

Towards a Mine Free Pacific

Regional workshop to advance the aims of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

3-4 May 2007

Port Vila, Vanuatu



'ending the suffering caused
by anti-personnel mines'
ap mine ban convention

Co-Chairs' Summary

I. Introduction

Towards a Mine Free Pacific: Workshop to advance the aims of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction was held on May 3 and 4, 2007 in Port Vila, Vanuatu. The workshop was convened by Vanuatu's Department of Foreign Affairs and International Trade and Australia's Department of Foreign Affairs and Trade with the support of the Implementation Support Unit (ISU) of the Geneva International Centre for Humanitarian Demining (GICHD). Presiding over the workshop were its Co-Chairs, John Shing, Political Advisor to the Minister of Foreign Affairs and International Trade of Vanuatu, and, John Sullivan, Assistant Secretary of the Arms Control and Counter-Proliferation Branch, Department of Foreign Affairs and Trade of Australia.

The purpose of the workshop was to take stock of the universalization, implementation and participation challenges concerning the Convention, to find practical and cost-effective ways to overcome these challenges and to discuss how solutions identified in the context of the implementation of the Convention may be more broadly applicable. All Member States of the Pacific Islands Forum (PIF), as well as the PIF Secretariat, were invited to the workshop, with the following participating: Australia, Fiji, Kiribati, New Zealand, Palau, Samoa, Tonga and Vanuatu. Supporting the workshop were experts from the following organizations: the GICHD, the International Campaign to Ban Landmines (ICBL); the International Committee of the Red Cross (ICRC); and, the UN Development Programme (UNDP).

II. Opening statements

The opening of the meeting featured a message from the Minister of Foreign Affairs and International Trade of Vanuatu, which was delivered by John Shing, as well as statements made by John Sullivan of Australia and Ambassador Stephan Nellen, Director of the GICHD. In addition, in opening the meeting, the Co-Chairs indicated that they had the following aspirations for the workshop: that it would result in PIF Member States feeling that efforts had been made to provide them with a forum to express their needs and views regarding the implementation of the Convention; that the workshop would be seen not as an end in itself but rather a starting point for States in this region to address challenges on an ongoing basis; that those States in the region which are not yet parties to the Convention would consider initiating processes which would see themselves ultimately acceding to the Convention; and, that the outcomes of the workshop could be shared with the rest of the Convention community at the Convention's Eighth Meeting of the States Parties (8MSP) in Jordan from 18 to 22 November 2007.

III. An overview of implementation and participation challenges

Kerry Brinkert, Manager of the AP Mine Ban Convention Implementation Support Unit of the GICHD provided an overview of the implementation Convention's core aims and its status. In addition, he highlighted the relevance of the Convention for the region and suggested certain objectives: that States not parties in the region start accession processes; that States Parties in the region use PIF meetings to

promote the Convention; that States in the region be aware of who to contact to seek information and assistance with obligations; that States Parties in the region take steps towards establishment of implementing legislation; that States Parties in the region be aware of easy ways to prepare and submit annual reports, thus bringing themselves up to date with reporting obligations; and, that Pacific-to-Pacific efforts be identified to support the Convention on an ongoing basis.

Mary Wareham of the ICBL highlighted the grave humanitarian consequences that result from the use of anti-personnel mines, responses to these problems and the role of non-governmental organizations in bringing this matter to the attention of the international community. In addition, Mary Wareham acknowledged certain challenges in the universalizing and implementing the Convention in the Pacific but argued that these challenges can be overcome given that assistance is available, that the obligations are minimal and that all States have a moral responsibility to adhere to the Convention's norms.

IV. Good practices in the establishment of national implementing legislation

The Co-Chairs recalled that in accordance with Article 9 of the Convention States Parties are required to "take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control." Christopher Harland of the ICRC made a presentation on this matter, highlighting the main elements of good national implementing legislation. He explained why national implementing legislation is necessary, noting that it is an explicit treaty obligation, that it gives effect to the Convention domestically, that it ensures execution of the Convention and that it helps avoid loopholes. He noted that in most cases legislation should take into account the Convention's definitions, the totality of the acts prohibited by the Convention, enforcement, the destruction of stockpiled mines and the clearance of mined areas, the exceptions which permit States Parties to retain a minimum number of mines necessary for certain purposes that are consistent with the Convention's humanitarian purpose, the Convention's transparency reporting obligations, the facilitation of fact finding missions, and the administration of the legislation.

Stephen Wong of New Zealand made a presentation on New Zealand's experience in establishing national implementing legislation, highlighting that New Zealand had largely acted in accordance with what the ICRC would consider good practice and that New Zealand had been slower than some to ratify the Convention because of the importance it attached to having implementing legislation in place prior to formal acceptance of the Convention. In addition, Ada Cheung of Australia shared Australia's experience in taking administrative and other measures to prevent prohibited acts. These measures included the Department of Defence issuing a formal internal memorandum alerting all personnel to Australia's obligations under the Convention.

V. Practical means to comply with transparency reporting obligations

The Co-Chairs recalled that transparency measures help assure progress in the achievement of the Convention's core aims. Sophie Delfolie of the Implementation Support Unit of the GICHD made a presentation on this matter, explaining what States Parties are required to report and why transparency reporting is important, noting that initial and annual transparency reporting are legal obligations, that reporting clarifies for which States Parties key obligations are relevant, that annual reporting demonstrates individual States Parties' ongoing seriousness to the aims and objectives of the Convention and that aggregate annual reporting is an indicator of the overall health of the Convention. She also provided some suggestions on how States Parties in the Pacific could fulfill their reporting obligations, suggesting that two States Parties should use the standardized reporting format and that for other States Parties in the region reports could be prepared quickly and easily using a one-page short format.

VI. National responses to eliminating emplaced anti-personnel mines and dealing with the problems caused by other explosive remnants of war

Ambassador Stephan Nellen, Director of the GICHD, provided an overview of good practices in the establishment of a national mine clearance and explosive ordnance disposal response. He noted in particular the importance of national ownership, inter-ministerial coordination, legislation to assign and

clarify mandates and responsibilities, working in accordance with agreed standards, high quality information management, training, understanding socio-economic dynamics, risk reduction education and environmentally friendly approaches.

Kerry Brinkert, Manager of the Implementation Support Unit at the GICHD highlighted the breadth of the international legal framework aimed at addressing problems caused by anti-personnel and anti-vehicle mines, booby traps, other devices, unexploded ordnance and abandoned explosive ordnance. He observed that it is possible that a State may face problems with respect to some or all of items and that the field of *mine action* seeks to address the totality of challenges faced. He also observed that regardless of the nature of the challenge faced, States may need assistance and there are others in a position to provide it.

Captain Arnold Vira of the Vanuatu Paramilitary Forces made a presentation on Vanuatu's challenges with abandoned explosive ordnance. He indicated that, while Vanuatu may not have a problem with anti-personnel mines, this does not minimize the problems it faces with ordnance that remain from the Second World War, particularly with respect to the threat posed to human life and the economic development of Vanuatu. He expressed the need for proper survey techniques and disposal methods, training and gathering of information from those who may know what was disposed of on the territory of Vanuatu.

VII. Towards universal acceptance of the Convention in the Pacific

Marvin Ngirutang of Palau provided an update on Palau's process towards accession to the Convention, noting the need to ensure that Palau could both comply with Convention obligations and fulfill bilateral treaty responsibilities with a State not party to the Convention. Finau Heuitanga Limuloa of Tonga indicated that the fact that Tonga is in a period of national mourning and that reconstruction is the country's top priority would make rapid accession difficult. Nevertheless, she felt that there was some scope for progress given the useful information that had been shared at the workshop.

VIII. An overview of current issues in the life of the Convention

Kerry Brinkert, Manager of the AP Mine Ban Convention Implementation Support Unit at the GICHD provided an overview of the status of the Convention and the States Parties' 2005-2009 work programme. It was noted that while tremendous progress has been made towards the fulfilment of the Convention's promise to put an end to the suffering and casualties caused by anti-personnel mines, great challenges remain. It was also noted that the Convention's States Parties find themselves in the middle of a five year period between the Convention's first and second review conferences – a period when the States Parties are trying to achieve additional progress through the application of the *Nairobi Action Plan 2005-2009*.

IX. Practical ways to overcoming implementation and participation challenges

Justus Okoko of the UNDP made a presentation on the UNDP's role in State capacity building and how this applies to the UNDP's support to States' mine action efforts. In addition, the Director of the GICHD, Sophie Delfolie of the ISU and Chris Harwood of the ICRC all provided summaries of the services they could provide to assist Pacific States in overcoming implementation and participation challenges.

X. Lessons from the AP Mine Ban Convention for other relevant instruments / issue areas

Chris Harland of the ICRC provided an overview of other humanitarian, arms control or disarmament instruments which may pose similar implementation and participation challenges for small States. He highlighted in particular the role and objectives of the ICRC's Advisory Service as well as the myriad of tools that the Advisory Service has made available to address challenges in implementing a wide range of instruments. In addition, Ada Cheung of Australia highlighted the particular case of the Chemical Weapons Convention and what steps should be taken to ensure full implementation.

XI. Co-Chairs' conclusions

The Co-Chairs expressed their pleasure that the workshop met, if not exceeded, their expectations. At the same time, the Co-Chairs noted the importance of follow-up actions to ensure that the workshop would

not be an end in itself but rather a starting point for States in this region to address challenges on an ongoing basis. In this regard, the Co-Chair's concluded the following:

- The Co-Chairs recalled that competing priorities and legislative demands as well as a perceived lack of relevance may present challenges in proceeding with accession to the Convention in the region. Equally, though, the Co-Chairs noted that the obligations of the Convention are relatively light and that a great deal of assistance is available both during the accession process and during implementation. In this regard, the Co-Chairs encouraged States in the region that are not parties to the Convention to initiate or continue with accession processes. They highlighted that the November 2007 Eighth Meeting of the States Parties may be a good opportunity to announce progress made in, or the completion of, accession processes.
- The Co-Chairs recalled the repeated mention of the value of Pacific Islands Forum meetings to promote the universalization and implementation of the Convention and encouraged follow-up in this regard. They concluded that initiatives to do so should be State-led, drawing upon, as necessary, the wealth of expert resources that are available.
- The Co-Chairs highlighted the value of the Implementation Support Unit of the GICHD as means providing all States, big or small, with support and assistance. They encouraged States in the region to make use of the ISU as an information source and a point of contact for all matters of concern related to the Convention.
- In particular, the Co-Chairs encouraged follow-up by States Parties in the region with the ISU with a view to seeing that these States would bring themselves up to date with their reporting obligations. In this regard, the Co-Chairs recalled the short reporting format which is intended to reduce the reporting burden on small States Parties. The Co-Chairs also encouraged States Parties in the region in a position to do so to provide assistance to the one neighbouring State Party which has not yet submitted an initial transparency report.
- The Co-Chairs recalled that ministries with few staff, combined with numerous legislative demands, may make the establishment of national implementing legislation a low priority. Equally, though, the Co-Chairs reminded participants of the relative simplicity of the type of legislation required to give effect to the AP Mine Ban Convention, the existence of the ICRC's model law for common law States as a guide, and the valuable legal advisory services offered by the ICRC. The Co-Chairs encouraged follow-up with the ICRC with a view to progress being made in the establishment of national legislation in time for subsequent Meetings of the States Parties to the Convention.
- The Co-Chairs noted that while the host country indicated that it does not necessarily have obligations under the Convention to fulfil concerning destroying stockpiled or emplaced anti-personnel mines, it does have a problem with abandoned explosive ordnance which pose threats to human life and economic development. It was noted that States in the region that face such problems or problems with unexploded ordnance may need assistance. In this regard, the Co-Chairs recalled that a variety of actors could be called upon to assist, including the GICHD, the UNDP and other States.
- Finally, the Co-Chairs observed that the workshop had succeeded in again raising awareness in the region of the devastating humanitarian impact of anti-personnel mines and the efforts that have been undertaken in the context of the AP Mine Ban Convention to address these problems. They recalled that while PIF Member States largely had been spared the scourge of this weapon, ongoing efforts were required to ensure a mine-free status in this region and to eliminate the problem in other areas of the world.

Finally, the Co-Chairs expressed their commitment to share with the rest of the Convention community, at the Convention's Eighth Meeting of the States Parties (8MSP) in Jordan from 18 to 22 November 2007, both the outcomes of the workshop as well as the progress in the pursuit of the Convention's aims which may have resulted between the time of the workshop and the 8MSP.