

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

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# AP Mine Ban Convention

- ❑ **Adopted 18 September 1997 in Oslo.  
Opened for signature 3 December 1997 in Ottawa.**
- ❑ **The product of the unconventional  
*Ottawa Process*:**
  - **A process outside of the normal forum of conventional weapons negotiations**
  - **A “fast-track” process**
  - **Unconventional State-NGO partnerships**
- ❑ **ICRC, under then President Cornelio Sommaruga, played an instrumental role.**
- ❑ **ICBL & then Coordinator Jody Williams awarded the 1997 Nobel Peace Prize.**
- ❑ **Entered into force on 1 March 1999.**





# AP Mine Ban Convention

Preventing future suffering



Universalizing prohibitions



Destroying stockpiles



Clearing mined areas



Assisting the victims

**Purpose:**  
"To put an end to the suffering and casualties caused by anti-personnel mines."

Addressing existing suffering



# 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.”







# Universalizing acceptance of the Convention

**153 States have ratified or acceded to the Convention (as of 12 March 2007)**

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



# Universalizing acceptance of the Convention

## 42 States have not ratified or acceded to the Convention (as of 12 March 2007)

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



As it did with the Republic of Cyprus in 2003, the ISU can provide objective information, advice and training to States not parties considering acceptance of the Convention or desiring to learn more about the Convention's operations.



# 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.**



The ISU provides advice and information to States Parties (e.g., on what mines must be destroyed, retaining or transferring mines for permitted reasons, public relations opportunities); facilitates links between those requiring assistance and those in a position to provide it; maintains information on mines destroyed and on the general implementation of Article 4 of the Convention.







# Mine Clearance

- Each State Party must make “every effort to identify all areas under its jurisdiction or control in which anti-personnel 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 anti-personnel 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.”



The ISU helps States Parties understand their obligations, provides training to national directors and technical advisors on understanding the international legal framework for mine action, facilitates a link between those requiring assistance and those in a position to provide it, and, maintains up to date information on the implementation of Article 5.





# Mine Clearance Extensions

In September 2006, the States Parties agreed...

- (i) to reaffirm their obligation to ensure the destruction of anti-personnel mines in mined areas in accordance with (their obligations and the Nairobi Action Plan).
- (ii) to establish a process for the preparation, submission and consideration of requests for extension to Article 5 deadlines;
- (iii) that requesting States Parties are encouraged, as necessary, to seek assistance from the Implementation Support Unit in the preparation of their requests;
- (iv) that States Parties in a position to do so should assist States Parties to fulfil their Article 5 obligations in accordance with (their obligations and the Nairobi Action Plan).
- (v) to work further on a voluntary template to facilitate preparation and assessment of extension requests, with a view to its finalisation by the conclusion of the 2007 intersessional meetings.
- (vi) to strongly encourage States Parties seeking Article 5 extensions to append their national demining plans to their extension requests;
- (vii) to encourage States Parties seeking Article 5 extensions to submit their request to the President no fewer than nine months before the Meeting of the States Parties or Review Conference at which the decision on the request would need to be taken;
- (viii) that the President, upon receipt of an extension request, should inform the States Parties of its lodgement and make it openly available, in keeping with the Convention's practice of transparency;
- (ix) that the President and the Co-Chairs and Co-Rapporteurs of the Standing Committees, jointly prepare an analysis of the request indicating, inter alia: clarifications of facts sought and received from the requesting State; demining plans for the extension period; resource and assistance needs and gaps;
- (x) that, in preparing the analysis, the President and the Co-Chairs and Co-Rapporteurs of the Standing Committees and the requesting States Party should cooperate fully to clarify issues and identify needs;
- (xi) that in preparing the analysis, the President, Co-Chairs and Co-Rapporteurs, in close consultation with the requesting state, should, where appropriate, draw on expert mine clearance, legal and diplomatic advice, using the ISU to provide support;
- (xii) that the President, acting on behalf of the Co-Chairs and Co-Rapporteurs, should submit the analysis to the States Parties well before the MSP or Review Conference preceding the requesting State's deadline.
- (xiii) to encourage all States Parties in a position to do so to provide additional, ear-marked funds to the ISU Trust Fund to cover costs related to supporting the Article 5 extensions process.



# Mine Clearance Extensions

**Mid-December 2007**

**Mid-September 2008**

**1 March 2009**

- **Approximately nine months prior to the possible date for the last Meeting of the States Parties prior to the first deadlines for completing implementation of Article 5.**

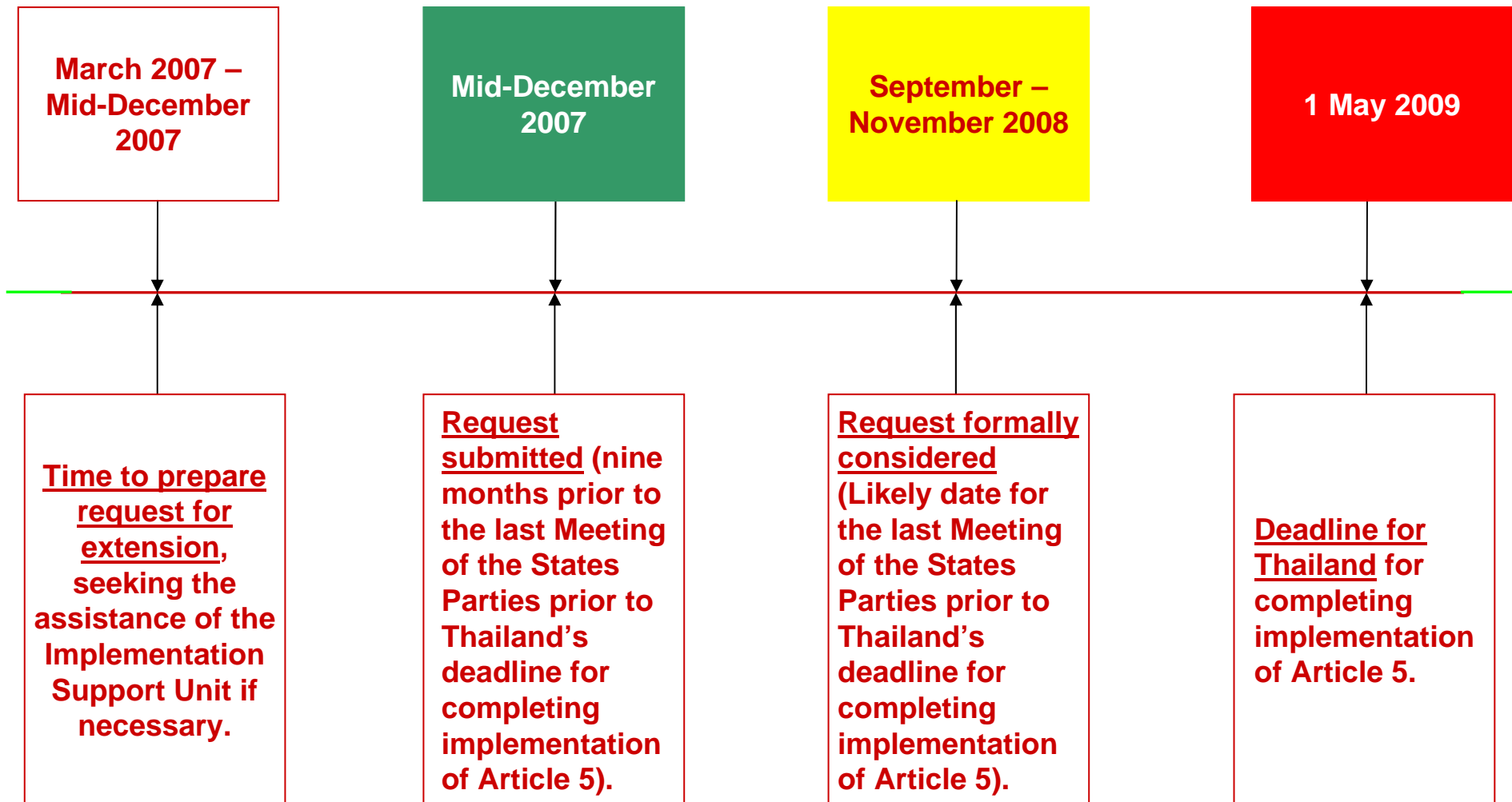
- **Possible date for the last Meeting of the States Parties prior to the first deadlines for completing implementation of Article 5.**

- **First deadlines (for 11 States Parties) for completing implementation of Article 5.**



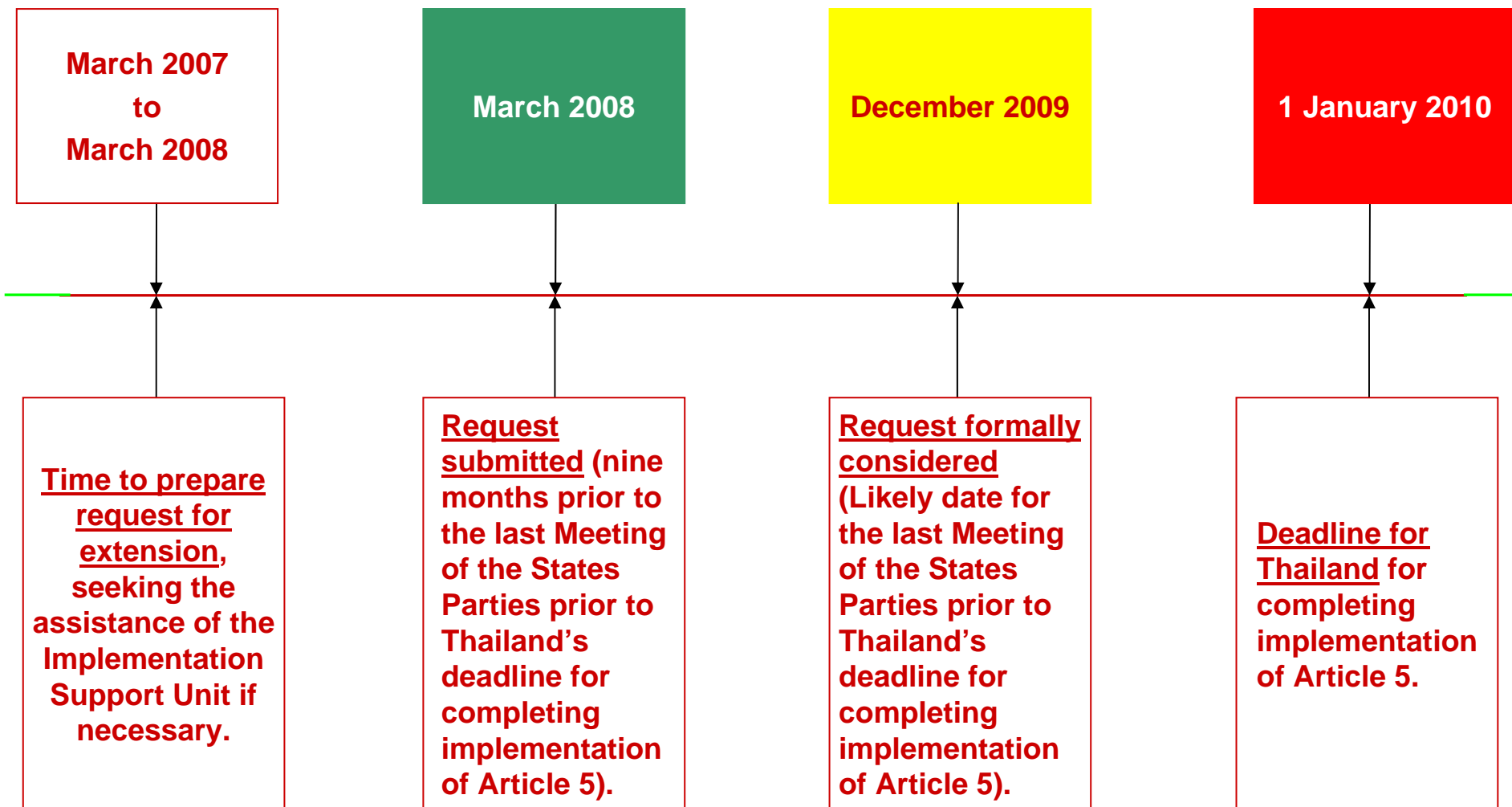


# Article 5 extension request timeline: Thailand





# Article 5 extension request timeline: Cambodia





# Victim Assistance

- According to the Convention “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.





# Victim Assistance

**24 States Parties have indicated that they have a responsibility for significant numbers of landmine survivors:**

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



The ISU provides support, advice and information to States Parties in establishing SMART objectives and developing national plans; reinforces the inter-ministerial efforts of States Parties in fulfilling their victim assistance responsibilities; and, provides training and briefings to mine action managers and technical advisors on the role of mine action programmes in victim assistance efforts.





# 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 ISU can provide advice to States Parties on how to maximise Convention meetings, such as the annual meetings of the Standing Committees, to communicate their problems, plans, progress and priorities for assistance. The ISU can also provide advice to donors on ways that they can assist States Parties in fulfilling obligations.



# 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!

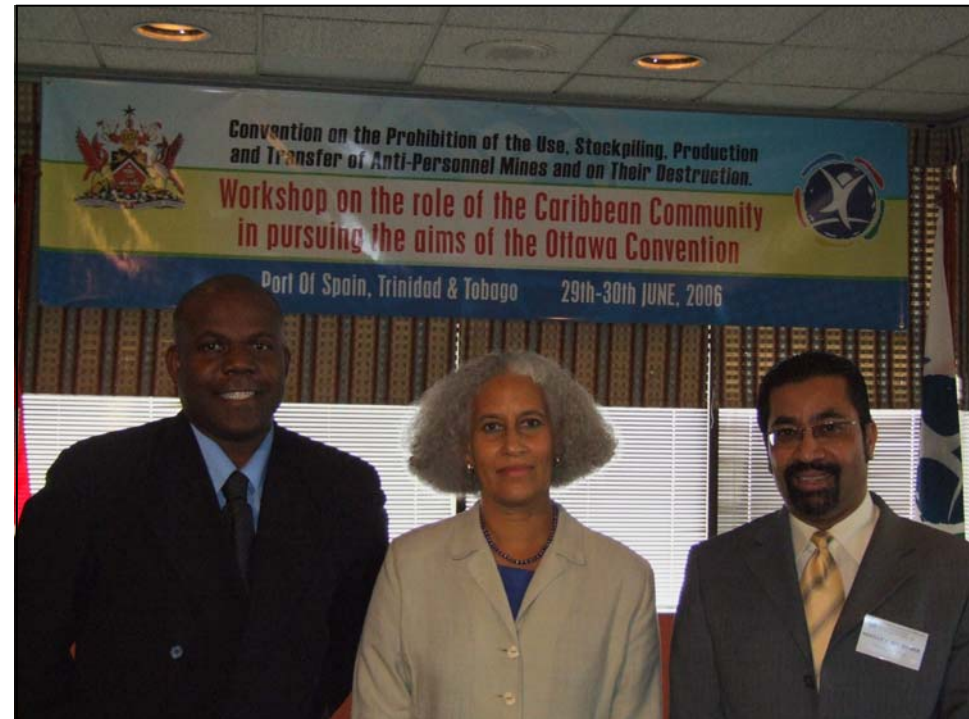


The ISU provides advice and support to States Parties in ensuring that they can fulfill their reporting requirements, maintains up to date information on the status of reporting under Article 7 of the Convention, and maintains hard copies of every report submitted in the context of Article 7 obligations.



# 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.**



At regional events such as the June 2006 *Workshop on the role of the Caribbean Community in pursuing the aims of the Ottawa Convention*, the ISU works with the ICRC to ensure that States Parties receive the advice and information they need to comply with Article 9 obligations.



# Implementation Support







# Implementation Support

## Intersessional Work Programme

- ❑ Established by a 1999 decision of the States Parties; Modified by decisions since.
- ❑ Involves 4 Standing Committees meeting between formal meetings.
- ❑ Created “for the purpose of advancing the achievement of the humanitarian objectives of the Convention.”
- ❑ Intended “to organize the work of the Convention in a way which promotes continuity, openness, transparency, inclusiveness and a cooperative spirit.”

## Coordinating Committee

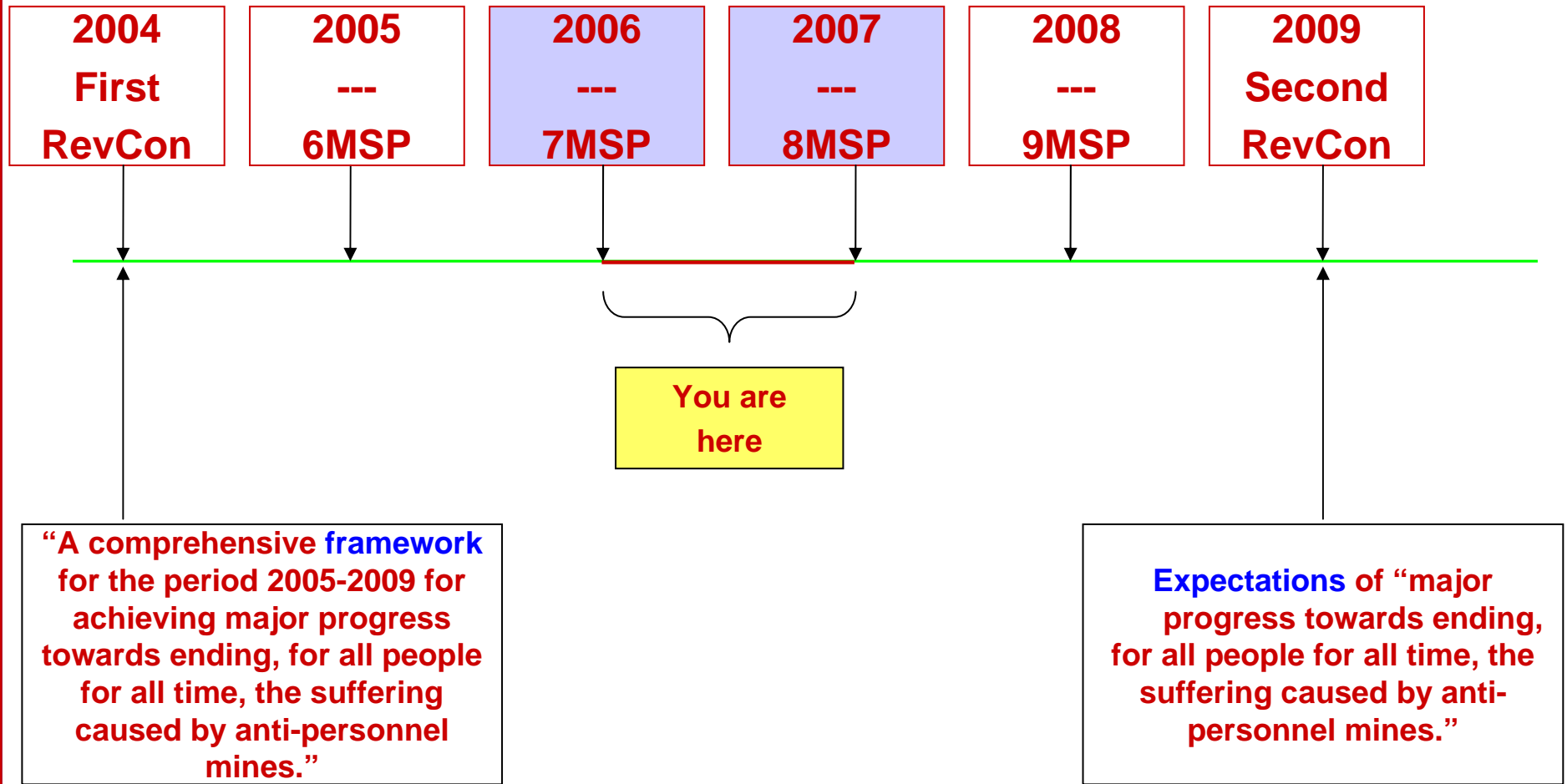
- ❑ Established by a 2000 decision of the States Parties.
- ❑ Mandate: “To coordinate matters relating to and flowing from the work of the Standing Committees with the work of the MSPs.”
- ❑ Transparency: Agreement that “the President (...) would report on (the CC’s) functioning....”

## Implementation Support Unit

- ❑ Established pursuant to the 2001 decision of the States Parties to mandate the GICHD to create such a unit.
- ❑ Funded on a voluntary basis by States Parties.
- ❑ Provides independent advice and support to the Convention’s President, President-Designate, Co-Chairs and Contact Group Coordinators; Support to Coordinating Committee.
- ❑ Provides advice, information and support to individual States Parties on implementation matters.
- ❑ Coordinates with actors that are relevant and supportive of the States Parties’ aims and efforts.
- ❑ Provides information to all whom are interested (including States not parties) – documentation centre, web site, et cetera.

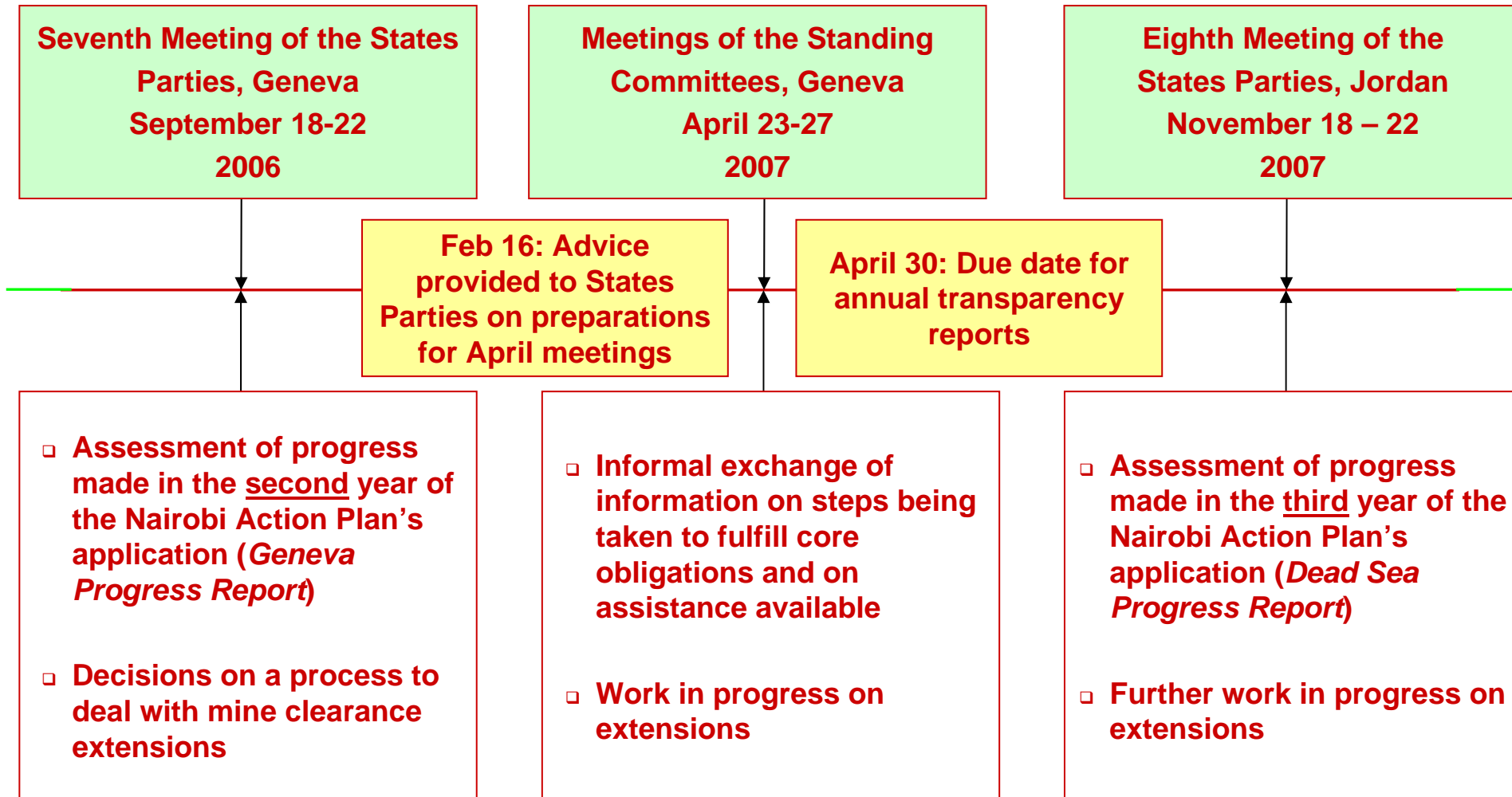


# Framework for work 2005-2009





# Programme for work 2006-2007





# The ISU: What it is...

- An independent support to the States Parties and to the Convention more generally; Responsive and responsible to the States Parties.
- A part of the GICHD but a part whose existence flows from an international mandate provided by a community of States.
- Provides independent professional advice, support and information to the States Parties in the pursuit of the Convention's aims.
- Supports the States Parties in their fulfilment of roles concerning the Convention's general operations.
- Interacts, as a de facto agent of the States Parties and the Convention, with actors that are central to the work to implement the Convention.
- The definitive information source on the Convention, in part by having been mandated to have established and maintain the Convention's documentation centre.

