



Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction



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Anti-Personnel Mines



- Indiscriminate**
(cannot distinguish between soldier or civilian)
- Long lasting**
(remain active long after conflicts have ended)
- Widespread**
(until mid 90s in the arsenals of most militaries)
- An epidemic**
(to the ICRC it had to be stopped at source)
- An impediment to development**
(vast areas assumed dangerous)
- Assumed to have a meaningful military utility**
(a theory never seriously examined until mid 90s)

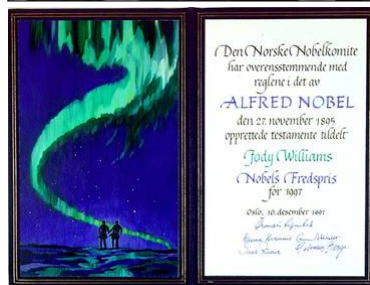


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AP Mine Ban Convention



- ❑ Adopted September 18, 1997, Oslo.
- ❑ Opened for signature in December 3, 1997, Ottawa.
- ❑ Result of the unconventional "Ottawa Process."
- ❑ ICRC / Cornelio Sommaruga played key role.
- ❑ ICBL / Jody Williams awarded 1997 Nobel Peace Prize.
- ❑ Entered into force on 1 March 1999.



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...other matters essential for achieving the Convention's aims

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The organizing method applied

FIRST REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

APLC/CONF/2004/5
9 February 2005

ORIGINAL: ENGLISH

Nairobi, 29 November – 3 December 2004
Item 18 of the agenda

FINAL REPORT

The Final Report of the First Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction consists of five parts and twelve annexes as follows:

- Part I Organization and Work of the First Review Conference
- A. Introduction
 - B. Organization of the First Review Conference
 - C. Participation in the First Review Conference
 - D. Work of the First Review Conference
 - E. Decisions and Recommendations
 - F. Documentation
 - G. Adoption of the Final Report and conclusion of the First Review Conference

- Part II Review of the operation and status of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction: 1999-2004

- Introduction
- I. Universalizing the Convention
- II. Destroying stockpiled antipersonnel mines
- III. Clearing mined areas
- IV. Assisting landmine victims
- V. Other matters essential for achieving the Convention's aims

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AP Mine Prohibitions

- In accepting the Convention, each State Party undertakes never under any circumstances:
 - To use anti-personnel mines;
 - To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
 - To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.”

- “The Articles of this Convention shall not be subject to reservations.”



The claymore type munition, pictured above, is prohibited if it is available for use and is used in a victim-activated mode. It is not prohibited if it is configured for use only in a command-detonated mode.

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AP Mine Ban Convention: 156 States Parties

Afghanistan	Cameroon	Fiji	Kuwait	Niger	Solomon Islands
Albania	Canada	France	Latvia	Nigeria	South Africa
Algeria	Cape Verde	Gabon	Lesotho	Niue	Spain
Andorra	Central African Republic	Gambia	Liberia	Norway	Sudan
Angola	Chad	Germany	Liechtenstein	Palau	Suriname
Antigua and Barbuda	Chile	Ghana	Lithuania	Panama	Swaziland
Argentina	Colombia	Greece	Luxembourg	Papua New Guinea	Sweden
Australia	Comoros	Grenada	Macedonia, FYR of	Paraguay	Switzerland
Austria	Congo	Guatemala	Madagascar	Peru	Tajikistan
Bahamas	Cook Islands	Guinea	Malawi	Philippines	Tanzania
Bangladesh	Costa Rica	Guinea-Bissau	Malaysia	Portugal	Thailand
Barbados	Côte d' Ivoire	Guyana	Maldives	Qatar	Timor Leste
Belarus	Croatia	Haiti	Mali	Romania	Togo
Belgium	Cyprus	Holy See	Malta	Rwanda	Trinidad and Tobago
Belize	Czech Republic	Honduras	Mauritania	Saint Kitts and Nevis	Tunisia
Benin	Dem. Rep. of the Congo	Hungary	Mauritius	Saint Lucia	Turkey
Bhutan	Denmark	Iceland	Mexico	Saint Vincent	Turkmenistan
Bolivia	Djibouti	Indonesia	Moldova, Republic of	Samoa	Uganda
Bosnia Herzegovina	Dominica	Iraq	Monaco	San Marino	Ukraine
Botswana	Dominican Republic	Ireland	Montenegro	Sao Tome and Principe	United Kingdom
Brazil	Ecuador	Italy	Mozambique	Senegal	Uruguay
Brunei Darussalam	El Salvador	Jamaica	Namibia	Serbia	Vanuatu
Bulgaria	Equatorial Guinea	Japan	Nauru	Seychelles	Venezuela
Burkina Faso	Eritrea	Jordan	Netherlands	Sierra Leone	Yemen
Burundi	Estonia	Kenya	New Zealand	Slovakia	Zambia
Cambodia	Ethiopia	Kiribati	Nicaragua	Slovenia	Zimbabwe

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AP Mine Ban Convention: 39 States not parties



Armenia	Mongolia
Azerbaijan	Morocco
Bahrain	Myanmar (Burma)
China	Nepal
Cuba	Oman
Egypt	Pakistan
Finland	Poland
Georgia	Russian Federation
India	Saudi Arabia
Iran	Singapore
Israel	Somalia
Kazakhstan	Sri Lanka
Korea, DPR of	Syrian Arab Republic
Korea, Republic of	Tonga
Kyrgyzstan	Tuvalu
Laos	United Arab Emirates
Lebanon	United States of America
Libyan Arab Jamahiriya	Uzbekistan
Marshall Islands	Vietnam
Micronesia, Fed. States of	



The ISU provides information on the Convention, its status and its operations at national and regional workshops intended to increase understanding of the Convention by States not parties. Such a workshop in the Nicosia in 2003 supported Cyprus in taking the decision to ratify the Convention.

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Stockpile Destruction



- 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.”
- States Parties may retain “a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques.” This number “shall not exceed the minimum number absolutely necessary” for these purposes.



Stockpiled anti-personnel mines can be destroyed by open detonation, a method used by Lithuania in 2004.

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Stockpile Destruction

8 States Parties are in the process of destroying stocks of AP mines:

- Belarus
- Ethiopia
- Greece
- Indonesia
- Iraq
- Kuwait
- Turkey
- Ukraine



In 2008, Sudan completed its stockpile destruction programme, ensuring compliance with Article 4 of the Convention.



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Mine Clearance

- Each State Party must make “every effort to identify all areas under its jurisdiction or control in which AP mines are known or suspected to be emplaced.”
- Each State Party must “as soon as possible” ensure that these mined areas “are perimeter marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all AP mines contained therein have been destroyed.”
- Each State Party must clear these mined areas “as soon as possible but not later than 10 years after the entry into force of this Convention for that State Party.”
- “If a State Party believes that it will be unable to destroy or ensure the destruction of all AP mines (in mined areas) within that time period, it may submit a request for an extension....”



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Mine Clearance

10 States Parties have indicated fulfilment of their obligations:

- Bulgaria
- Costa Rica
- Djibouti
- France
- Guatemala
- Honduras
- Malawi
- Macedonia
- Suriname
- Swaziland



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Mine Clearance

42 States Parties are in the process of clearing mined areas:

- | | | |
|------------------------|---------------|----------------|
| Afghanistan | DRC | Senegal |
| Albania | Denmark | Serbia |
| Algeria | Ecuador | Sudan |
| Angola | Eritrea | Swaziland |
| Argentina | Ethiopia | Tajikistan |
| Bosnia and Herzegovina | Greece | Thailand |
| Burundi | Guinea Bissau | Tunisia |
| Cambodia | Iraq | Turkey |
| Chad | Jordan | Uganda |
| Chile | Mauritania | United Kingdom |
| Colombia | Mozambique | Venezuela |
| Congo | Nicaragua | Yemen |
| Croatia | Peru | Zambia |
| Cyprus | Rwanda | Zimbabwe |



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Mine Clearance

15 States Parties have requested more time to fulfil their obligations:

- Bosnia and Herzegovina
- Chad
- Croatia
- Denmark
- Ecuador
- Jordan
- Mozambique
- Nicaragua
- Peru
- Senegal
- Thailand
- United Kingdom
- Venezuela
- Yemen
- Zimbabwe



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Victim Assistance

- “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.”
- *Victim assistance* has been defined by the States Parties to include:
 - Understanding the extent of the challenge faced (e.g., injury surveillance).
 - Emergency and ongoing medical care.
 - Physical rehabilitation.
 - Psychological support and social reintegration.
 - Economic reintegration.
 - Relevant laws and public policies.



Tun Chunnareth of Cambodia, has advocated for more than a decade for States to act upon their responsibilities to provide for the care, rehabilitation and reintegration of landmine survivors and other persons with disabilities.

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Victim Assistance

25 States Parties have indicated that they are responsible for significant numbers of landmine survivors:

- Afghanistan
- Albania
- Angola
- Bosnia and Herzegovina
- Burundi
- Cambodia
- Chad
- Colombia
- Croatia
- DRC
- El Salvador
- Eritrea
- Ethiopia
- Guinea Bissau
- Jordan
- Mozambique
- Nicaragua
- Peru
- Senegal
- Serbia
- Sudan
- Tajikistan
- Thailand
- Uganda
- Yemen



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Cooperation and Assistance

- “Each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.”
- “Each State Party in a position to do so shall provide assistance for...”
 - mine victims
 - mine awareness (i.e., mine risk education) programs
 - mine clearance and related activities
 - the destruction of stockpiled anti-personnel mines.
- “Each State Party giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programs.”



The Intersessional Work Programme – the annual meetings of the 4 Standing Committees established by the States Parties – is a key opportunity to communicate their problems, plans, progress and priorities for assistance, and, for those in a position to do so to communicate how they can help

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Transparency in implementation

- Each State Party must provide an initial transparency report within 180 days of the Convention entering into force for it.
- Each State Party must provide “not later than 30 April of each year” updated information covering the last calendar year.
- Information must be provided on:
 - Legislative and other measures to prevent and suppress prohibited acts
 - Stockpiled mines awaiting destruction, destruction programmes, mines destroyed
 - Mines retained / transferred for permitted reasons
 - Mined areas awaiting clearance, mine clearance programmes, mines cleared
 - Programmes for decommissioning or converting production facilities
 - Technical characteristics of mines produced / possessed
 - Measures to warn the population of mined areas

I like transparency!

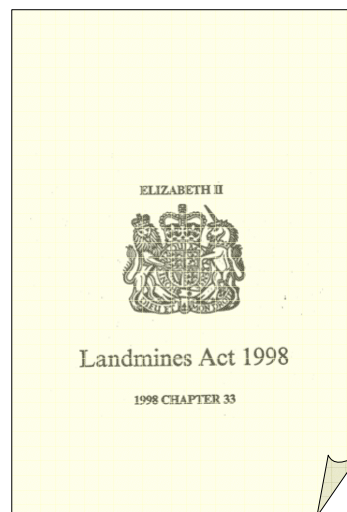


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Ensuring compliance

- The primary responsibility for ensuring compliance with the Convention rests with each individual State Party.
- Each State Party must take appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress prohibited activities.
- A variety of compliance clarification mechanisms are available to the States Parties, ultimately including – if necessary – fact-finding missions.



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Implementation support



Why is there a need for implementation machinery?

- The Convention is a framework for *mine action*.
- Cooperation and assistance: central features.
 - ◆ States Parties have “the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.”
- Nice words on paper of not brought to life.



Clearing mined areas



Destroying stockpiles



Assisting the victims

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Implementation support

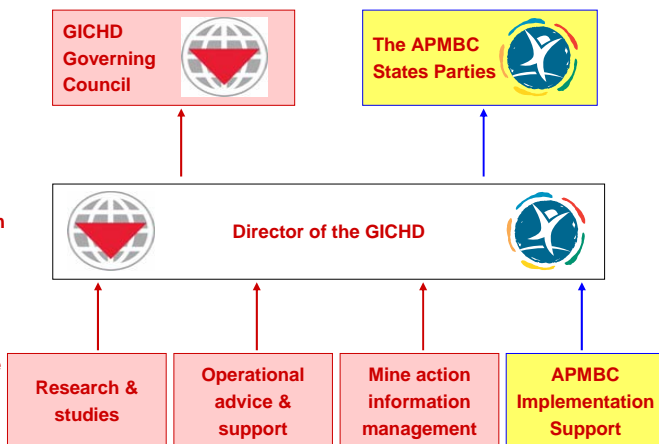


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The Implementation Support Unit (ISU)

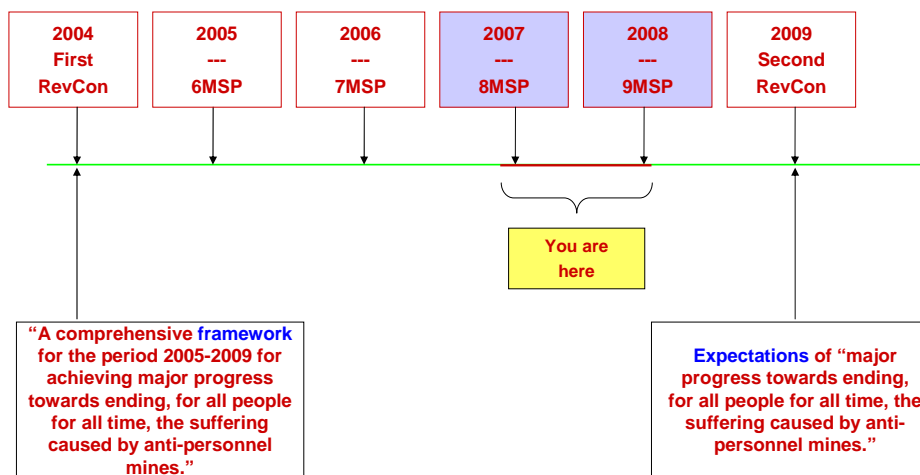


- A part of the GICHD whose existence flows from an international mandate provided by a community of States.
- An independent support to the States Parties and to the Convention more generally; Responsive and responsible to the States Parties.
- Provides independent advice, support and information to the States Parties in the pursuit of their aims.
- Supports the States Parties in their fulfilment of roles concerning the Convention's general operations.
- Sees the world through the eyes of the States Parties in Interacting with other actors in the Convention's work.
- The definitive information source on the Convention; maintains the Convention's documentation centre.



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Work plan 2005-2009



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Work plan 2005-2009: Nairobi Action Plan

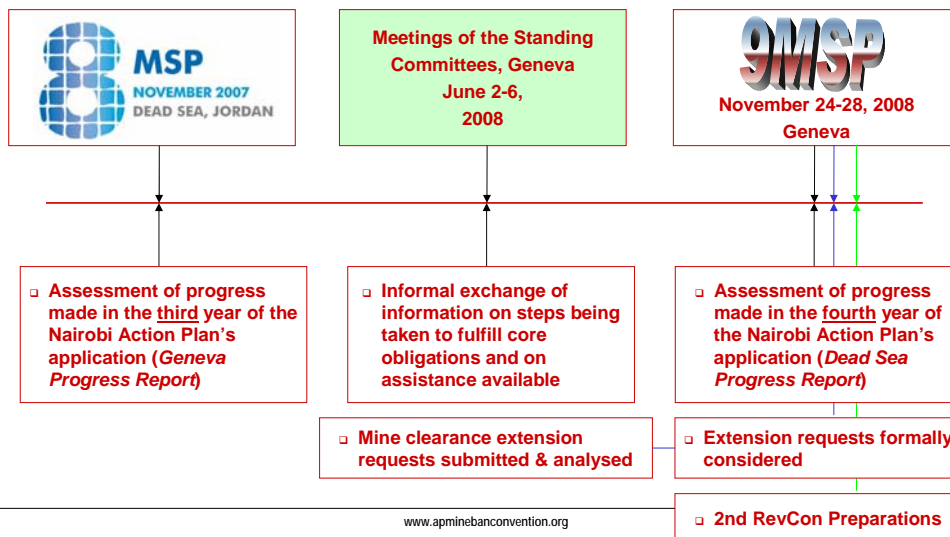
- Framework for achieving major progress towards the Convention's promise.
- 70 specific action points to...
 - secure achievements to date;
 - sustain and strengthen cooperation
 - meet challenges ahead
- Provides the States Parties with guidance in fulfilling their Convention obligations.



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Work plan 2007-2008



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Challenges 2007-2008



Mine clearance

- 15 States Parties have submitted requests for extensions.
- The process of analysing and considering requests is being used for the first time.



Stockpile destruction

- Three States Parties have missed their deadlines.



Victim assistance

- There is an increasing expectation that efforts since the First Review Conference are producing results.

Universalization:

- Many States not parties have a traditional mind-set regarding the military utility / humanitarian impact of AP mines.



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AP Mine Ban Convention: Regional relevance



Universalization:

- Four PIF States have not yet ratified or acceded
- Interest could be diminished if no support / attention is given to those that have accepted it.

Ensuring a mine-free future:

- Maintaining awareness is needed to ensure ongoing compliance with core obligations.

Legislation:

- All must take legislative and other measures to prevent and suppress prohibited acts.

Transparency:

- Ongoing need to comply with transparency reporting obligations.

Clearing mined areas:

- Several UXO-affected States may benefit from lessons learned in Convention implementation.

Contributions to the work of the Convention:

- Despite size, many Parties in the region could contribute to advancing the Convention's aims.

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	Universal acceptance: Has not yet joined the Convention	Article 9: Has not yet indicated that it has legislation sufficient to give effect to the Convention	Article 7.1: Has not yet provided an initial transparency report	Article 7.2: Did not provide an annual updated transparency report in 2008	Article 4: Needs to confirm that it has no stockpiled mines requiring destruction	Article 5: Needs to confirm that it has no anti-personnel mines in mined areas	UXO problems: Reportedly affected by other explosive remnants of war	Participation: Has no Permanent Mission in Geneva	Pacific Islands Forum membership
Cook Islands								X	X
Fiji		X		X				X	X
Kiribati				X			X	X	X
Marshall Islands	X	N/A	N/A	N/A	N/A	N/A	X	X	X
Micronesia, FS of	X	N/A	N/A	N/A	N/A	N/A		X	X
Nauru		X		X				X	X
Niue		X		X				X	X
Palau		X	X	N/A	X	X	X	X	X
Papua New Guinea				X			X	X	X
Samoa								X	X
Solomon Islands		X		X			X	X	X
Tonga	X	N/A	N/A	N/A	N/A	N/A		X	X
Tuvalu	X	N/A	N/A	N/A	N/A	N/A	X	X	X
Vanuatu		X				X		X	X

AP Mine Ban Convention: Not yesterday's issue!

- The battle over AP mines was won but the war wages on.
- The responsibility to protect populations from avoidable harm should not be fashion but rather should be an ongoing State responsibility.
- All States – big and small, affected and not affected – have a role to play in ending the suffering.



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Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel mines and on their destruction

1997 / 2001

SEARCH

GICHD | CIDHG

The GICHD, through its Implementation Support Unit (ISU), provides de facto secretariat services for the AP Mine Ban Convention. The GICHD, which has been supportive of the Convention since the Convention entered into force, established the ISU on the basis of a 2001 mandate agreed to by the Convention's States Parties. This mandate sees the ISU provide support to the Convention's President, Standing Committee Co-Chair and individual States Parties in pursuing their aims in ensuring the effective operations of the Convention. Materials are provided as is. GICHD is not responsible for the contents or availability of material at linked web sites.
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The Convention banning anti-personnel mines indicates that the Convention's States Parties "shall meet regularly in order to consider any matter with regard to the application of implementation of (the) Convention." The Convention prescribed that Meetings of the States Parties would be held

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Thank you!



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