personnel mines from border areas constitutes a crucial means of promoting security and building confidence.

15. The States Parties repeatedly have stated that assistance and cooperation for mine action will flow primarily to those that have forsworn the use of anti-personnel mines forever through adherence to, implementation of, and compliance with the Convention.[3] One of the most severely mine-affected States Parties, for example, has stated that its ratification of the Convention facilitated a 100 percent increase in the mine action contributions it received.[4] However, one State not party has indicated that assistance for the destruction of its large stockpile of anti-personnel mines must be in place before it would be in a position to join the Convention.

16. Some States have joined the Convention notwithstanding the fact that armed non-State actors engage in acts prohibited by the Convention in the sovereign territory of these States Parties. One State not party, however, has suggested that accession to the Convention may be linked to a commitment to an end to the use of anti-personnel mines by an armed non-State actor in its sovereign territory.

[2] See for example: *United Nations Mine Action Strategy 2001-2005* (A/58/260/Add.1) and the *UNICEF Mine Action Strategy 2002-200*5.
[3] See for example the Declaration of the Fifth Meeting of the States Parties (APLC/MSP.5/2003/5).
[4] See the report of the 4858th meeting of the United Nations Security Council (S/PV.4858), page 22.

17. Some States with no objections to the Convention remain outside it simply because ratification or accession to it is one of many competing priorities for scarce administrative resources. In addition, accession to the Convention is not possible on the part of at least two States given that they currently do not have functioning or recognized governments in place.

18. Finally, while universalization of the Convention itself means acceptance of it by all States, universal acceptance of the Convention's norms is impeded by a small number of armed non-State actors that continue to use, stockpile, and produce anti-personnel mines.

II. Destroying stockpiled antipersonnel mines

19. The preamble to the Convention indicates that the States Parties believe it necessary to do their utmost to assure the destruction of anti-personnel mines. This indication is translated into action in Article 4, which states that "except as provided for in Article 3, each State Party undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party."

20. Moreover, with respect to fulfilling Article 4 obligations, Article 7 requires that each State Party report:

- "the total of all stockpiled anti-personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
- "the status of programs for the destruction of anti-personnel mines in accordance with (Articles 4 …) including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;" and,
- "the types and quantities of all anti-personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with (Article 4…), along with, if possible, the lot numbers of each type of antipersonnel mine (….)"

21. In reports submitted under Article 7, [69] States Parties have reported stockpiled anti-personnel mines and [52] States Parties have reported that they did not hold stockpiles when the Convention entered into force for them. Of the States Parties that have not yet provided an initial report in accordance with Article 7, it is believed that [10] have or may have stockpiled mines and it is presumed that [10] do not. Hence, the destruction of anti-personnel mines in accordance with Article 4 is an obligation that has been or is relevant for [79] States Parties. (See Table 2. [TO BE INCLUDED IN THE FINAL VERSION.])

23. States Parties' fulfilment of their Article 4 obligations has been one of the Convention's great success stories. The compliance rate stands at 100 percent with all States Parties whose deadlines for destruction have occurred having reported completion of their stockpile destruction programmes. Today, [120] States Parties now no longer – nor ever more will – have stockpiled anti-personnel mines. Together the States Parties have destroyed more than [31,447,000] landmines. The Standing Committee on Stockpile Destruction has contributed significantly to this success by providing a forum for States Parties to provide updates on efforts to destroy stockpiled mines and for others to indicate what assistance is available to support these efforts. Furthermore, through this forum, a general understanding has developed that, with the exception of PFM mines, stockpile destruction is relatively simple and does not pose significant environmental problems.

23. Destroying anti-personnel mines in accordance with Article 4 has produced improvements in planning, understanding destruction methods, destruction technologies, economic efficiencies and

safety and environmental aspects. As an example at least one State Party has established a demilitarization facility to destroy their mines and now has taken on other important demilitarization projects. Additionally many State Parties have improved their technical and safety skills based on lessons learned in open detonation of their mines.

24. The International Mine Action Standards (IMAS) have been developed. These inform national authorities of the technical and logistical issues involved in stockpile destruction, explain systems and procedures that can be used at the national level to plan the destruction of a State's stockpile, establish the principles and procedures for the safe conduct of large-scale destruction operations using open burning or open detonation techniques, and provide a consistent framework for a monitoring system as part of the destruction process.

25. The number of parties for which the obligation to destroy stockpiled antipersonnel remains relevant has been narrowed considerably to include [21] States. By [1 April 2008] the last of these States Parties will be obliged to have completed their destruction programmes. It is estimated that together these States Parties hold more than [9 million] anti-personnel mines. While the number of States Parties for which stockpile destruction is relevant is now small, a challenge exists in the fact that the numbers of mines held by a few individual States Parties is high. This challenge would be increased should additional stockpile-holding States join the Convention in the period following the First Review Conference. This challenge has both financial and technical implications as well as other challenges.

26. From a technical perspective, the remaining main challenges include the destruction of a unique type of mine, the PFM1 mine. This mine is particularly difficult to destroy as it cannot be disarmed once armed and it contains a liquid explosive that gives off toxic fumes once detonated. This is a matter that is relevant for one State Party that holds millions of these mines. In addition, some countries including one signatory, have large stockpiles of them and thus the destruction of those stockpiles would be an important challenge should they join the Convention. Efforts are underway to identify appropriate destruction technologies and it is hoped that affordable solutions will be forthcoming soon after the First Review Conference. Another technical challenge relates to a lack of expertise by some States Parties to develop and implement national stockpile destruction plans.

27. From a financial perspective, it must be recalled that some States Parties, particularly developing countries, do not possess the financial means to destroy their stockpiles of anti-personnel mines given pressing needs in other areas. Similarly it should be recognised while an investment of typically less than US$ 1 per mine will destroy a stockpiled of mines, the costs to clear emplaced mines are hundreds or thousands of times higher.

28. In some post-conflict or otherwise complex situations it may be challenging to find and account for all stockpiled anti-personnel mines that are under the jurisdiction or control of a State Party. Ammunition depots may have been decentralized, and / or may have been in the hands of more than one entity, possibly rendering the accounting and collection process more difficult and complex and slowing this process. In the future, such situations conceivably could lead to a State Party discovering previously unknown stockpiles after destruction was complete, and perhaps following the deadline by which they were to have completed destruction.

29. A small number of the [21] States Parties that must still complete the implementation of Article 4 do not or may not have control over their entire sovereign territories. In areas that are beyond their control, stockpiles of anti-personnel mines may be present. However, it is important to recall that Article 4 obliges States Parties to destroy stockpiles under their jurisdiction or control. Hence, nothing stands in the way of States Parties fulfilling their obligations in areas under their control, and henceforth proceeding promptly with destruction in other areas when conditions permit.

III. Clearing mined areas

30. The preamble to the Convention indicates that the States Parties, in acting upon their determination to end the suffering and casualties caused by anti-personnel mines, "(believe) it necessary to do their utmost to contribute in a coordinated and efficient manner to face the challenge of removing anti-personnel mines placed throughout the world." The obligation to remove anti-personnel mines ultimately rests with each mine-affected State Party to the Convention in accordance with the provisions of Article 5. These States Parties must:

- "make every effort to identify all areas under (their) jurisdiction or control in which antipersonnel mines are known or suspected to be emplaced;"
- "ensure as soon as possible that all antipersonnel mines in mined areas under (their) jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed;" and,
- undertake "to destroy or ensure the destruction of all anti-personnel mines in mined areas under (their) jurisdiction or control, as soon as possible but not later than ten years after the entry into force of (the) Convention for (a particular) State Party."

31. Under Article 7, each mine-affected States Party must report annually to the Secretary General of the United Nations:

- "to the extent possible, the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control;"
- "the status of programs for the destruction of anti-personnel mines in accordance with (Article 5);"
- "the types and quantities of all anti-personnel mines destroyed after the entry into force of (the) Convention;" and,
- "the measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5."

32. In reports submitted in accordance with Article 7, the following [44] States Parties have reported areas under their jurisdiction or control that contain, or are suspected to contain, anti-personnel mines and hence must fulfill the obligations contained in Article 5 and the relevant reporting requirements: [Afghanistan, Albania, Algeria, Angola, Argentina, Bosnia and Herzegovina, Cambodia, Chad, Chile, Colombia, Congo (Republic of), Costa Rica, Croatia, Cyprus, Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Eritrea, France, Guatemala, Guinea Bissau, Honduras, Jordan, the Former Yugoslav Republic of Macedonia, Malawi, Mauritania, Mozambique, Nicaragua, Niger, Peru, Rwanda, Senegal, Suriname, Swaziland, Tajikistan, Thailand, Tunisia, Uganda, United Kingdom, Venezuela, Yemen, Zambia, and Zimbabwe.] Of these [2 States Parties – Costa Rica and Djibouti – have indicated that they have completed implementation of Article 5.]

33. Based upon statements they have made, the following [6] States Parties that have not yet indicated that they have areas under their jurisdiction or control that contain, or are suspected to contain, anti-personnel mines, are presumed to have Article 5 responsibilities: [Burundi, Greece, Namibia, Serbia and Montenegro, Sudan and Turkey].

34. While each mine-affected State Party holds ultimate responsibility for fulfilling the obligations contained in Article 5, Article 6 contains provisions related to cooperation and assistance. Under this Article, each State Party in fulfilling its obligations "shall have the right to seek and receive assistance, where feasible, from other States Parties to the extent possible." With particular regard to fulfilling Article 5 obligations, Article 6 states that each State Party "shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention." And, "States Parties may request the United Nations, regional organizations, other States Parties or other competent intergovernmental or non-governmental fora to assist its authorities in the elaboration of a national demining program."

35. Article 6 also contains various responsibilities related to facilitating assistance and cooperation. This Article states that "the States Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes." It requires "each State Party in a position to do so" to provide assistance "for mine clearance and related activities" and "for mine awareness programs." Finally, "each State Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance."

36. Based upon what is contained in Articles 5, 6 and 7 of the Convention, it is possible to discern that the following actions are required in order to implement Article 5:

- the identification of mined areas;
- the development and implementation of a mine action plan and programme;
- the reduction of risk by marking and protecting civilians from mined areas awaiting clearance, and through mine awareness programmes – which since 2002 have been generally referred to as mine risk education programmes;
- the clearance of mined areas;
- an effective exchange of technologies;
- reporting and sharing information; and,
- cooperation and assistance.

This section of the review of the general status of the Convention will cover all of these areas with the exception of reporting and sharing information and cooperation and assistance, which will be covered elsewhere in the review.

Identifying mined areas

37. Whereas when the Convention entered into force little in precise terms was known about the global landmine problem or the problem faced by most affected States, since the Convention was established, significant methodological, organization and operational advances have been made in identifying areas in which antipersonnel mines are known or suspected to be emplaced. These advances are not limited to identifying areas containing antipersonnel mines but include areas containing mines and UXO. Moreover, advances have pointed towards greater understanding of not only the extent of mine and UXO contamination but also the impact of such contamination.

38. Assessment missions have emerged as a means to define the scope and nature of a landmine / UXO problem, identify constraints and opportunities related to the development of mine action initiatives and recommend comprehensive responses. Since the Convention was established, UN Inter-Agency Assessment Missions have been conducted in the following States Parties which have reported areas containing antipersonnel mines or which have not yet provided an initial transparency report but which are assumed to be mine-affected: [Burundi, Ecuador, Jordan, Malawi, Mauritania, Namibia, Peru, Senegal, Sudan, Tunisia, Uganda, Yemen, Zambia and Zimbabwe].

39. The establishment of the Convention was the impetus for the development of the Landmine Impact Survey (LIS), which can define the problem in terms of scale, type, location, hazard, and social and economic impacts experienced by affected communities, improve national planning efforts through a clear prioritization of resources well-defined objectives, and establish baseline data for measuring performance. Landmine Impact Surveys have been completed in [Cambodia, Chad, Mozambique, Thailand and Yemen] and are ongoing in [Afghanistan, Angola, Bosnia and Herzegovina and Eritrea.] This use of the LIS has proven useful to States Parties while at the same time it has shed light on the limitations of the LIS which are being taken into account in future survey efforts.

40. Other forms of assessments and surveys have been carried out in other States Parties and in some States Parties such efforts have proven unnecessary given the degree of existing information already available on the extent and impact of mined areas. However, States Parties that have not yet done so indeed need to act with urgency to ensure that every effort is made to identify all areas under their jurisdiction or control in which antipersonnel mines are known or suspected to be emplaced. This is especially relevant for those States Parties with Article 5 clearance deadlines that occur prior to 2010. Table 3 [TO BE INCLUDED IN THE FINAL VERSION] illustrates the clearance deadlines of the States Parties mentioned in paragraphs [XX and YY].

41. In the context of reporting in accordance with Article 7.1(c) and through other means, relevant States Parties have provided the following information related to identifying areas under their jurisdiction or control in which antipersonnel mines are known or suspected to be emplaced:

42. [INFORMATION SPECIFIC TO RELEVANT STATES PARTIES TO BE INSERTED]

National planning and programme development

43. *[CONTENT TO BE INSERTED: This section of the paper should cover developments in understanding the essential elements which should be considered in the development of a plan and a programme to fulfill Article 5 obligations, noting the extent to which planning and programming has occurred, the role of socio-economic impact studies in national planning, et cetera.]*

44. As noted, the States Parties are required in accordance with Article 7.1(f) to report on "the status of programmes for the destruction of antipersonnel mines in accordance with (Article 5)." In the context of reports submitted and through other means, relevant States Parties have provided the following information related to their plans and programmes to implement Article 5:

45. [INFORMATION SPECIFIC TO RELEVANT STATES PARTIES TO BE INSERTED]

Marking and protecting mined areas

46. The implementation of the obligation to ensure that all antipersonnel mines in mined areas under (their) jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means until these mines have been cleared is part of the larger effort undertaken by mine-affected States Parties to reduce risk to civilians and thus prevent further suffering caused by antipersonnel mines. The effective implementation of this obligation has been aided by the development of the IMAS. These standards articulate that marking systems should take account of local materials freely available in the contaminated region and that these materials should have little, if any, value or practical use for other purpose in order to prevent them from being removed. In addition, these standards emphasize that marking systems need to be maintained and systems to mark, monitor and protect mined areas should be integrated into mine risk education programmes.

47. In the context of reporting in accordance with Article 7.1(i) on "the measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5," the following States Parties have provided information regarding the steps they have taken to fulfil their obligations to ensure that all antipersonnel mines in mined areas under (their) jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means: [Afghanistan, Albania, Bosnia and Herzegovina, Cambodia, Chile, Congo (Republic of), Denmark, Honduras, Jordan, Malawi, Nicaragua, Peru, Rwanda, Senegal, Suriname, Swaziland, United Kingdom, Yemen, Zambia and Zimbabwe THIS LIST TO BE UPDATED WITH NEW INFORMATION CONTAINED IN ARTICLE 7 REPORTS SUBMITTED IN 2004].

48. One of the biggest challenges associated with reducing risks to communities through marking, monitoring and protecting of mined areas awaiting clearance relates to the broader challenge faced by

many States Parties in simply gaining a more comprehensive understanding of the extent and impact of mined areas under their jurisdiction or control. Other challenges include that fencing off large swathes of territory and maintaining fencing and markings are expensive propositions, that monitoring requires precious human resources, and that communities in resource-deprived areas have often procured the fencing used for their own day-to-day purposes. In addition, at least one State Party has indicated that additional challenges included ongoing instability in areas suspected of being mined and the absence of operational mine action structures.

Mine risk education

49. While Article 6.3 obliges States Parties in a position to do so to provide assistance for mine awareness programmes, the term "mine awareness" is not defined by the Convention. Since 2001 the States Parties generally have used the term "mine risk education" rather than "mine awareness." The term "mine risk education" is defined by the IMAS as "a process that promotes the adoption of safer behaviours by at-risk groups, and which provides the links between affected communities, other mine action components and other sectors." It comprises two related and mutually reinforcing components: public education and community liaison.

50. Since the Convention was established, the field of mine risk education (MRE) has evolved to become more standardised and professional and a more integrated part of broader responses to landmine problems. It is now accepted that MRE should be incorporated into broader mine action programmes, ensuring an effective two-way information exchange both to ensure the effectiveness of MRE programmes and to obtain information from affected communities to support mine clearance priority-setting. It has been stressed that MRE programmes should include a clear communications strategy, targeting a variety of different audiences in a manner that takes age and gender into consideration, as well as social, economic, political and geographical factors. It has been emphasised that a careful assessment of needs should be carried out. For example, needs assessments may overcome a tendency to focus on MRE activities on children, which are not always the most important risk category, and challenge the assumption that, simply because a State Party is affected by landmines, an MRE programme is necessary or appropriate.

51. As noted, States Parties are required to report on "the measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5." In reports submitted in accordance with Article 7, the following States Parties provided information related to such measures having been taken: [Afghanistan, Albania, Angola, Chile, Colombia, Congo (Republic of), Croatia, Ecuador, Eritrea, Guatemala, Guinea-Bissau, Honduras, Jordan, Malawi, Mauritania, Mozambique, Nicaragua, Niger, Peru, Rwanda, Senegal, Suriname, Swaziland, Thailand, Uganda, United Kingdom, Yemen and Zimbabwe THIS LIST TO BE UPDATED WITH NEW INFORMATION CONTAINED IN ARTICLE 7 REPORTS SUBMITTED IN 2004].

52. MRE programmes are intended to see at-risk individuals adopt safe behaviours. However, changes in annual casualty rates do not necessarily mean that these programmes or other measures to provide an immediate and effective warning to the population in relation to mined areas have been effective. Many other factors contribute to fluctuations in casualty rates including, for example, the movement of refugees, internally displaced persons and nomadic groups, the economic situation, the need to access food, water or firewood, ongoing hostilities and the presence or absence of mine clearance activities. With these points in mind, annual casualty rates of States Parties in which such information is available, nevertheless, do contribute to an overall assessment of progress that has been made and challenges that remain in ending the suffering caused by antipersonnel mines. (See Table 4 [TO BE INSERTED IN THE FINAL VERSION.]

53. The fact that many States Parties do not have the means to obtain accurate data on casualties or even a general sense of the extent to which populations are at risk underscores the need for assessments in order to determine what needs to be done to initiate or advance MRE activities.

Another challenge confronting efforts to reduce risk is the fact that in some States Parties, where annual casualty rates have declined and where MRE programmes are being carried out, the number of new casualties remains at an alarmingly high rate. In addition, an increasing challenge faced by many States Parties is the need to integrate MRE programmes into broader relief and development activities and education systems, both to take advantage of synergies and to rationalise activities in environments where resources are scarce. In addition, at least one State Party has indicated that additional challenges include ongoing instability in areas suspected of being mined and the absence of operational mine action structures.

Clearing mined areas

54. *[CONTENT TO BE INSERTED: This section should cover the progress that has been made in the development in the field of mine action, commenting upon the state of the art in clearance, area reduction, et cetera. It should cover extent to which progress has been made and challenges that remain.]*

55. As noted, the States Parties are required to report on progress made in clearing and destroying antipersonnel mines in accordance with Article 5 obligations. The exact wording of the reporting obligation contained in Article 7.1(g) incorporates disarmament terminology and when this reporting provision is narrowly applied States Parties may forgo an opportunity to communicate progress in a richer manner, particularly by providing additional quantitative and qualitative information related to how their efforts are contributing to the humanitarian aims of the Convention. This point was recognized at the Fourth Meeting of the States Parties in 2002, which encouraged States Parties to maximize the potential of the Article 7 reporting format as an important tool to measure progress and expressed their appreciation for and agreed to act upon suggestions made in a President's Paper – suggestions which included taking full advantage of Article 7 reporting as a State Party's official voice in communicating with other States parties on broader implementation matters.

56. In the context of reports submitted in accordance with Article 7 and through other means, relevant States Parties have provided the following information related to their plans and programmes to implement Article 5:

57. [INFORMATION SPECIFIC TO RELEVANT STATES PARTIES TO BE INSERTED]

Exchange of equipment, material and scientific and technological information

58. A variety of means have emerged for States Parties to exercise their "right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of (the) Convention", and to fulfil their responsibility to facilitate such an exchange. In addition to bilateral exchanges, the UN and organizations like the Geneva International Centre for Humanitarian Demining (GICHD) have served to produce and disseminate relevant information. The International Test and Evaluation Programme (ITEP) has emerged as a forum for technology-developing countries to avoid duplication in the testing and evaluation of equipment, systems and methods. As well, Meetings of the States Parties – which are mandated in Article 11 of the Convention to consider inter alia "the development of technologies to clear antipersonnel mines" – and meetings of the Standing Committees have served as fora for actors to present needs and views and provide updates on developments.

59. While the Convention does not limit exchanges of equipment, material and scientific and technological information to matters concerning Article 5, for the most part such exchanges indeed have focused on matters pertaining to the fulfilment of Article 5 obligations. Within the context of Article 5 obligations, exchanges can be said to relate to either those pertaining to existing equipment and technologies or those pertaining to future prospects. While there have been advances in both areas since the Convention entered into force, for the most part progress has been mixed.

60. Technologies which were the mainstays of clearance efforts when the Convention was established continue to be some of the most significant elements of the demining *toolbox*. The prodder has gone through much development, but in most areas remains in its basic form. The sensitivity of metal detectors has increased but in doing so this has increased the susceptibility of metal detectors to false alarms from small metal fragments or metallic compounds in certain soils, including those soils commonly found in South-East Asia and Africa. Dogs can be used more reliably today and are in more wide-spread use. In addition, the quality and applicability of machines have improved. Mechanical mine clearance systems are being employed on an ever widening scale – in concert with manual clearance and the use of dogs – and the choices of machines on the international market continues to expand. Finally, advances have been made in personal protective equipment.

61. With respect to new technologies, ground penetrating radar detectors – which potentially could be of great value in detecting antipersonnel mines that do not contain metal – are now becoming available but their present cost is much higher than metal detectors. Tests have been conducted on infrared detectors. The use of animals other than dogs to detect antipersonnel mines is being investigated, with certain types of rats showing some promising results in operational use. In addition, advances have been made in remote explosive scent tracing (i.e., a technique involving taking air samples from suspected mined areas to detection dogs), which could become a powerful method of increasing the cost-effectiveness of mine action.

62. Despite a significant injection of funding into research and development of new technologies, the impact on efforts to detect and clear mines has been negligible. In many respects the challenges faced today are similar to those identified when the Convention was established: The market for mine action technologies is too small to create a large incentive for more or faster development efforts. The private sector is unlikely to play a major role on its own. The small size of the market is further complicated by the fact that most potential solutions are not universally applicable but rather are country or region-specific. There continues to be a gap between end users of technology and those developing it. And finally, an emphasis placed on developing new technologies may be overshadowing the increases in productivity which could be achieved by supplying more existing technology, particularly mechanical clearance assets and mine detection dogs.

63. According to Article 6.6 each State Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance. Since the Convention entered into force, the electronic information network *E-mine* has replaced the database on mine clearance established by the United Nations Department for Humanitarian Affairs in 1995. *E-mine* is a central repository of all mine-related information produced by the United Nations or provided to it by the States Parties and other actors. *E-mine* provides access to a variety of different information sources on means and technologies for mine clearance, including electronic information sources maintained by organizations like the GICHD, the ITEP and the James Madison University Mine Action Information Centre.

IV. Assisting the victims

64. The preamble to the Convention expresses the wish of the States Parties "to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims. This wish is translated into an obligation in Article 6.3 in that "each State Party in a position to do so shall provide assistance for the care in and rehabilitation of, and social and economic reintegration, of mine victims (….)" Article 6.3 continues by indicating that such assistance may be provided through a variety of means, including "the United Nations system, international, regional or national organizations or institutions, the (ICRC) and national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.

65. One of the early steps taken by the States Parties was to clarify terms that are central to fulfilment of the aim of providing assistance to landmine victims, particularly the terms *victim* and

victim assistance. It is now generally accepted that *victims* include those who either individually or collectively have suffered physical or psychological injury, economic loss or substantial impairment of their fundamental rights through acts or omissions related to mine utilization. A broad approach to what is considered a landmine victim has served a purpose in drawing attention to the full breadth of victimisation caused by landmines and unexploded ordnance. However, quite naturally the majority of attention has been focused on providing assistance to landmine survivors — those individuals directly impacted by mines and UXO. These individuals have specific medical, rehabilitation and reintegration needs, and require legal and policy frameworks to be implemented in such manner that their rights are protected.

66. In addition to increasing their awareness of the specific needs of landmine survivors, the States Parties have also developed a clear sense of the place of assistance to mine victims in broader contexts. Landmine survivors are a sub-group of larger communities of persons with disabilities and of individuals requiring medical and rehabilitation services. While victim assistance has been referred to as an integral component of mine action, there are important contextual differences between humanitarian demining and activities related to assisting in the care, rehabilitation and reintegration of landmine survivors. The challenges associated with clearing mine / UXO-contaminated areas are relatively distinct from other humanitarian, development or disarmament challenges. Consequently humanitarian demining has developed as a relatively new and specialized discipline. However, the problems faced by landmine survivors are similar to the challenges faced by other persons with disabilities. Victim assistance does not require the development of new fields or disciplines but rather simply calls for ensuring that existing health care and social service systems, rehabilitation programmes and legislative and policy frameworks are adequate to meet the needs of all citizens — including landmine survivors.

67. The work to implement the Convention has resulted in the commonly held view that the call to assist landmine victims should not lead to victim assistance efforts being undertaken in such a manner as to exclude any person injured or disabled in another manner. Equally, though, the impetus provided by the Convention to assist victims has provided an opportunity to enhance the well-being of not only landmine survivors but also all other war victims and persons with disabilities. Assistance to landmine survivors should be viewed as a part of a country's overall public health and social services systems and human rights frameworks. However, within those general systems, deliberate care must be taken to ensure that landmine survivors and other persons with disability receive the same opportunities in life — for health care, social services, a life-sustaining income, education and participation in the community — as every other sector of a society. Health and social services must be open to all sectors of society, including landmine survivors and other persons with disabilities.

68. Another commonly held view that has emerged is that providing adequate assistance to landmine survivors must be seen in a broader context of development and underdevelopment. The mine-affected States Parties have different capacities and are not all in a position to offer an adequate level of care and social assistance to their populations and to mine victims in particular. Many of the mine-affected States Parties, particularly those in Africa, have a low Human Development Index score – a measure established by the United Nations Development Programme (UNDP) to assess the level of well-being of a country's population. Moreover, many of these States Parties have some of the world's lowest rankings of overall health system performance. A political commitment within these countries to assist landmine survivors is essential but ensuring that a real difference can be made may require addressing broader development concerns. It is now widely recognized that victim assistance should be integrated into development plans and strategies. By doing so, development efforts should assist mine victims and in turn see these victims contribute to their country's development through their full participation in social and economic spheres. The full rehabilitation and reintegration of mine survivors into their communities empowers the individual to resume their role as a productive member of society and not remain as lifelong dependents on social services.

69. The States Parties have come to recognize that victim assistance is more than just a medical or rehabilitation issue – it is also a human rights issue. In this vein, it has been stressed that victim

assistance should by guided by principles including: national ownership; the non-discrimination of victims; the empowerment of victims; an integrated and comprehensive approach, including a gender perspective; the participation of all relevant government agencies, service providers, non-governmental organizations and donors; transparency and efficiency; and, sustainability. [5]

70. One of the major advances made by the States Parties, particularly through the work of the relevant Standing Committee, has been to better understand the elements that comprise *victim assistance*. This effort was particularly assisted by a consultative process led by the United Nations Mine Action Service, which led to the generally accepted view that the priorities in this area include:

- understanding the extent of the challenge faced;
- emergency and continuing medical care;
- physical rehabilitation, including prosthetics;
- psychological support and social reintegration;
- economic reintegration; and,
- the establishment, enforcement and implementation of relevant laws and public policies.

Progress has been made but challenges remain in each of these areas.

Understanding the extent of the challenges faced

71. The States Parties have come to recognize the value and necessity of accurate and up-to-date data on the number of new landmine casualties, the number of existing survivors and their specific needs, and the extent / lack of and quality of services that exist to address their needs in order to use limited resources most effectively. This matter was acted upon by the World Health Assembly even before the Convention entered into force when in 1998 it requested the Director-General of the World Health Organization "to strengthen the capacity of affected States for the planning and execution of programmes for (inter alia) better assessment of the effects of anti-personnel mine injuries on health through the establishment or reinforcement of surveillance systems."[6] In response, in 2000 the World Health Organization published *Guidance for surveillance of injuries due to landmines and unexploded ordnance* as a standardized tool for information gathering on mine / unexploded ordnance victims as well as guidance on how to use this tool. This tool subsequently served as the model for the design of elements of the Information Management System for Mine Action (IMSMA) related to data on victims – a system that is in place in [XX] mine-affected States Parties.

72. Despite advances made in data collection tools and methodology, and in information systems, most mine-affected States Parties still know little about the prevalence of new victims, the numbers of existing survivors or their specific needs. Even in many countries with functioning data collection and information management systems it is believed that not all mine casualties are reported or recorded. This is particularly the case in countries experiencing ongoing conflict, or with minefields in remote areas, or with limited resources to monitor public health services. In addition, some of the best data collection exercises are performed by actors other than States Parties themselves, with national ownership over this matter not yet achieved. The challenge for many States Parties during the period 2005 to 2009 will be to enhance their mine victim data collection capacities, integrating such systems into existing health information systems and ensuring full access to information in order to support the needs of programme planners and resource mobilization.

Emergency and continuing medical care

[5] An initial description of these principles was contained in a document entitled *Victim Assistance: A Comprehensive Integrated Approach*, which was distributed by Switzerland at the 1999 First Meeting of the States Parties.

[6] Fifty-First World Health Assembly, *Concerted public health action on anti-personnel mines*, (16 May 1998, A51/VR/10).

73. The States Parties have come to see emergency and continuing medical care as being emergency first-aid and management of injuries, medical care, surgery, and pain management. It is acknowledged that the provision of appropriate emergency and continuing medical care, or the lack of it, has a profound impact on the immediate and long-term recovery of mine victims. While some progress has been made in the training of trauma surgeons and those providing emergency first-aid, many mine-affected countries continue to report a lack of trained staff, medicines, equipment and infrastructure to adequately respond to mine and other trauma injuries. Moreover, while guidelines[7] have been developed to assist States Parties, a challenge remains in applying these guidelines.

74. In addition, a profound challenge that many States Parties need to overcome is to ensure that healthcare workers in mine-affected areas are trained in emergency first-aid to respond effectively to landmine and other traumatic injuries. The training of lay-people in mine-affected communities in some States Parties has proven to be effective in lowering mortality rates by providing care as soon as possible after accidents. Lessons from such experiences should be applied. Training is also a challenge for many States Parties with respect to trauma surgeons, nurses and emergency first-aid providers in order that they receive appropriate training as an integral component of studies in medical schools and continuing education. As well, many States Parties face the ongoing challenge of ensuring that medical facilities can provide an adequate level of care and that they have the supplies necessary to meet basic standards. Moreover, some States Parties face problems related to the proximity of services to mined areas in difficulty faced in transporting to these facilities those who require care.

Physical rehabilitation and prosthetics

75. States Parties have come to see physical rehabilitation and prosthetics as being the provision of services in rehabilitation and physiotherapy, and the supply of prosthetic appliances and assistive devices, to promote the physical well-being of mine survivors suffering from limb loss, abdominal, chest and spinal injuries, loss of eyesight, or deafness. Progress has been made in the development of guidelines[8], in the training of orthopaedic technicians in mine-affected countries and by virtue of the fact that the Convention has increased attention on physical rehabilitation and prosthetics. However, needs in this area continue to exceed the level of resources applied to it. Moreover, as the number of landmine survivors continues to increase, so too will resource needs. Physical rehabilitation and prosthetic services are preconditions to the full recovery and reintegration of landmine survivors. Thus, major challenges for many States Parties during the period 2005-2009 will be to: increase national physical rehabilitation capacity; increase the number of trained rehabilitation specialists including doctors, nurses, physiotherapists and orthopedic technicians; and, engage all relevant ministries as well as national, regional and international health and rehabilitation organizations to ensure effective coordination in advancing the quality of care and increasing the numbers of individuals assisted.

Psychological support and social reintegration

76. The States Parties have come to see psychological support and social reintegration as being activities that assist mine victims to overcome the psychological trauma of a landmine explosion and promote social well-being. These activities include community-based peer support groups, associations for the disabled, sporting and related activities, and where necessary, professional

[7] Relevant guidance documents include the ICRC's *Assistance for Victims of Anti-personnel Mines: Needs, Constraints and Strategy* and *Care in the Field for Victims of Weapons of War* and the Trauma Care Foundation's *Save Lives, Save Limbs*.

[8] Relevant guidance documents include the World Health Organization's *Prosthetics and Orthotics Services in Developing Countries – a discussion document*, the Landmine Survivors' Network's *Surviving Limb Loss, Life after Injury: A rehabilitation manual for the injured and their helpers*, by Liz Hobbs, Sue McDonough and Ann O'Callaghan), and *Implementing Prosthetics & Orthotics Projects in Low-Income Countries: A framework for a common approach among international organizations* (forthcoming), by Anders Eklund, et al.

counseling. Appropriate psycho-social support has the potential to make a significant difference in the lives of mine victims. While some progress has been made in mine-affected communities, this is an area that has not received the attention or resources necessary to adequately address the needs of mine survivors. The challenge for States Parties during the period 2005 to 2009 will be to increase national capacity in this areas with efforts to do so involving the engagement of all relevant actors including relevant ministries, trauma recovery experts, academics, relevant international and regional organizations, and non-governmental organizations and agencies working with other vulnerable groups. In addition, efforts to provide psychological and social support should take full advantage of the fact that mine victims themselves are resources who can act to constructive partners in programmes.

Economic reintegration

77. The States Parties have come to see economic reintegration as being assistance programs that improve the economic status of mine victims in mine-affected communities through education, economic development of the community infrastructure and the creation of employment opportunities. While progress has been made in developing guidelines[9] and in implementing programs in some mine-affected communities – including training in agriculture, bee-keeping, handcrafts, literacy, livestock breeding and trades, and in micro-credit initiatives, in many continues there continues to be few opportunities for mine survivors to receive vocational training or to access employment and other income generation activities. The economic status of survivors depends largely upon the political stability and economic situation of the communities in which they live. However, enhancing opportunities for economic reintegration contributes to self-reliance of survivors and community development. The challenge for many States Parties during the period 2005 to 2009 will be to build and develop sustainable economic activities in mine-affected areas that would benefit not only mine survivors but their communities. This is a profound challenge to overcome given that economic reintegration of landmine survivors must be seen in the broader context of economic development.

Laws and public policies

78. The States Parties have come to see laws and policies as being legislation and actions that promote effective treatment, care and protection for all disabled citizens, including landmine survivors. Many mine-affected States Parties have legislation to protect the rights of persons with disabilities, and to provide social assistance in the form of pensions. However, it remains a challenge for many of these States Parties to fully implement the provisions of the legislation and to provide pensions that are adequate to maintain a reasonable standard of living.

79. Progress has been made by many mine-affected States Parties in the development of plans of action to address the needs of mine survivors, or more generally to improve rehabilitation services for all persons with disabilities. Moreover, some of these States Parties have integrated such plans into broader development or poverty reduction plans, such as Poverty Reduction Strategy Papers. The challenge for those States Parties for which the responsibility to ensure the well-being of landmine survivors is most pertinent during the period 2005 to 2009 will be to further develop and implement plans to address the needs and rights of mine survivors, and more generally to improve rehabilitation and socio-economic reintegration services for all persons with disabilities.

80. The States Parties have recognized the importance and the benefits of the inclusion of landmine survivors in a substantive way in the work of the Convention – at the international level, but particularly within landmine survivors' home countries where decisions affecting their well-being ultimately are taken. A challenge for the States Parties during the period 2005 to 2009 will be to ensure that efforts to ensure such substantive participation do not subside but rather are enhanced.

[9] See for example, the World Rehabilitation Fund's *Guidelines for Socio-Economic Integration of Landmine Survivors.*

81. In addition to outlining the priority elements of *victim assistance*, the work of the Standing Committee has underscored that the ultimate responsibility for victim assistance rests with each State Party within which there are landmine survivors and other mine victims. This is logical given that it is the basic responsibility of each State to ensure the well-being of its citizens, notwithstanding the fundamental importance of the international donor community supporting the integration and implementation of the policies and programmes articulated States Parties in need. As noted, the Convention articulates the responsibility of all States Parties to provide for the well-being of mine victims in general terms, indicating that assistance shall be provided "for the care and rehabilitation, and social and economic reintegration of mine victims." However, the work of the Standing Committee has brought to the attention of the States Parties existing and widely accepted instruments and declarations which provide further guidance in fulfilling this responsibility to mine victims, which as noted, are a sub-group of all persons with disabilities.

82. The declaration of the 1993 World Conference on Human Rights[10], adopted by consensus by 171 States, reaffirmed "that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities" and that "any direct discrimination or other negative discriminatory treatment of a disabled person is therefore a violation of his or her rights." This declaration also stated that "persons with disabilities should be guaranteed equal opportunity through the elimination of all socially determined barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society" and called upon the United Nations General Assembly to adopt standard rules on the equalization of opportunities for persons with disabilities.

83. In 1993, the United Nations General Assembly, without a vote, subsequently adopted the United Nations Standard Rules for Persons with Disabilities[11] – a document whose importance was highlighted at various meetings of the Standing Committee and widely distributed to the States Parties. The purpose of the Standard Rules is to ensure that all persons with disabilities, as members of their societies, may exercise the same rights and obligations as others. While not compulsory, the Standard Rules imply a strong moral and political commitment on the part of the UN General Assembly, and hence on the part of all States Parties to the Convention, to take action for equalization of opportunities for persons with disabilities.

84. The success and lessons learned from the work to implement the Convention have helped inspire further efforts at the international level to protect and promote the rights of persons with disabilities. In this regard, the States Parties have been apprised of ongoing discussions within the United Nations to establish an international convention on this matter.

85. The work of the States Parties, particularly through discussions in the relevant Standing Committee, has led to an accepted view that all States Parties in a position to do so have a responsibility to support mine victims – regardless of the number of landmine victims within a particular State Party. In addition, the Standing Committee has highlighted that this responsibility is most pertinent for – and hence the challenges faced in fulfilling it most profound in – approximately 20 States Parties in which these States Parties themselves have indicated there likely are hundreds or thousands of landmine survivors: Albania, Afghanistan, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Croatia, the Democratic Republic of the Congo, Eritrea, Mozambique, Nicaragua, Senegal, Serbia and Montenegro, Sudan, Tajikistan, Thailand, Uganda and Yemen.

86. While not forgetting the responsibilities to landmine survivors wherever they may be, placing a relatively greater emphasis on the fulfilment of the responsibilities to landmine survivors by the above-mentioned 20 States Parties, and on providing assistance where necessary to these States, becomes a more focused challenge for the Convention during the period 2005 to 2009. To articulate

[10] World Conference on Human Rights. *Vienna Declaration and Programme of Action*, (United Nations document A/CONF.157/23, 12 July 1993).
[11] See United Nations General Assembly document A/RES/48/96 of 20 December 1993.

this challenge in more precise terms, what follows is a summary of the extent of the problem faced by these States Parties, their plans to address these problems and their priorities for assistance:

87. [COUNTRY-SPECIFIC CONTENT TO BE INSERTED]

V. Matters essential for achieving the Convention's aims

Cooperation and assistance

88. Article 6 states that "in fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible." It outlines that "each State Party in a position to do so" shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs, for mine clearance and related activities, and for the destruction of stockpiled antipersonnel mines. Furthermore, it obliges each State Party giving and receiving assistance under the provisions of the Article "to cooperate with a view to ensuring the full and prompt implementation of agreed assistance programs."

89. The Convention is clear that fulfilling obligations to destroy stockpiled antipersonnel mines and to clear mined areas is the responsibility of each individual State Party, just as ensuring the well-being of a country's citizens – including mine victims – is a national responsibility. Nevertheless, Article 6 emphasizes that cooperation and assistance are important elements available to those States Parties which may require support in fulfilling their obligations.

90. It is possible to account for over US$ 2 billion having been generated since the Convention was established in the context of efforts to assist States in pursuing the aims of the Convention. Almost 40 States Parties have been donors to mine action, along with several States not Parties. Global funding levels have remained relatively constant for past several years – a remarkable fact given that public awareness of the landmine problem was at its peak in 1997.

91. Some States Parties that are not considered to be traditional donors also have made meaningful contributions in the context of efforts to assist others in implementing the Convention. Examples include peace keepers assisting in clearing mined areas, defence cooperation programmes used to train developing countries in humanitarian demining, in-kind contributions of expert advisors, and participation in victim assistance initiatives.

92. The challenge for both traditional and non-traditional "States Parties in a position to do so" will be to ensure a renewed commitment to assist others during the period 2005-2009, through means such as dedicated funds to assist in the implementation of the Convention and by mainstreaming support to mine action through broader humanitarian, development, peace-building and peace support programmes. In addition, States Parties in a position to do so face the ongoing challenge of bridging the gap between humanitarian relief efforts and development programmes.

93. The States Parties have affirmed that assistance in implementing the Convention is a collective matter. It is important that financial resources continue to be provided by States Parties in a position to do so. However, it is equally important that affected States Parties themselves take full ownership for this responsibility by making national resource commitments. Evidence suggests that this indeed is occurring. Of the mine-affected States Parties, a total of [XX] have voluntarily reported a combined total of over US$ [XXX] million in having been dedicated to mine action from national sources since the Convention entered into force.

94. States Parties can advance measures to take full ownership over their responsibilities by integrating mine action in their national development plans. This is logical given that the presence or suspected presence of mined areas in most affected countries obstructs economic development and reconstruction and inhibits the repatriation of refugees and internally displaced persons. It is equally

logical that over time fulfilling the Convention's obligations will contribute to development, thus increasing the capacity of mine-affected States Parties and lessening its need for outside assistance. The development situation faced by each mine-affected State Party naturally is different and therefore each individual party itself must discern the place of mine action within overall development priorities, taking into consideration the obligations under Article 5.

95. The presence or suspected presence of mined areas can exacerbate poverty and efforts to clear these mines can help reduce poverty. [XXXX] [(X)] States Parties [(*insert list*)] have taken action on this front by incorporating into their Poverty Reduction Strategy Papers (PRSPs) efforts to clear mined areas and to enhance the opportunities of persons with disabilities. In doing so, these States Parties have demonstrated to others how this important basis for assistance from the World Bank and the International Monetary Fund can be used in the context of fulfilling Convention obligations. In addition, other States Parties have used other methods to incorporate obligations under the Convention into overall poverty reduction plans.

96. The role of the World Bank and of regional development banks more generally has been highlighted as a potential source of funding for those States Parties requiring assistance. Some States Parties already have accessed loans whereas others have benefited from grants having been awarded by the World Bank's Post Conflict Fund. An ongoing challenge, however, rests in ensuring that mine-affected States Parties are made well aware of the availability of loans and grants in the context of fulfilling Convention obligations.

97. The Convention makes it clear that assistance may be provided through a variety of means, including, inter alia, the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their international federation, non-governmental organizations, or on a bilateral basis, or by contributing to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance (which since XXXX has been called the United Nations Voluntary Trust Fund for Assistance in Mine Action), or other regional funds.

98. The United Nations system has played a leading role in assisting over [XX] mine-affected States Parties in implementing the Convention. The OAS has been instrumental in supporting the implementation of the Convention in the Americas, supporting [XX] States Parties mine-affected States Parties in the Western Hemisphere. In addition, the International Trust Fund for Demining and Mine Victims Assistance has served as an important funding channel in South Eastern Europe, NATO has filled a significant niche in supporting the destruction of stockpiled mines in Europe and Central Asia and the European Union has been one of the largest contributors to mine action. Most recently, the OSCE has begun supporting the implementation of the Convention in Central Asia.

99. The ICRC has generated and applied almost US$ 100 million since the Convention entered into force to assist in the care and rehabilitation of landmine survivors and to deliver mine risk education programmes. Other organizations, particularly member organizations of the ICBL, have also made important contributions in these areas, in addition to support provided by them for mine clearance and related efforts. Moreover, since the Convention was established the GICHD has become an important source of assistance, through operational support, research, and support for the general operations of the Convention.

100. A challenge facing all these actors is to ensure that they remain as committed to the aims of the Convention in the future as they have in the past. Their efforts are greatly appreciated but much more needs to be done. In particular, while great progress has been made in building national capacity, challenges remain in ensuring that national authorities acquire full ownership over efforts to implement the Convention. As demonstrated by the advances made in integrating mine action into the United Nations Consolidated Appeals process, efforts should be made to ensure the sustainability of support and, where relevant, to integrate mine action into relevant ongoing activities. In addition, many organizations have been successful in acquiring the financial and in-kind support of private

organizations and individuals. It will be a challenge over the next period of implementation to ensure that this level of generosity continues.

101. While a great deal of funding will be required to fulfil obligations over the next five years, the States Parties have learned that cooperation and assistance in the context of fulfilling the Convention's aims is about more than simply money. Of equal importance is the matter of how well finite resources are spent and on what. It will be an increasing challenge for the States Parties to ensure greater cost-effectiveness in implementation, applying lessons such as those related to effective coordination and advancing national ownership.

102. Another challenge for States Parties in a position to do so will be to ensure that necessary support for some of the first mine-affected States to have joined the Convention does not disappear before Article 5 has been fully implemented. For their part, these mine-affected States Parties face the challenge of increasing their own national contributions to finish the effort while at the same time effectively communicating ongoing needs for external resources.

103. Providing for the care, rehabilitation and reintegration of landmine survivors requires due diligence for the lifetime of these individuals. Addressing this challenge will not be easy for the States Parties in which there are large numbers of survivors. In many cases this challenge can only be overcome with the assistance of States Parties in a position to do so in contributing a necessary amount of resources and energy to victim assistance.

104. While assistance in destroying stockpiled mines is required by only a small number of States Parties, very few States Parties in a position to do so have provided such support. With some of the newest States Parties possessing larger numbers of mines awaiting destruction, collectively the States Parties must overcome the challenge of ensuring cooperation in this area of implementation.

Transparency and the exchange of information

105. Through Article 7, the Convention contains an important mechanism to assure transparency in implementation. This Article requires that States Parties openly and regularly share the following information:

- national implementation measures taken in accordance with Article 9,
- stockpiled antipersonnel mines awaiting destruction in accordance with Article 4 as well as programmes to destroy these mines, antipersonnel mines retained or transferred in accordance with Article 3,
- the location of mined areas and areas suspected to contain antipersonnel mines as well as programmes to remove and destroy these mines,
- programmes to convert or decommission antipersonnel mine production facilities,
- technical characteristics of antipersonnel mines previously produced, and
- measures taken to warn populations the face risks as a result of their proximity to mined areas.

106. In accordance with Article 7, paragraph 1, each State Party must provide an initial report in accordance with Article 7 to the depository "as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party." A total of 141 of the [142] States, which have ratified or acceded to the Convention have been required to submit such an initial report. All have done so with the exception of the following [12] States Parties: [Cape Verde, the Central African Republic, Equatorial Guinea, Guinea, Liberia, Namibia, Nauru, Nigeria, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, and Timor Leste]. In accordance with Article 7, paragraph 2, each State Party must provide updated information to the depository annually, covering the last calendar year and reported not later than 30 April of each year. A total of [XXX] States Parties were to have provided such updated information in 2004. All have done so with the exception of the following [XX] States Parties:[LIST TO BE INSERTED].

107. Article 7, paragraph 3, indicates that Secretary-General of the United Nations shall transmit reports received in accordance with Article 7 to the States Parties. At the 1999 First Meeting of the States Parties, the States Parties agreed on the ways and means to ensure the distribution of these reports. In particular, they agreed that it would be practical and cost-effective to make the reports available on the Internet, to encourage States Parties to submit their reports electronically and to be pragmatic regarding the matter of translations of reports. Moreover, it was agreed to provide all interested actors with access to the reports submitted given that such access is consistent with the Convention's humanitarian purpose. As well, the First Meeting of the States Parties adopted a common reporting format. Together these ways and means have proven to serve the States Parties well during the first five years in which they have been used.

108. Most of types of information contained in reports submitted in accordance with Article 7 have been referred to elsewhere in this review. Three areas not previously covered include information related to mines retained or transferred for purposes described in Article 3, the conversion or decommissioning of antipersonnel mine production facilities, and, the technical characteristics of mines at one time produced or currently held by States Parties:

- The following States Parties have reported antipersonnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine destruction techniques in accordance with Article 3:[INSERT LIST] Table X [TO BE ATTACHED TO THE FINAL VERSION] provides a list of the numbers of mines reported retained for these purposes by these States Parties.

- The following States Parties have reported on the conversion or decommissioning of antipersonnel mine production facilities: [INSERT LIST].

- The following States Parties have provided technical characteristics of antipersonnel mines produced or currently held, giving information as may facilitate identification and clearance of antipersonnel mines: [INSERT LIST].

109. At the 2000 Second Meeting of the States Parties, the States Parties reviewed the technical ways and means of circulating reports, adopting *Form J* to provide States Parties with an opportunity to report voluntarily on matters pertaining to compliance and implementation not covered by the formal reporting requirements contained in Article 7. The States Parties further recommended the use of this form to report on activities undertaken with respect to Article 6, in particular to report on assistance provided for the care and rehabilitation, and social and economic reintegration, of mine victims. Since the adoption of *Form J*, the following [XX] States Parties have made use of voluntary means of reporting: [LIST TO BE INSERTED].

110. At the 2002 Fourth Meeting of the States Parties, the States Parties again reviewed the technical ways and means of circulating reports. On the basis of suggestions contained in a President's Paper, States Parties were encouraged to maximize the potential of the reporting format as an important tool to measure progress and communicate needs and agreed to act upon, as appropriate, particular suggestions made in this paper. As noted, these suggestions included encouraging States Parties to use the opportunity to provide "supplementary information", in such a way that it could help facilitate cooperation and assistance efforts.

111. The Intersessional Work Programme, established by the States Parties in 1999, has complemented the official and legally-required exchange of information through Article 7. By employing principles such as coherence, flexibility, partnership, informality, continuity and effective preparation, this Programme has been successful in particular in the following areas:

- raising awareness;

- reaching common understanding on diverse issues;
- identifying best practices;
- sharing experiences and information on means available to address the landmine problem and,
- providing the opportunity for different actors involved in mine action issues to meet and discuss ideas.

Most importantly, the Intersessional Work Programme has provided a forum both for mine-affected States Parties and those in the process of destroying stockpiled mines to share information on their problems, plans, progress and priorities for assistance, and for those in a position to do so, to share information and the support that they can provide. In this sense, the informal information exchange made possible through the Intersessional Work Programme has significantly supported the operationalization of the Convention's cooperation and assistance measures.

112. Non-governmental organizations have played an important role in the exchange of information related to the implementation of the Convention. In particular, the ICBL's Landmine Monitor initiative has provided the States Parties and others with a detailed independent information source on the actions of all States regarding the pursuit of the Convention's aims.

113. An important challenge in the period following the First Review Conference will be to ensure that the remaining [XX] States Parties that have not yet submitted an initial transparency report in accordance with Article 7, paragraph 1, do so as soon as possible. Moreover, while the overall reporting rate has exceeded [XX] percent in the year of the Review Conference, it will be a challenge to ensure that the States Parties continue to comply with their annual reporting obligations following the Review Conference. This continues to be particularly important for States Parties, which are in process of destroying stockpiled mines in accordance with Article 4, those that have decided to retain antipersonnel mines in accordance in accordance with Article 3 and those undertaking measures in accordance with Article 9. Moreover, annual reporting by mine-affected States Parties will become increasingly important to confirm that Article 5 obligations have been fulfilled or to communicate, at the earliest possible stage, challenges that must be overcome in order to ensure that these obligations can be fulfilled.

114. It will also be an important for States Parties to ensure the vibrancy of informal means to share information (e.g., the Intersessional Work Programme and regional conferences and seminars) and non-legally-binding ways to be transparent (e.g., openness in the destruction of antipersonnel mines and in clearing mined areas).

Preventing and suppressing prohibited activities, and facilitating compliance

115. The primary responsibility for ensuring compliance with the Convention rests with each individual State Party establishing and applying, as necessary, measures outlined in Article 9. This Article obliges each State Party to take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under the Convention undertaken by persons or territory under its jurisdiction or control.

116. Under Article 7, paragraph 1(a), each State Party must report annually to the Secretary General of the United Nations on "national implementation measures referred to in Article 9." From reports submitted by States Parties in accordance with Article 7, [36] States Parties have adopted legislation in the context of Article 9 obligations: [Australia, Austria, Belgium, Brazil, Burkina Faso, Cambodia, Canada, Colombia, Costa Rica, the Czech Republic, France, Germany, Guatemala, Honduras, Hungary, Iceland, Italy, Japan, Liechtenstein, Luxembourg, Malaysia, Mali, Malta, Monaco, Mauritius, New Zealand, Nicaragua, Norway, South Africa, Spain, Sweden, Switzerland, Trinidad & Tobago, the United Kingdom, Zambia and Zimbabwe.] In addition, [17] States Parties have reported that they consider existing laws to be sufficient to give effect to the Convention: [Croatia, Denmark, the Holy See, Ireland, Lesotho, the Former Yugoslav Republic of Macedonia,

Mexico, the Netherlands, Portugal, Romania, Samoa, Senegal, Slovakia, Slovenia, Tanzania and Tunisia.] As well, [25] States Parties have reported that they are in the process of adopting legislation to implement the Convention: [Albania, Argentina, Bangladesh, Benin, Bosnia and Herzegovina, Botswana, Congo (Republic of), Chile, the Democratic Republic of the Congo, El Salvador, Jamaica, Malawi, Mauritania, Mozambique, Niger, Panama, Peru, Philippines, Seychelles, Suriname, Swaziland, Thailand, Togo, Uganda, and Yemen.]

117. 45 percent of the States Parties have not yet reported that they have taken legislative measures in accordance with Article 9. It is therefore a challenge for the period 2005 to 2009 to see that these States Parties do so and, in accordance with Article 7 responsibilities, report on measures taken.

118. In addition to reporting legal measures, some States Parties have reported other measures mentioned in Article 9 to prevent and suppress prohibited activities. These measures include the systematic dissemination by some States Parties of information regarding the Convention's prohibitions to their armed forces, the development of armed forces training bulletins, the distribution of the text of the Convention in military academies and directives issued to police forces. However, few such measures have been reported as being taken. Thus, it will be an ongoing challenge for most States Parties to ensure that such measures to prevent and suppress prohibited activities - in addition to legal measures - are taken and reported upon.

119. Article 8 provides the States Parties with a variety of means to facilitate and clarify questions related to compliance. During the period covered by this review, one State Party has facilitated an informal dialogue on these means. Outcomes of this dialogue included the generally accepted sense that compliance with the provisions of the Convention must be seen in the context of cooperation to facilitate implementation. Moreover, the States Parties, in recognizing the need to secure full compliance with all obligations of the Convention, have affirmed their commitment to effectively implement the Convention and to comply fully with its provisions. They have made this affirmation in the spirit of cooperation and collaboration that has characterized the Ottawa process. In this regard, States Parties and have acknowledged their responsibility to seek clarification of these concerns in this cooperative spirit in the event of serious concerns of non-compliance with any of the obligations of the Convention.

120. No State Party has submitted a request for clarification to a Meeting of the States Parties in accordance with Article 8, paragraph 2, or has proposed that a Special Meeting of the States Parties be convened in accordance with Article 8, paragraph 5. This fact combined with the overall exceptional level of compliance with the Convention underscores the States Parties' commitment to the aims of the Convention and is a testament to their agreement, in Article 8, paragraph 1, "to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention."

121. One State Party has indicated that it faces the challenge of armed non-state actors carrying out prohibited activities on its sovereign territory. Such actors are required to comply with the Convention in that their activities are subject to the jurisdiction of the State in question and they may be called to account for violations of the Convention in accordance with the national implementation measures established by the State Party in accordance with Article 9