

# The Implementation

## of Article 5

### in Latin America

## The Santiago Seminar

### 16 - 17 August 2007

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



Article 5 of the Anti-Personnel Mine Ban Convention requires each State Party to ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control as soon as possible but not later than 10 years after the entry into force of the Convention for that State Party.

At the Convention's first Review Conference the States Parties agreed in the *Nairobi Action Plan* that "successfully meeting these deadlines will be the most significant challenge to be addressed in the coming five years and will require intensive efforts by mine-affected States Parties and those in a position to assist them." They also agreed that "the speed and manner with which it is pursued will have crucial implications for human security – the safety and well-being of affected individuals and communities."

During 2006-2007, as Co-Chairs of the Convention's Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, Chile and Norway emphasized the need to act on these and other relevant provisions of the Nairobi Action Plan. One example of this was the Santiago Seminar on the Implementation of Article 5 in Latin America, which was held on 16-17 August 2007. This seminar was convened by the Ministry of Defence and the Ministry of Foreign Affairs of Chile, with the support of Norway and the Convention's Implementation Support Unit (ISU).

The purpose was to share experiences in implementing Article 5 to identify efficient and effective ways to fulfill Convention obligations, and to raise awareness amongst officials of the obligations and processes under the Convention.

The seminar, which featured the participation of all States Parties in Latin America which are in the process of implementing Article 5, covered the following topics:

- > Effective national implementation structures and good practices in national planning
- > Methods for rapidly releasing and / or cancelling suspected areas and for assuring quality
- > Partnerships for implementation
- > Preparing a request for an extension on the fulfilment of Article 5 obligations.

This publication provides key documents from this seminar to a wider audience.



# CONTENTS

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<b>1.</b>	<b>OPENING STATEMENT   MINISTRY OF DEFENCE OF CHILE</b>	<b>2</b>
	> MR. JOSÉ GOÑI   MINISTER OF DEFENSE OF CHILE	
<b>2.</b>	<b>OPENING STATEMENT   MINISTRY OF FOREIGN AFFAIRS OF CHILE</b>	<b>4</b>
	> MR. ALBERTO VAN KLAVEREN   VICE-MINISTER OF FOREIGN AFFAIRS	
<b>3.</b>	<b>OPENING STATEMENT   CO-CHAIRS CHILE AND NORWAY</b>	<b>5</b>
	> PRESENTED BY MS YNGVILD BERGGRAV   MINISTRY OF FOREIGN AFFAIRS OF NORWAY	
<b>4.</b>	<b>AN OVERVIEW OF ARTICLE 5</b>	<b>7</b>
	> MR. KERRY BRINKERT   MANAGER   AP MINE BAN CONVENTION IMPLEMENTATION SUPPORT UNIT	
<b>5.</b>	<b>PARTNERSHIPS IN IMPLEMENTATION</b>	<b>10</b>
	> MR. MOHAMMED BREIKAT   NATIONAL DIRECTOR   NATIONAL COMMITTEE FOR DEMINING AND REHABILITATION   JORDAN	
<b>6.</b>	<b>LAND RELEASE CONCEPTS AND THOUGHTS</b>	<b>15</b>
	> MR. TIM LARDNER   MINE ACTION SPECIALIST   GENEVA INTERNATIONAL CENTRE FOR HUMANITARIAN DEMINING	
	> MR. STEINAR ESSÉN   DEPUTY HEAD MINE ACTION   NORWEGIAN PEOPLE'S AID	
<b>7.</b>	<b>PREPARING A REQUEST FOR AN EXTENSION ON THE FULFILMENT OF ARTICLE 5 OBLIGATIONS</b>	<b>17</b>
	> MR. KERRY BRINKERT   MANAGER   AP MINE BAN CONVENTION IMPLEMENTATION SUPPORT UNIT	
<b>8.</b>	<b>CO-CHAIRS' SUMMARY</b>	<b>22</b>
	> PRESENTED BY MR. CAMILO SANHUEZA   PERMANENT MISSION OF CHILE TO THE UNITED NATIONS   GENEVA	

### > Mr. José Goñi | Minister of Defence of Chile

First of all I want to extend to you a most cordial welcome to our country. We have the honour to have in this seminar representatives from all the countries in Latin America affected by the scourge of anti-personnel mines.

Our most hearty welcome to the officials in charge of mine clearance programs of the Governments of Nicaragua, Venezuela, Colombia, Ecuador, Peru and Argentina, who have spared no effort to clear important parts of their territories.

We also have in our midst representatives of those countries who significantly contribute to the humanitarian demining all over the world, such as Canada and Norway. We thank Norway for its contribution to the organization and funding of this meeting.

We also have with us representatives of the Geneva International Centre for Humanitarian Demining, whose experience and knowledge of the topics to be treated will provide a substantial input for this seminar.

I wish to address a special welcome to the officials of the Hashemite Kingdom of Jordan, in charge of organizing the Eighth Meeting of the States Parties to be held at the Dead Sea in November 2007.

I also wish to welcome representatives of non-governmental and other organizations present here today, including those from the International Campaign to Ban Landmines (ICBL), the International Committee of the Red Cross (ICRC), Norwegian Peoples Aid, Zona Minada, the Institute for Political Ecology and Fraternidad Ecológica Universitaria.

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, better known as the Ottawa Convention, is a unique instrument, both in its conception and in its functioning. It emerged from the efforts of a coalition of like-minded countries and civil society who, unsatisfied with the way the topic of anti-personnel mines was being treated by the existing UN approaches, decided to explore an alternative way.

The Convention we have today is the highest standard for the elimination of the scourge of anti-personnel mines and is well on its way towards universalization. So far 153 countries are formally parties to the Convention. This Convention functions well with intersessional meetings of Standing Committees and Meetings of the States Parties, which are characterized by a special climate of cooperation and friendship between States Parties and non-governmental organizations.

We think that this positive atmosphere, which has greatly contributed to the results achieved so far, is due to the prevailing mood within the Convention - we all know that we can count upon the others for assistance in complying with our respective individual obligations. This is the spirit of Ottawa and it is this spirit which inspired us to convene this seminar.

During the 2006-2007 intersessional period, the question of compliance with the Convention's Article 5 obligations regarding humanitarian demining and the process of requesting extensions on the fulfilment of these obligations have been on the agenda. This is a highly relevant matter requiring our full attention. For instance, the deadlines for the first States to have ratified the Convention occur in 2009. The mine clearance obligations constitute a "raison d'être" of the Convention and, because of its particularly dangerous nature, it is the most difficult activity to comply with.



The text of the Ottawa Convention stipulates in Article 5 that *“if a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines referred to in paragraph 1 within the established time period, it may submit a request to a meeting of the States Parties or a Review Conference for an extension of the time-limit for completing the destruction of such anti-personnel mines”*. Reference is also made to some general matters such as the duration of the proposed extension and the reasons underlying the request.

We are realistic in acknowledging that the application of this aspect of the Convention may result in some tensions. We are confident, however, that the spirit of Ottawa will prevail. This spirit aims to treat matters of compliance through the perspective of assistance and cooperation.

In principle we presume that non-compliance is not so much a matter of lack of will, but rather of resources - human, material, financial and technological - coupled with the difficulties inherent to each particular case, such as climate and geographical configuration, as well as the specific political motivations of each State Party. As the parameters involved differ significantly from one country to another, we have to ensure we keep moving forward towards the Convention's objective of eliminating all anti-personnel mines.

As for the examination of extension requests, Chile's position since the very beginning of the debates has been that their analysis should be entrusted to a group of experts of a collegiate character. Both the points of view of the affected countries and the points of view of the donors should be reflected. Examination of extension requests should be carried out according to pre-established parameters known to all, in order to eliminate any suspicion of subjectivity. The criteria to be taken into account should reflect the contents of the general requirements for the requests established in Article 5. Subsequently, the characteristics inherent to the nature and particularities of the mined areas must be taken into consideration, including the geographical and climatic aspects, the presence or absence of demarcation and signalization of minefields, humanitarian risk, etc.

It is also essential, in our opinion, to take into account the financial, human and technological resources at the disposal of the affected country and the international aid received in accordance with the provisions under Article 6. Evaluating the political will shown with regard to compliance with the obligations of humanitarian demining and the degree of commitment to the Ottawa Convention is also key.

Furthermore, we would like to state that this seminar has no other pretension but to continue the exchange of opinions on this subject. In spite of a vast diversity of situations with regard to anti-personnel mines, our region can contribute, with concrete ideas, to procedures and mechanisms to be implemented in order to start the process for these deadlines in 2009.

I wish to conclude by introducing to you the Co-Chairs who will have the delicate task of presiding over this seminar, Mr. Camilo Sanhueza, of Chile, First Secretary at the Permanent Mission of Chile in Geneva and Mrs. Yngvild Berggrav, Counsellor for Humanitarian Affairs of the Ministry of Foreign Affairs of Norway.

We hope that the working sessions which will start now will have the desired results and that we will be able all together to contribute to the best possible implementation of the Ottawa Convention for the well-being of our respective populations.

### > **Mr. Alberto Van Klaveren** | Vice-Minister of Foreign Affairs

It is a great pleasure for me, as Vice-Minister of Foreign Affairs, to welcome all of you, and particularly those who have come from far away, to this workshop on Article 5 of the Convention on the Prohibition of Anti-Personnel Mines.

In the first instance, I wish to show our particular recognition to the Government of Norway for its generous contribution to the organization of this meeting, as well as the Convention's Secretariat which has proven, once again, its efficiency and good-will.

When the idea of holding a seminar was put forward, the Government of Chile readily and enthusiastically took upon itself the responsibility of its organization, for two main reasons. The organization of this event is proof of a consistency with Chile's unreserved adherence to human rights, disarmament and humanitarian legal instruments. All of them are part of the emerging concept of human security, which emphasizes the protection of individuals, thus completing the traditional notion of security in the sense of border protection.

Of all the initiatives carried out by the human security community, the most emblematic and successful is, in fact, the adoption and entry into force of the Convention, which gradually, through its universalization, has set an imperative rule of international law. This is becoming more and more difficult to deny and we congratulate ourselves on that.

Chile fully adheres to the basic principles and objectives of this treaty and has from the very beginning demonstrated its commitment, making every possible effort to ensure its compliance and assuming duties linked to its implementation, including Co-Chairing the Convention's Standing Committee on Mine Clearance. Convening this seminar is another example. In addition, on the occasion of the June 2007 state visit to Switzerland, President Bachelet announced that Chile would host the regional office for Latin America of the Geneva International Centre for Humanitarian Demining.

As we all know, the Convention is entering into a particularly delicate stage, due to the imminent deadlines for the first States Parties to fulfil their mine clearance obligations in accordance with Article 5. Many of them will be obliged to file extension requests, which imply a review of their respective status of compliance with one of the most relevant obligations of this instrument. Since several of our region's states are concerned, this seminar offers a great opportunity to have a closer look together at this challenge and explore the best and most efficient way to face it. This will have a direct bearing on the success of the Convention and the strengthening of mutual confidence in this part of the world.

In this context, having full understanding of the nature and scope of demining challenges, as well as identifying the best possible ways to overcome with them, constitute key elements at this stage of life of the Convention. There is the necessity to prepare and present, in the best possible way, extension requests for those who need to do so, in order to ensure their approval by States Parties. All these important aspects will be analyzed and debated during these days and therefore we deem this seminar to be of great interest.

I hope it will generate a fruitful debate between national delegates, invited experts and civil society representatives on the regional state of compliance with Article 5 of the Convention. This will determine the most appropriate solutions to achieve the precious objective of converting our region into a zone exempt from the scourge of anti-personnel landmines. May your work succeed and may your stay in Chile be a most pleasant one.

### 3. OPENING STATEMENT | CO-CHAIRS CHILE AND NORWAY



> **Presented by Ms. Yngvild Berggrav** | Ministry of Foreign Affairs of Norway

Minister, Vice-Minister, Distinguished delegates, ladies and gentlemen,

We greatly appreciate the organization of this important regional seminar at this crucial stage of the Convention on the Prohibition of Anti-Personnel Mines.

The presence of Chile's political authorities demonstrates Chile's commitment to the principles and obligations of the Convention.

I am very happy to represent the Norwegian government. Norway places extreme importance on the fight against landmines, ever since the initial negotiation of the Convention 10 years ago. We will celebrate the 10<sup>th</sup> Anniversary of the Convention in Oslo in September 2007.

Our presence at this seminar demonstrates the desire of our present government to extend and strengthen economic and political cooperation with the countries of Latin America. It is also an expression of the different forms of cooperation between Norway and Chile throughout the years, focused on the humanitarian aspect of disarmament. In the field of disarmament and arms control we cooperate within the framework of the "Initiative of the Seven Nations on Disarmament and Non Proliferation" and through the Oslo Process on cluster munitions.

Norway and Chile also share a common understanding on how the Convention should be implemented - a good starting point when we assumed the co-chair of the Standing Committee on Mine Clearance.

The Convention is the main instrument in the fight against mines. Working within the framework of the Convention will lead us towards achievement of its objectives: less human suffering and greater opportunity for socio-economic development.

The commitment to clear and destroy all anti-personnel mines is the core of the Convention. The level of participation in this event shows that the States Parties in Latin America are committed to realizing this objective.

We are convinced that Latin America can become the first mine-free zone in the world. We find ourselves at a key stage in the implementation of the Convention.

The April 2007 meeting of the Standing Committee on Mine Clearance enjoyed a high level of attendance and interest in the progress achieved with regard to compliance of the obligations under Article 5 of the Convention.

Although we have made some progress, there is still a lot to be done. The fact that some States Parties have not even started to work on the subject until now is worrisome. We are aware of the limitations, we know there are needs and therefore we seek international support. We also underscore the importance of the local dimension of this effort.

This matter is a multidimensional one and requires multidimensional responses. It implies complex situations which require extensive cooperation, at domestic, regional and international levels.

We consider that civil society, intergovernmental and regional organizations, as well as the UN system play a fundamental role.

### 3. OPENING STATEMENT | CO-CHAIRS CHILE AND NORWAY

We thank the civil society organisations for their presence and their readiness to contribute substantially to this seminar.

During the meeting of the Standing Committee on Mine Clearance several delegations referred to the challenges mine clearance involves and even mentioned that they would resort to requesting extensions of the time limit for compliance provided for in Article 5.

The process of extension requests was not created to deviate us from our ultimate goal, but to provide us with a means for its achievement.

It is important to mention that the Co-Chairs of the Standing Committee on Mine Clearance, in order to ensure maximum transparency, will work together with the relevant State Parties until the Eighth Meeting of the States Parties which, as you know, will take place in Jordan in November 2007. This seminar is part of this cooperation.

Another aspect we wish to highlight is the rapid release of minefields or suspected minefields. There are techniques which may be used to speed up the implementation of Article 5 in a responsible and secure way. In this context the certification of quality standards is essential. This aspect will be dealt with in detail during this seminar.

Finally, we hope to continue the debate on mainstreaming the gender perspective in all the aspects of mine action. We consider that mine action will be more productive when the different needs and resources of men and women are taken into account.

We would like to conclude by underscoring the value of the principles of clarity, transparency and predictability at this stage of implementation of the Convention.

We sincerely hope that at the end of this seminar we will all leave Santiago with a clearer idea of how to make the best use of tools at our disposal and how to face together the challenges ahead of us.



## 4. AN OVERVIEW OF ARTICLE 5



> **Kerry Brinkert** | Manager of the Anti-Personnel Mine Ban Convention Implementation Support Unit | Geneva International Centre for Humanitarian Demining

I wish to thank the Ministry of Defence and the Ministry of Foreign Affairs for convening this important seminar and Norway for providing the financial support necessary to make it happen.

It is my pleasure to contribute to this event and to offer support on a continuing basis to the States Parties to the Convention in Latin America pursuant to the mandate of the Implementation Support Unit as agreed to by the States Parties in September 2001. On the matter of ongoing support, I wish to note that the capacity of the ISU is being increased through the establishment of the position of mine action implementation specialist. In this regard, I am pleased to introduce Juan Carlos Ruan who will be officially commencing his duties as such a specialist on 1 September.

My presentation will briefly emphasise the heart of the matter of this seminar, which is not Article 5 extensions but rather the full implementation of Article 5, an aspect of which concerns extension requests.

The obligations contained in Article 5 are clear but deserve repeating. They are ...

- > That each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced;
- > That each State Party reporting such areas shall ensure as soon as possible that all anti-personnel mines in mined areas under its 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,
- > That each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.

Of course, if a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines within that time period, it may submit a request for an extension. This aspect, however, will be dealt with in detail tomorrow.

It is important to highlight what Article 5 is and is not. This was done well by you, the States Parties, at the 2005 Sixth Meeting of the States Parties when a series of important statements were recorded in the Zagreb Progress Report. These include the following:

- > The Convention does not contain language that would require each State Party to search every square metre of its territory to find mines.
- > The Convention requires, however, the destruction of all anti-personnel mines in mined areas which a State Party has made every effort to identify.
- > Next, the Zagreb Progress Report recorded that while terms like “mine-free,” “impact-free,” and “mine-safe” are sometimes used, such terms do not exist in the text of the Convention and are not synonymous with Convention obligations.
- > The Zagreb Progress Report further recorded that the clearance of all mined areas in accordance with Article 5 is part of the Convention’s overall comprehensive approach.... That is, anti-personnel mines, and the clearance of them, have, and / or could have, a humanitarian impact, an impact on development, an impact on the disarmament goal of the Convention and an impact on solidifying peace and building confidence. Finally, in Zagreb it was emphasized that the total impact caused by anti-personnel mines should be addressed in the context of the Convention.

## 4. AN OVERVIEW OF ARTICLE 5

Article 5 may be the heart of the matter for this workshop. However, Article 5 does not stand on its own. It is intricately related to several other Articles of the Convention.

Article 1, paragraph 1 states that *“Each State Party undertakes never under any circumstances to use anti-personnel mines.”* How are anti-personnel mines used? Utility or perceived utility is extracted when they are placed under, on or near the ground. Emplaced mines could be, or could be perceived as, mines which are being used, which is an action prohibited by the Convention.

Article 1, paragraph 2, states that *“each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.”* This reinforces the fact that when States exercised their sovereignty by ratifying or acceding to the Convention they agreed to destroy or ensure the destruction of anti-personnel mines in accordance with both Article 4 and Article 5.

Article 19, which states that *“the Articles of this Convention shall not be subject to reservations,”* makes it clear that all aspects of the Convention – including Article 5 – apply at all times and to the full extent described by the Articles of the Convention.

Article 7, paragraph 1, subparagraph (c) states that each State Party is to report, *“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.”* This implies that each individual State Party must declare whether the provisions of Article 5 are relevant to that State.

Finally, Article 2, paragraph 5, defines a *“mined area”* – the main element referred to in both paragraph 1 of Article 5 and paragraph 1.c. of Article 7. This provides some clear guidance on what it means to have fulfilled Article 5 obligations. How does a State Party know when it has fulfilled its obligations under Article 5 of the Convention?

This can be illustrated using the hypothetical case of the Republic of Minelandia. If it had been shown that Minelandia had reported four areas which are dangerous due to the presence or suspected presence of mines, fulfilment of Article 5 obligations would be achieved if no areas deemed dangerous due to the presence or suspected presence of mines continued to exist.

Who gets to decide this? Who, first of all, is responsible for declaring if a State Party has an obligation under Article 5.1? Is it the ICBL? The United Nations? A Meeting of the States Parties? It is none of these. It is up to each individual State Party. Each individual State Party should do so in such a way that the community of States Parties and its own population have confidence in such a declaration.

Similarly, who declares if a State Party has fulfilled its obligations under Article 5.1? Is it the ICBL? The United Nations? A Meeting of the States Parties? Again, none of these. It is up to each individual State Party. Again, each State Party should do so in such a way that the community of States Parties has confidence that it has complied and that its own population has confidence that the job is done.

What is each individual State Party working towards for implementation of Article 5? This was framed well at the Seventh Meeting of the States Parties when, on the basis of a Guatemalan initiative, a voluntary declaration of completion was adopted. Again using the hypothetical case of Minelandia, this would read as follows:

## 4. AN OVERVIEW OF ARTICLE 5

*(Minelandia) declares that it has destroyed, or ensured the destruction of, all anti-personnel mines in areas under its jurisdiction or control in which anti-personnel mines were known or suspected to be emplaced, in accordance with Article 5 of the Convention.*

*(Minelandia) declares that it completed this obligation on (date).*

*In the event that previously unknown mined areas are discovered after this date, (Minelandia) will:*

- (i) report such mined areas in accordance with its obligations under Article 7 and may voluntarily share such information through any other informal means such as the Intersessional Work Programme, including the Standing Committee meetings;*
- (ii) ensure the effective exclusion of civilians in accordance with Article 5; and*
- (iii) destroy or ensure the destruction of all anti-personnel mines in these mined areas as a matter of urgent priority, making its needs for assistance known to other States Parties, as appropriate.*

Note that this declaration of completion is consistent in that it uses the language of the Convention and not terms such as *mine free*, *mine safe* or *impact free* which do not appear in the Convention. It is realistic in noting that even after all efforts have been made to identify mined areas and to render them no longer dangerous, it is entirely possible that additional mined areas may be discovered.

Let me close with a few final observations: The adoption of the Convention 10 years ago raised to new heights the expectations of the international community regarding what should be done to end the suffering and casualties caused by anti-personnel mines. The adoption of the Convention met the expectations of those who considered such a comprehensive approach the only efficacious solution to the humanitarian problems caused by anti-personnel mines. But in meeting one expectation, states of the world collectively created another. While the adoption of the Convention was a major achievement, it is merely a tool to reach a final goal.

Each individual State that has accepted the Convention created expectations on the part of its population and the international community that significant progress will be made and that the ultimate desired impact, an end to the suffering and casualties for all people for all time caused by landmines, will be realised eventually.

It is now clear that some States Parties in Latin America will or may be unable to complete implementation of Article 5 in a ten year period. Does this mean a failure to meet expectations? I would argue that this should not be seen as a failure to meet expectations. To imply failure would overlook the legal provisions in the Convention to request extra time and disregard the considerable effort undertaken by states to progress in fulfilling their obligations.

Conversely, State Parties are well placed to claim success in meeting expectations: (a) if they achieve by 2009, to borrow words from the 2005-2006 Co-Chair of the Convention's Standing Committee on Mine Clearance, "*a status of work conducted under a national demining programme that one could reasonably expect after a 10-year period*", and, (b) if it is clear that a detailed plan is in place to enable each to declare completion in as short a time period as possible after 2009.

Thank you.

## 5. PARTNERSHIPS IN IMPLEMENTATION

> **Mr. Mohammed Breikat** | National Director | National Committee for Demining and Rehabilitation | Jordan

I would like to thank the conference hosts, the Government of Chile, for organizing this important workshop and for the great hospitality they have shown us so far. Thank you.

I would like to tell you how we have approached the issue of partnerships in mine action and make some general points on what I believe are some of the key ingredients to building strong partnerships.

I do not want to burden you with too much history, so I will try to talk a bit more broadly about the networks of partners that we have been able to establish in the past few years.

I would like to start by saying a few words about our international partners, after that I will say a few words about our local NGO partners, and lastly our many partners within the Government of Jordan.

Naturally, the main force behind what I am about to describe, has been the vision and determination shown by His Majesty King Abdullah and HRH Prince Mired Bin Raad, who unfortunately could not be with us here today. His Royal Highness sends his best regards and hopes the discussions will be fruitful and lively. He looks forward to seeing everyone in Jordan at the 8MSP in November 2007.

I would like to make one further background comment on the context of mine action in Jordan. Although His Late Majesty King Hussein instructed the Royal Engineers to start demining way back in 1993, Jordan did not really start engaging the international community and all its different technical experts and donor networks until mid-2004 when Jordan's National Committee for Demining and Rehabilitation (NCDR) really got up and running. Therefore, most of my comments relate to the past 3.5 years.

Now, to return to the issue of partnerships.

I think as a fundamental starting point when our partners, be they international or domestic, see the seriousness, ownership, and leadership that emanates from His Majesty and HRH Prince Mired, the government, and the staff at the NCDR, it helps build confidence and momentum, that things can, and will, be done to the best of Jordan's ability. And, that everyone involved is determined to rid Jordan of landmines by its 2009 completion deadline.

In terms of international partners, recently we have been fortunate to have a great deal of support, which in most cases has come in the form of multi-year commitments to mine action in Jordan. I would like to highlight to the donors present here today that having multi-year promises has made planning and execution a little less frantic and ad hoc, and more predictable.

Our international partners can be divided into those who have supported us financially and politically, and those who have supported our capacity development objectives.

In the first group, we have those who originally provided support almost exclusively for our military. This group included Norway, Canada, the UK, and the United States.

Prior to 2004 this support was targeted primarily on supplying materials and equipment for demining. Although valuable, we all know there is much more to mine action than simply putting a detector in a deminer's hands.

## 5. PARTNERSHIPS IN IMPLEMENTATION

Under instruction from His Late Majesty King Hussein the military had been conducting humanitarian demining since 1993 – 4 years prior to the adoption of the Convention – but as I mentioned earlier, the advances in mine action thinking, management and operations were not filtering down to Jordan. It remained on the margins of activity as there was no real functioning mine action centre to act as a bridge between Jordan and the international community.

Secondly, the government and donors were interested in creating better planning and coordination in the sector as it was seen that Jordan was falling behind in its ability to reach its 2009 Article 5 obligations.

It was against this backdrop that the Ministry of Planning and International Cooperation and the UNDP began to discuss the possibility of launching a capacity development project at the NCDR. In 2004 the UNDP provided a chief technical advisor who was to help the NCDR develop some of the key policy and strategic planning instruments that were limiting mine action's partnership base to finish the job. I am proud to say that we made tremendous progress in these areas.

This was the first time that mine action was viewed as more than an engineering problem, but also as a development and humanitarian issue. It, therefore, needed a broad partnership base if it was to succeed.

The priority in those early days was to broaden our international and domestic partners base. We did this through a great deal of lobbying and hard work explaining what mine action was about and the bigger issues that it really touches.

We stressed that mine action was much more than demining and that the fledgling National Mine Action Authority – the NCDR – was also concerned with coordination and overall management of mine risk education, victim assistance, and universalization issues. And, that collectively addressing these 'pillars' of mine action actually also helped reduce poverty and suffering amongst some of the poorest communities in our country.

But as we all know building up networks is a slow and difficult thing. It needs a great deal of leadership and commitment, and fortunately for us, His Majesty King Abdullah, appointed HRH Prince Mired to the position of Chair of the NCDR near the end of 2004.

I realize not every programme can have a Prince! But every society has its leaders and champions, and if there is anything that comes out of our discussions today, it is the need to identify and educate, a committed leadership to what mine action really is.

Another key aspect of our strong partnership base, was the formulation of our first-ever 5 year national mine action plan which was launched in June 2005 and provided clear indicators of how Jordan was going to meet its Article 5 deadlines. One of the key pillars of the Plan therefore was the Convention.

Although we had been demining for over 10 years by this time, we did not have an integrated national plan - one that looked at the broader development and international legal obligations Jordan had assumed by signing the Convention.

Once we could describe and explain what mine action was to our potential partners we quickly expanded our international partners base and the funds that we were able to mobilize more than doubled in 2 short years.

The key spin-off of this increased partnership base is that we were also able to mobilize greater domestic support from the Government and civil society.

## 5. PARTNERSHIPS IN IMPLEMENTATION

The second group of partners I would like to highlight are those who support us technically. I have already mentioned the UNDP, who provide support on strategic planning, resource mobilization, and capacity development matters. Over the past 3.5 years the UNDP has been one of our core partners and we have had an excellent working partnership.

But there are also the specialized institutions, such as the Geneva International Centre for Humanitarian Demining. They are always available to provide insight, training, and technical support when asked. Their many useful publications are also staples of our operations and MRE departments and offer much food for thought.

As most of you are aware, Jordan will be hosting the 8th Meeting of the States Parties (8MSP) later this year, and the strategic inputs and energy that we have received from the ISU and Mr. Brinkert in particular on the 'dos and don'ts' of hosting the meeting have been invaluable.

The training offered by James Madison University and Cranfield University is also deeply appreciated and we count on it to make our organization stronger and more efficient. This helps build further trust with our donor partners as they see the NCDR as a well functioning and productive place.

Our third group of partners falls into the category of international NGOs and here I would like to focus on Norwegian People's Aid (NPA) for a moment, with whom we have had an outstanding working relationship, accomplishing a great deal in 2 short years.

Indeed NPA works as an operational extension of the NCDR. We meet, report, and collaborate daily. The sharing of information and technical ideas is constant and open. Indeed, in the case of NPA we are only 50 metres from their office, so if we run out of coffee we know where to go!

The NCDR has seconded a national programme manager to NPA and our QA/QC team is well received and always treated with dignity and respect.

NPA's working relationship with the Royal Corps of Engineers (REC) is also very open and respectful and this approach is paying off handsomely in significant increases in production rates. In fact NPA and the REC will work jointly in the planning and clearance of our last remaining major minefield – which runs 108km along our northern border with Syria.

NCDR operations staff have also traveled to Bosnia to learn about NPA's dog programme and when asked, NPA readily sent dogs from the programme to Jordan to help clear a particularly challenging minefield along the Israeli border.

We have also had excellent cooperation with other militaries on technical matters; this includes Switzerland, France, Canada, and Belgium. For example, earlier this year the Belgium Navy worked with NPA, NCDR, REC, and the Jordan Navy to help determine if mines had been swept into the Gulf of Aqaba; one of our most important tourist destinations.

In fact, due to many of these new partnerships, in 2006 we cleared more mines and area than at any other time in the demining history of the country.

Another key partner is the Landmine Survivors Network (LSN). LSN provides basic support and training to victims of landmines and is a concerned advocate for victims' rights. They also work with us on issues related to the Convention.

## 5. PARTNERSHIPS IN IMPLEMENTATION

The International Committee of the Red Cross (ICRC) is also a close working partner of ours and we collaborate closely on planning, policy, and technical matters in the area of Mine Risk Education. ICRC is always prepared to help our cause in any manner that we request.

In fact, the ICRC and UNICEF have just finished an intense period of helping the NCDR formulate its MRE programme. UNICEF provided an international technical advisor for a 3 month period. The TA then worked with NCDR, GICHD, and ICRC to harmonize MRE in the country and suggest programme activities that we are now looking forward to implementing.

Now, for my fourth and final grouping; our domestic partners.

I have just mentioned our Royal Engineering Corps, who without a doubt are one of our key partners. NCDR does all it can to support the work of the REC - mobilizing resources for equipment, providing training and exchange opportunities, helping on the development of annual work plans, or back-checking records.

All of this is done in the spirit of cooperation and urgency. We have several REC personnel seconded to the NCDR and also a full-time senior officer who serves as a liaison between us and the REC.

Our QA/QC teams work very constructively – actually many of our people served in the REC at some point in their demining past. So the mind-set, personal touch and understanding is already there.

Within the Government of Jordan the NCDR falls under the Prime Minister's Office which is available to resolve any major bottlenecks. We have excellent working relationships with the key line-ministries, such as Foreign Affairs, Planning and International Cooperation.

The Ministers and their staff attend our meetings, help spread the message of mine action, and support our work at the Cabinet level, but the NCDR retains the ability to make day-to-day decisions over the mine action process.

The Royal Medical Service (RMS) is also an important operational partner, as it supplies the nurses, doctors, and ambulances for the engineers. In fact, a representative of the RMS sits on the Board of Directors of the NCDR.

The Royal Medical Service is the major supplier of physical rehabilitation services to survivors of landmines in the Kingdom. We share data on victims and their socio-economic conditions as well as their physical needs.

NCDR has mobilized funds for prosthetic equipment, training, as well as the construction of a rehabilitation centre, which is now fully operational and helping more than 4000 people annually. This total includes mine victims and victims of car accidents, etc. The total number of survivors is around 500.

The Hashemite Society for Soldiers with Special Needs – which is also led by our Chair, HRH Prince Mired! – is another important partner for the NCDR and we work closely on sharing information and have been successful in mobilizing financial support for it as well.

## 5. PARTNERSHIPS IN IMPLEMENTATION

Another long-term domestic partner is the Jordan Red Crescent (JRC), with whom we work together in the area of MRE. Once again I would like to point out that we share all information with each other, while the NCDR provides the overall management umbrella under which the JRC's activities are carried out.

In summary, from our experience in Jordan we can suggest five key factors of successful partnerships in mine action:

- > 1. Strong local leadership
- > 2. Political will
- > 3. Bureaucratic Support
- > 4. Clear vision and robust coordination
- > 5. Transparency

Thank you very much for your attention.





## 6. LAND RELEASE CONCEPTS AND THOUGHTS

> **Mr. Tim Lardner** | Mine Action Specialist | Geneva International Centre for Humanitarian Demining

> **Mr. Steinar Essén** | Deputy Head | Mine Action Norwegian People's Aid

The GICHD and Norwegian People's Aid wish to thank the Chilean Ministry of Defence and the Ministry of Foreign Affairs for convening this event and Norway for providing the financial support necessary to make it happen.

Article 5 of the Anti-Personnel Mine Ban Convention requires each State Party to ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control within 10 years of entry into force.

But what does this mean? Many countries classify large areas of land as Suspected Hazardous Areas (SHA). In some countries, these are reported as many hundreds – and in some case thousands – of square kilometres. In most cases this is simply not the case.

Over recent years, where mine action has been operating, it has developed into an industry that has improved significantly in terms of safety and quality of delivered product – cleared land. The counter side to this is that this makes the industry very slow and expensive. If states continue at their present pace, given the estimated SHA, they will simply not achieve their treaty obligations.

Compounding this problem is our inherent human nature of risk-averseness. If we are faced with a decision about whether or not to declare an area previously declared as a SHA as safe, human nature will prevent us, unless we are personally absolutely sure, from declaring that an area is completely safe. While this is commendable at the individual level, at the strategic level, this essentially means that every square metre of the large areas of SHA will be required to be physically processed. In reality, from experience, we know several facts:

- > Analysis of 15 programmes over a period of time and 290 km<sup>2</sup> of land shows that less than 2% of the land physically cleared was contaminated by UXO. In other words, 98% of clearance efforts were wasted.
- > In Kosovo, 350 km<sup>2</sup> was identified as SHA. Only 45 km<sup>2</sup> was actually in need of some form of clearance.

There are traditionally three actions that can be taken to remove land from the SHA. The actions are increasingly expensive.

1. Land release by General Survey;
2. Land release by Technical Survey; and
3. Land release by Clearance.

Often however, the focus is on the latter – clearance – which is the most expensive option. The most cost effective methodology would be to focus on the first, until it is not possible to go any further using this method, and then move onto the second, and so on.

## 6. LAND RELEASE CONCEPTS AND THOUGHTS

To give an indication of the potential for cost reductions, consider the following general assumption from NPA's programme in Jordan:

**Table 1** | General indicative illustration of potential for cost reductions

PAST		FUTURE	
METHOD	Method	Time	Cost
<b>100% CLEARANCE</b>	50% cancellation	1%	0.1%
	40% area reduction	40-70%	50%
	10% clearance	100%	100%

The initial SHA in Jordan was 12 km<sup>2</sup>.

6.0 km<sup>2</sup> was released through initial desk study.

1.75 km<sup>2</sup> was released through area reduction processes.

0.25 km<sup>2</sup> was cleared manually. A further 4.0 km<sup>2</sup> were cancelled during the process of clearance.

Over recent years, it has become clearer that there are ways of formalising this first process - a way of releasing land that has been suspected, but does not pose a threat to the population. Such a process must provide several levels of clarity and an audit trail throughout the process. In a recent study undertaken by the GICHD several key factors were found to be in place in those programmes where successful land release process have been brought into effect. These issues are:

- > A formal, well-documented and recorded process of investigation into the mine/UXO problem;
- > Well-defined and objective criteria for the reclassification of land;
- > A high degree of community involvement and acceptance of the decision making;
- > A formal process of handover of land prior to the release of land;
- > An ongoing monitoring mechanism after the handover has taken place;
- > A formal national policy addressing liability issues; and
- > A common set of terminology to be used when describing the process.

The fundamental issue behind successful land release requires a significant mental shift. Acceptance that there are other ways to improve the process than just the application of clearance techniques is essential. If such a shift can be made and a model can be developed for affected countries, the treaty obligations begin to seem that much closer and more achievable.

## 7. PREPARING A REQUEST FOR AN EXTENSION ON THE FULFILMENT OF ARTICLE 5 OBLIGATIONS

> **Kerry Brinkert** | Manager of the Anti-Personnel Mine Ban Convention Implementation Support Unit | Geneva International Centre for Humanitarian Demining

Article 5 of the Convention obliges each State Party “to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.” Article 5 continues that each State Party, if it believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines in ten years, may submit a request for an extension of the deadline for completing the destruction of such AP mines, for a period of up to ten years.

At the September 2006 Seventh Meeting of the States Parties, the States Parties developed a process based on the legal provisions in Article 5 which enable States Parties to request extra time. In particular, the States Parties agreed the following:

- 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;

## 7. PREPARING A REQUEST FOR AN EXTENSION ON THE FULFILMENT OF ARTICLE 5 OBLIGATIONS

- 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.

This process provides solid guidance to the States Parties regarding the preparation of requests and the analysis of them. In addition, it is now possible to develop a calendar particularly given the decision taken that requests for extensions should initially be submitted nine months before a meeting when they would be considered. For States Parties in Latin America with Article 5 deadlines in 2009, this calendar would include the following key dates:

- > 2009 - Deadline for Ecuador, Nicaragua, Peru and Venezuela for completing implementation of Article 5.
- > November-December 2008 - Requests formally considered at the last Meeting of the States Parties prior to 2009 deadlines for completing implementation of Article 5.
- > March 2008 - Requests submitted (nine months prior to the last Meeting of the States Parties prior to 2009 deadlines for completing implementation of Article 5).
- > 18-22 November 2007, Eighth Meeting of the States Parties - Opportunity to provide an update on "work in progress."
- > Now - Opportunity to undertake initial work on a request for an extension.



## 7. PREPARING A REQUEST FOR AN EXTENSION ON THE FULFILMENT OF ARTICLE 5 OBLIGATIONS

In accordance with the decisions of the 7MSP, several States Parties have requested the support of the ISU in preparing requests. On the basis of support provided to date, the ISU has the following general advice to provide to States Parties:

1. A request for an extension should provide detailed responses to the following:
  - > What was the original challenge, what has been done since entry into force to fulfil Article 5 obligations, what is the result of these efforts and what remains to be done?
  - > What are the circumstances that impede the State Party from fulfilling its obligations in a 10 year period?
  - > What will be done during the period of the extension?
2. It is important to provide both quantified and qualitative detail and to be geographically specific.
3. It may be important to clarify between (a) an area suspected to contain anti-personnel mines, (b) an area identified (i.e., known) to contain anti-personnel mines, and (c) an area in which some demining activity has taken place but which requires some form of quality assurance.
4. Requests can explain any discrepancies between information provided since in transparency reports, assessment / survey reports and information provided in the extension request.
5. It is advisable to state annual objectives for the period of the requested extension and elaborate on the work plan for the achievement of those objectives.
6. The extension request concerns Article 5 implementation and thus there is no need to incorporate matters concerning, for example, Article 4 implementation or victim assistance efforts.
7. The template presented to the 7MSP and since modified is a potentially valuable tool which can be adapted to meet specific needs.

We would suggest that Status Parties preparing a request may wish to consider containing the following elements in their requests:

- > Executive summary
- > Detailed narrative
- > Annexed tables from the template, possibly modified to reflect national circumstances
- > Annexed maps
- > Glossary to define, without ambiguity, terms used in the request.

In terms of the detailed narrative, States Parties may wish to consider including detailed information on the following:

- > Origins of the landmine challenge
- > Quantity of the original challenge (e.g., number of areas, size of areas, size of total areas)
- > Quality of challenge (e.g., types of areas, socio-economic impacts)
- > Methods used to identify areas containing AP mines and reasons for suspecting the presence of AP mines in other areas (e.g., description of survey activities, methodologies and quality of effort)

## 7. PREPARING A REQUEST FOR AN EXTENSION ON THE FULFILMENT OF ARTICLE 5 OBLIGATIONS

- > National demining structures (e.g., demining authority, implementing agency, etc.)
- > Quantity of progress achieved (e.g., number of areas, size of total area, number of mines destroyed, etc.)
- > Quality of progress (e.g., how many areas and how much area relative to the original challenge?)
- > Methods used to convert “mined areas” into areas no longer considered dangerous (e.g., demining and survey standards, other approaches to land release, etc.)
- > Methods of controlling and assuring quality
- > Circumstances that impede compliance in a 10 year period
- > Humanitarian, economic, social and environmental implications
- > Quantity and quality of the challenge that remains
- > Amount of time requested and a rationale for this amount of time
- > Institutional, human resource and material capacity available
- > Detailed annual costed work plan for the period of the requested extension

### Calendar for preparing an Article 5 extension request

#### NOW

Opportunity for Ecuador, Nicaragua, Peru and Venezuela to undertake initial work on a request for an extension

#### 18-22 NOVEMBER 2007

Eighth Meeting of the States Parties: Opportunity to provide an update on work in progress

#### MARCH 2008

Request submitted (nine months before the last Meeting of the States Parties prior to the deadline for Ecuador, Nicaragua, Peru and Venezuela to implement Article 5)



A key component of any extension request is the last item mentioned above – a detailed annual costed work plan for the period of the extension. In incorporating information from their work plans into the extension request, States Parties may wish to answer the following questions:

- > If necessary, what survey activities will take place when to determine the actual location, size and other characteristics of mined areas?
- > How much will be released during each year of the extension period? (e.g., How much area? How many areas? Which areas? How will priorities be established?)
- > What methods will be used to release this land?
- > Clearance: What methods and what standards?
- > Technical survey: What methods and what standards?
- > Other land release efforts: What methods and what standards?
- > What is the annual cost and for what?
- > What are the expected sources of funding / material resources to implement the plan?
- > What assumptions are made regarding the fulfilment of the plan during the stated period?
- > What are potential risk factors that may affect fulfilment of the plan during the stated period?
- > What institutions / structures exist, and what changes to these, will be made to effectively implement the plan?

## 7. PREPARING A REQUEST FOR AN EXTENSION ON THE FULFILMENT OF ARTICLE 5 OBLIGATIONS

Each individual State Party of course will apply its own individual set of criteria in analysing and considering requests submitted. However, there are clearly some elements that many States Parties will want to see in requests:

- > An accounting of all “mined areas”, what has been done with them and what remains to be done. Again this can be done by using tables from the template or modifying them to provide a clear and comprehensive listing of all “mined areas.”
- > A sophisticated approach to time and money projections is required. It is advisable not to use simplistic equations based on the number of mined squares, the number of demining teams and the square metres cleared per day. Such equations oversimplify matters and can leave the requesting State Party open to criticism because:
  - > Past performance is no real indicator of future productivity.
  - > Manual clearance is only one way of rendering a mined area no longer dangerous.
  - > The number and types of assets available can be increased.
  - > As with any endeavour, productivity increases should be expected over time.
  - > As with any endeavour, efficiencies should be expected over time.

### Calendar for preparing an Article 5 extension request

#### NOVEMBER-DECEMBER 2008

#### 2009

Request formally considered (likely date of the last Meeting of the States Parties prior to the deadline for Ecuador, Nicaragua, Peru and Venezuela to implement Article 5)

Deadlines for Ecuador, Nicaragua, Peru and Venezuela to implement Article 5



- > A realistic but ambitious approach taken with respect to the amount of time requested. For example, it may be tempting to request an incredibly short amount of time, perhaps with unrealistically high resource expectations. Or, it may be tempting to request an incredibly long amount of time given the quantity / quality of mined areas. What many States Parties may wish is for requests for a reasonable amount of time with certain reasonable assumptions are clearly articulated.

Finally, please allow me to reiterate that the ISU is simply a support to, or servant of, the States Parties. What I have offered today to you is simply my advice, which of course could be improved and fine-tuned over time. As the servant of the States Parties, we accept that it is individual States Parties’ right to accept or reject some or all of the advice provided. We aim to help you but we recognize that you, as sovereign States, are ultimately in charge of implementing the Convention and making use of its processes.

## 8. CO-CHAIRS SUMMARY

> **Presented by Mr. Camilo Sanhueza** | Permanent Mission of Chile to the United Nations | Geneva

We would like to highlight the significant opportunity of having gathered in Santiago, Chile, for this regional seminar to discuss the application of Article 5 of the Anti-Personnel Mine Ban Convention.

We have had time to reflect and, with this time, the necessary calmness to listen to each other effectively. We believe that an intimate space was generated which fostered good will and allowed participants to speak sincerely.

We appreciate the level of government participation, and particularly the focused attention placed on the matters addressed.

We emphasise the importance of the delegations having prepared in advance the questions suggested by the co-presidency. Undoubtedly, this effort permitted participants to take advantage of the discussions and, indeed, will facilitate the organization of the information requested.

Likewise, we wish to highlight the significant contribution of participating experts who introduced each of the topics on the agenda as well as the important presence of Civil Society representatives which, with their experience, always contribute to the discussion.

The Seminar provided affirmation of the diverse situations faced by affected countries in the region, in some cases how they came to be affected, as well as the efforts necessary to overcome challenges.

In this sense, reference was made to territorial differences, the presence of non-state actors, the need for joint efforts, the lack of sovereignty and territorial control, resource requirements, and climatic and geographical problems.

It is important to highlight that despite the diversity of causes and multiple difficulties, a clear ethical and political commitment by the region in favour of the principles and objectives of the Convention is observed.

Discussions were also carried out on best practices in the areas of planning, doctrine, mine risk education, and cooperation and assistance.

Likewise, the individual responsibility of each State Party to its citizens and to the international community in fulfilling its obligations under the Convention was confirmed.

The process for requesting extensions, contemplated within Article 5 of the Convention, was given a special space within the seminar due to its importance. Discussions on the issue of extension requests allowed participants to appreciate its fundamental nature. This process is not intended to evade responsibility but, quite the opposite - to reorient State Parties in their fulfilment efforts. We expect that the process and conceived tools to facilitate this process are now clearer and apparent.

Before concluding I would like to recognize the risk each deminer runs in order to pursue these noble objectives; thank State Parties, as well as the Jordanian and Canadian delegation, for their willingness to participate in this information exchange exercise; thank the experts of international and intergovernmental organisations for their affectionate dedication and efforts in identifying solutions, and; to the members of civil society that accompanied us for their contribution and their moral determination.





## 8. CO-CHAIRS SUMMARY

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We wish to thank, particularly, the Geneva International Centre for Humanitarian Demining, the Manager of the Implementation Support Unit, Mr. Kerry Brinkert, whose permanent contribution permitted the idea of convening a seminar in Santiago to become reality, as well as the specialists from the Centre: Tim Lardner, Simon Berger, and Juan Carlos Ruan.

The Government of Chile would like to thank in particular Norway for its support in the execution of this seminar and for the ongoing commitment of Norway to the humanitarian and disarmament cause.

Finally, we expect that the seminar will assist State Parties in the region in their preparations for the Eighth Meeting of the State Parties of the Convention. If the discussion served to remove doubts and create a foundation of understanding, we feel satisfied.





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