

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



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

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Four core aims, four other matters...



APL/C/CONF/2004/5
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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 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
- Introduction
 - Organization of the First Review Conference
 - Participation in the First Review Conference
 - Work of the First Review Conference
 - Decisions and Recommendations
 - Documentation
 - Adaptation 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
 - Universalizing the Convention
 - Destroying stockpiled anti-personnel mines
 - Clearing mined areas
 - Assisting landmine victims
 - Other matters essential for achieving the Convention's aims
- Ratification / accession and entry into force dates
 - States that have not ratified or acceded to the Convention
 - Deadlines for States Parties to destroy or ensure the destruction of anti-personnel mines in mined areas under their jurisdiction or control in accordance with Article 5
 - Summary of information provided by the States Parties on the fulfilment of Article 5 obligations
 - Annual landmine casualty rates
 - Problems faced by States Parties in which there are significant number of landmine victims, and their plans to address these problems, resources and priorities for assistance

Annex VII Reports submitted in accordance with Article 7
Annex VIII Anti-personnel mine reported retained by the States Parties for reasons permitted under Article 3 of the Convention
Annex IX Co-Chairs and Co-Rapporteurs of the Standing Committees: 1999-2004

Part III Ending the suffering caused by anti-personnel mines: Nairobi Action Plan 2005-2009

- Introduction
- Universalizing the Convention
- Destroying Stockpiled Anti-personnel mines
- Clearing Mined Areas
- Assisting the Victims
- Other matters essential for achieving the Convention's aims

Part IV Towards a mine-free world: The 2004 Nairobi Declaration

Part V Programme of meetings and related matters to facilitate implementation 2005-2009

Appendix I Agenda of the First Review Conference
As adopted at the first plenary meeting on 29 November 2004

Appendix II Report on the Functioning of the Implementation Support Unit September 2003- November 2004
As adopted at the sixth plenary meeting on 1 December 2004

Appendix III List of documents

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Universalization: progress

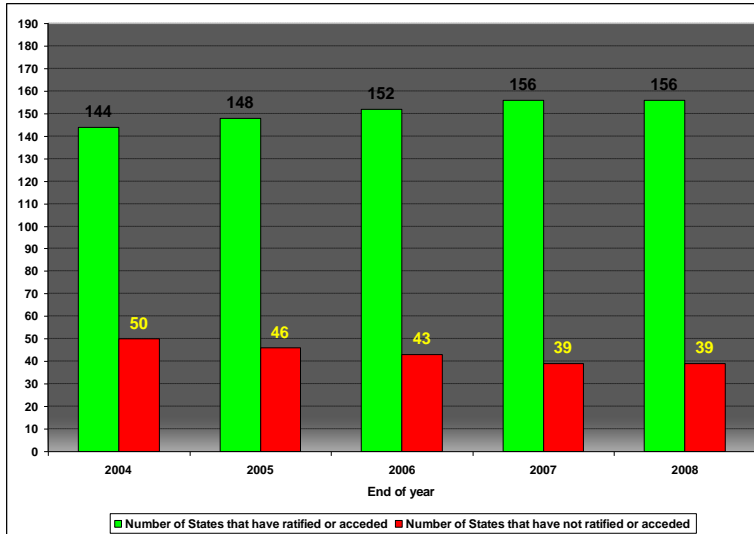


- 156 States have ratified / acceded
- 164 States accepted 2008 UNGA resolution
- 70% of States that at one time produced have accepted that they will never again do so
- New use of AP mines stigmatized & rare
- Several States not parties have indicated their willingness to consider accession
- Successive Convention Presidents have attached a high priority to universalization



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Universalization: progress and challenges



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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 assisted Cyprus in taking the decision to ratify the Convention.

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Universalization: challenges

- ❑ 39 States not parties
- ❑ Little new use in recent years, but...
- ❑ ...several perceive that they derive utility from previously emplaced mines and...
- ❑ ...some remain ready to use mines.
- ❑ Millions of mines likely stockpiled.
- ❑ Armed non-State actors continue to use anti-personnel mines.



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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.

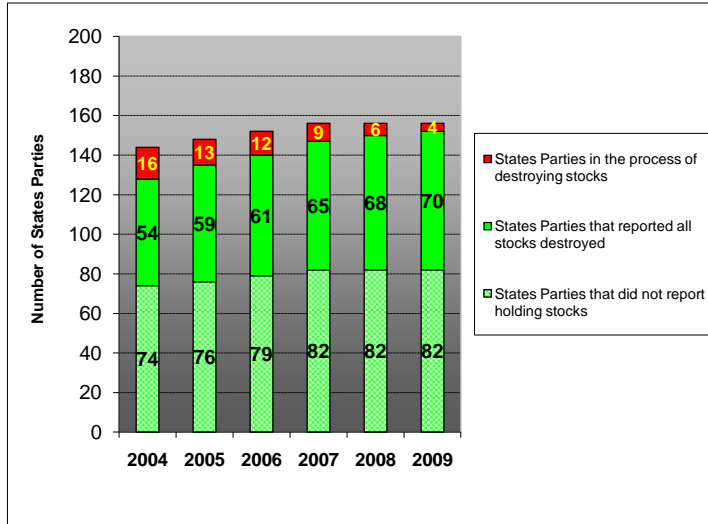


Stockpiled anti-personnel mines can be destroyed by open detonation, a method used by Lithuania in advance of the First Review Conference in 2004.

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Stockpile Destruction: progress



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Stockpile Destruction: progress

| 2004 | 2009 |
|---|--|
| <ul style="list-style-type: none"> □ 128 States Parties without stockpiled mines | <ul style="list-style-type: none"> □ 152 States Parties without stockpiled mines |
| <ul style="list-style-type: none"> □ 16 States Parties in the process of destroying stockpiled mines | <ul style="list-style-type: none"> □ 4 States Parties in the process of destroying stockpiled mines |
| <ul style="list-style-type: none"> □ Approximately 37 million mines destroyed | <ul style="list-style-type: none"> □ Over 42.2 million mines destroyed |



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Stockpile Destruction: challenges

Geneva Protocol

- At the 8th Meeting of States Parties in 2001, Article 4 of the Protocol was amended to require States Parties to destroy or assist in the destruction of their stockpiles of anti-personnel mines.
- In June 2002, the States Parties adopted the Amended Protocol, which initially allowed States Parties to retain up to 30 tonnes of anti-personnel mines for military purposes.
- “The failure to destroy stockpiles of anti-personnel mines in Article 4 of the Protocol is a major challenge to the Convention.”
- “Three States Parties have not destroyed their stockpiles of anti-personnel mines, and three States Parties have not reported to the Secretary-General on their progress in destroying their stockpiles.”
- “One State Party has not reported to the Secretary-General on its progress in destroying its stockpiles of anti-personnel mines.”



States Parties must fulfil their obligations under the Convention to destroy their stockpiles of anti-personnel mines. The Convention requires States Parties to destroy or assist in the destruction of their stockpiles of anti-personnel mines. The Convention also requires States Parties to report to the Secretary-General on their progress in destroying their stockpiles of anti-personnel mines.

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Mine Clearance

- "Mined area" means an area which is dangerous due to the presence or suspected presence of mines.
- Each State Party shall report all mined areas containing AP mines.
- Each State Party reporting mined areas must, as soon as possible or no later than 10 years after entry into force for that State Party, render these areas no longer dangerous due to the presence or suspected presence of AP mines.
- If a State Party believes it will be unable to do this, it may request an extension.



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Mine Clearance: progress

| |
|--|
| 2004 |
| <ul style="list-style-type: none"> ❑ 50 States Parties reported mined areas |
| <ul style="list-style-type: none"> ❑ 4 of these 50 States Parties reported implementation complete |
| <ul style="list-style-type: none"> ❑ Little information on when which States Parties would be next to complete |
| <ul style="list-style-type: none"> ❑ No means to declare / report “completion” |
| <ul style="list-style-type: none"> ❑ A sense that it may take decades to clear perceived massive amounts of mined areas |
| <ul style="list-style-type: none"> ❑ Little information on the nature, extent and location of implementation challenges |
| <ul style="list-style-type: none"> ❑ No process of handling requests submitted under Article 5 |



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Mine Clearance: progress

| 2004 | 2009 |
|--|--|
| <ul style="list-style-type: none"> ❑ 50 States Parties reported mined areas | <ul style="list-style-type: none"> ❑ 52 States Parties reported mined areas |
| <ul style="list-style-type: none"> ❑ 4 of these 50 States Parties reported implementation complete | <ul style="list-style-type: none"> ❑ 11 of these States Parties reported implementation complete |
| <ul style="list-style-type: none"> ❑ Little information on when which States Parties would be next to complete | <ul style="list-style-type: none"> ❑ 5 additional States Parties make it known they likely will complete in 2009-2010 |
| <ul style="list-style-type: none"> ❑ No means to declare / report “completion” | <ul style="list-style-type: none"> ❑ Model declaration adopted to voluntarily report completion |
| <ul style="list-style-type: none"> ❑ A sense that it may take decades to clear perceived massive amounts of mined areas | <ul style="list-style-type: none"> ❑ Recommendations on the use full range of practical methods to release areas |
| <ul style="list-style-type: none"> ❑ Little information on the nature, extent and location of implementation challenges | <ul style="list-style-type: none"> ❑ Detailed information provided by some on progress made and the remaining challenge |
| <ul style="list-style-type: none"> ❑ No process of handling requests submitted under Article 5 | <ul style="list-style-type: none"> ❑ Process agreed to and methods for “analysis” developed and used |

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Promise to survivors

The States Parties “(wish) to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims.”

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.”



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Victim Assistance: progress

Prior to 2004

- ❑ Victim assistance not treated with the same seriousness or precision as other measures
- ❑ Ultimate responsibility not clearly specified
- ❑ Unclear what the main focus of attention should be
- ❑ Victim assistance not measurable
- ❑ NGO critiques not based on a baseline or anything measurable
- ❑ Five years of work resulted in key conclusions drawn by the States Parties



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Victim Assistance: progress

| Prior to 2004 | 2008 |
|--|--|
| <ul style="list-style-type: none">Victim assistance not treated with the same seriousness or precision as other measures | <ul style="list-style-type: none">Victim assistance largely now treated analogous to other obligations |
| <ul style="list-style-type: none">Ultimate responsibility not clearly specified | <ul style="list-style-type: none">Like other obligations, sovereign States are ultimately responsible |
| <ul style="list-style-type: none">Unclear what the main focus of attention should be | <ul style="list-style-type: none">26 States Parties responsible for significant numbers of survivors |
| <ul style="list-style-type: none">Victim assistance not measurable | <ul style="list-style-type: none">Better data on numbers of survivors, SMART objectives |
| <ul style="list-style-type: none">NGO critiques not based on a baseline or anything measurable | <ul style="list-style-type: none">NGOs can now critique relative to a benchmark |
| <ul style="list-style-type: none">Five years of work resulted in key conclusions drawn by the States Parties | <ul style="list-style-type: none">States / Co-Chairs have acted strategically on the basis of the 2004 conclusions |
| | <ul style="list-style-type: none">AP Mine Ban Convention the model for Convention on Cluster Munitions |

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From Nairobi to Cartagena and beyond...



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Cartagena Summit

- ❑ November 29 / 30 to December 4, 2009
- ❑ Review progress made 10 years after entry into force
- ❑ Establish a concrete action plan for years to come
- ❑ Special emphasis on women, men, boys & girls who have fallen victim to mines
- ❑ Reinvigorate interest: the job is not yet done
- ❑ Participation at highest possible level



A Shared Commitment
Cartagena / Colombia
30 November - 4 December /2009

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Thank you!



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