

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



Overview of the Convention's core aims, its status and its relevance for the Pacific

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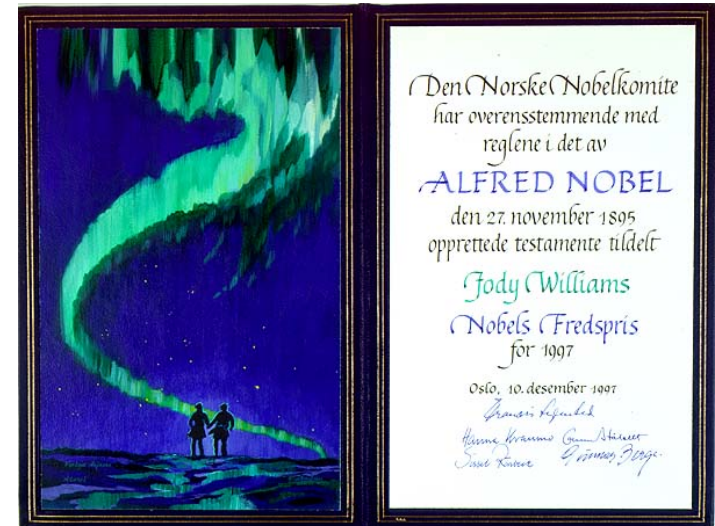
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AP Mine Ban Convention – basic facts

- ❑ Adopted 18 Sept. 1997 in Oslo. Opened for signature 3 Dec. 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



Addressing existing suffering



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



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 1 May 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 1 May 2007):

Armenia	Micronesia, F.S. 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	Syria
Kuwait	Tonga
Kyrgyzstan	Tuvalu
Laos	UAE
Lebanon	USA
Libya	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.



Destroying stockpiled anti-personnel mines

- **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.



Destroying stockpiled anti-personnel mines

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

- ❑ **Afghanistan**
- ❑ **Belarus**
- ❑ **Burundi**
- ❑ **Cyprus**
- ❑ **Ethiopia**
- ❑ **Greece**
- ❑ **Indonesia**
- ❑ **Serbia**
- ❑ **Sudan**
- ❑ **Turkey**
- ❑ **Ukraine**





Clearing mined areas

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.”
- “shall 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.”
- “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.”



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.



Clearing mined areas

45 States Parties reporting the need to fulfil mine clearance obligations:

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





Assisting the victims

- 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.





Assisting the victims

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 risk education programs
 - mine clearance / related activities
 - stockpile destruction

- **“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!

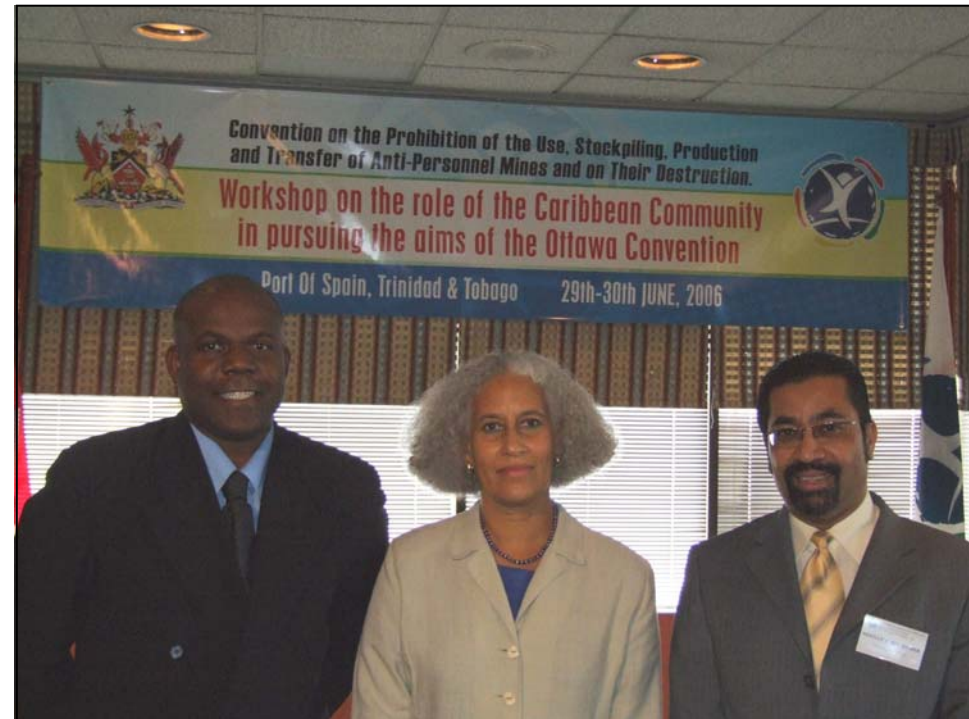


The ISU provides advice and support to States Parties in ensuring that they can fulfill their reporting requirements, maintains up to date information on the status of reporting under Article 7 of the Convention, and maintains hard copies of every report submitted in the context of Article 7 obligations.



Ensuring compliance

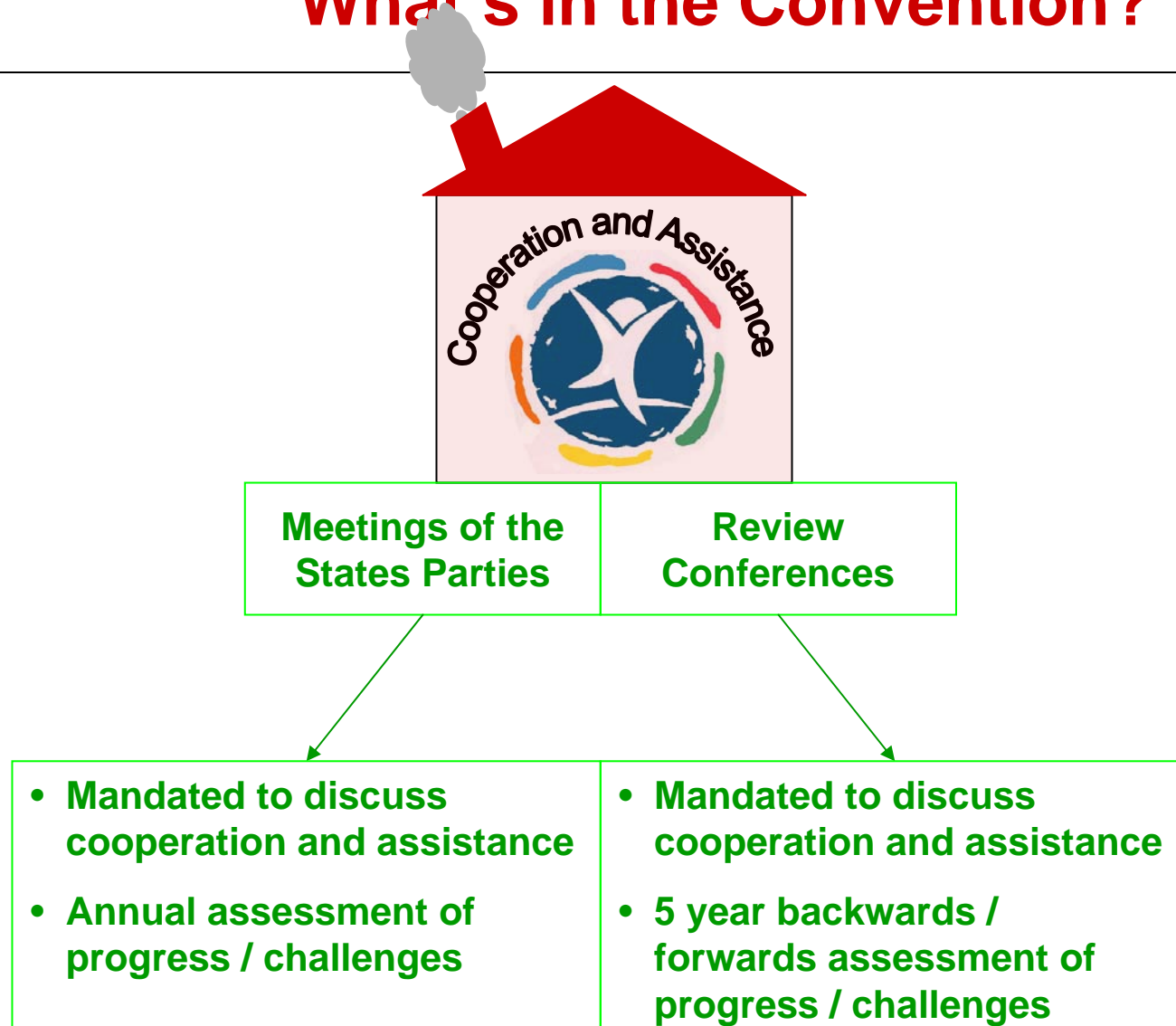
- ❑ **The primary responsibility for ensuring compliance with the Convention rests with each individual State Party.**
- ❑ **Each State Party must take appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress prohibited activities.**
- ❑ **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.

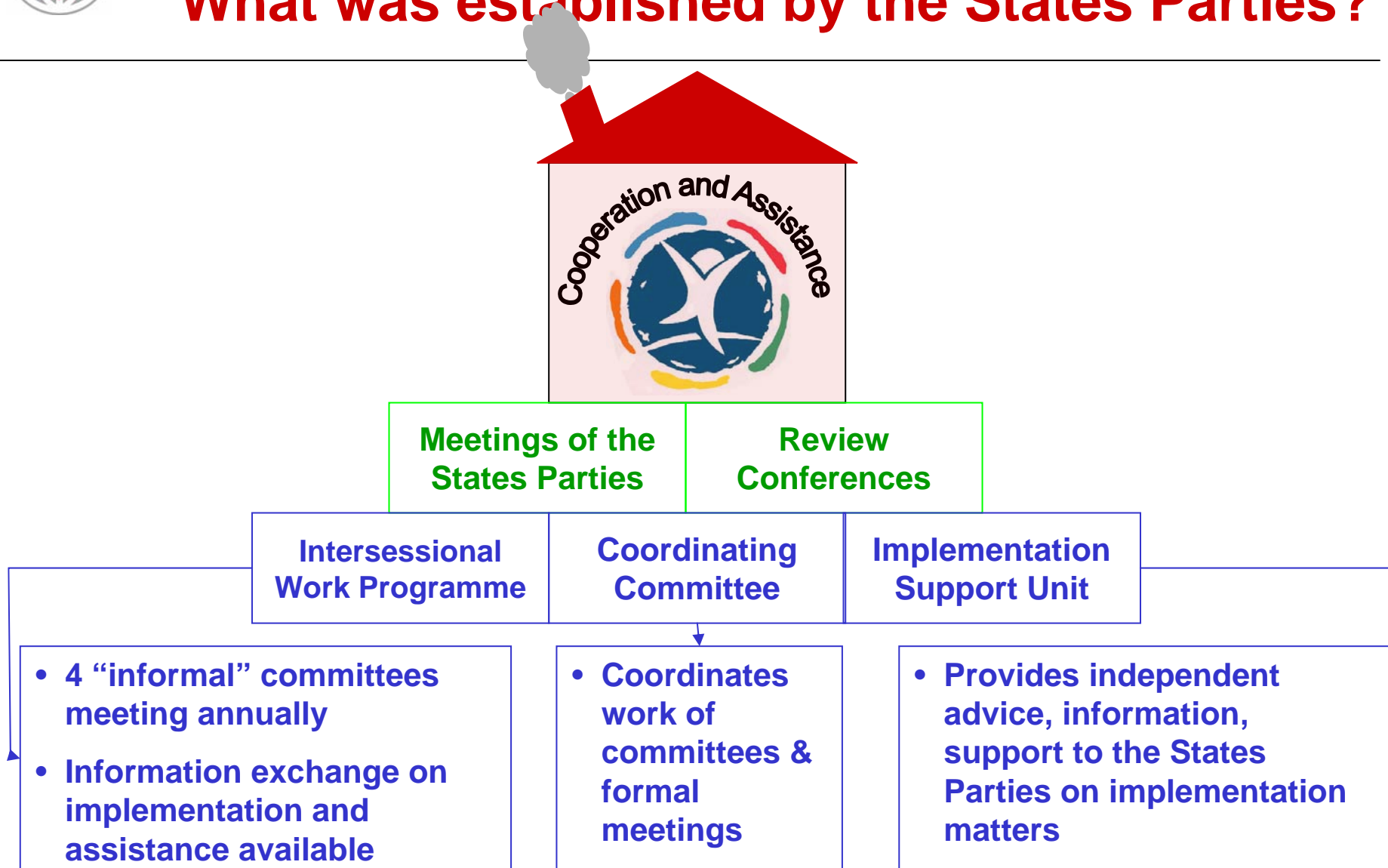


Implementation support to make it all work: What's in the Convention?





Implementation support to make it all work: What was established by the States Parties?





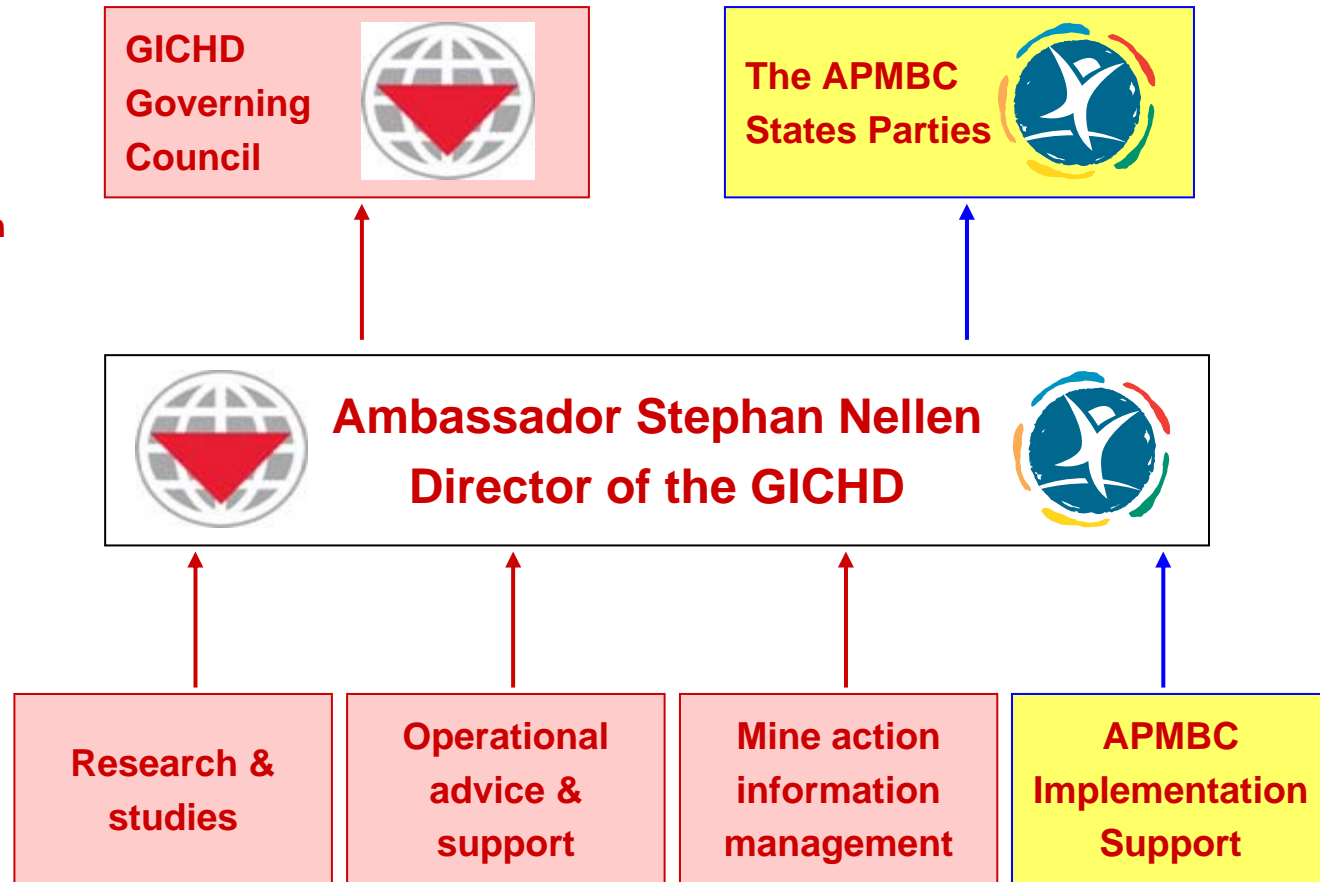
Implementation support to make it all work: What has emerged informally?





The ISU: What it is...

- A part of the GICHD but a part whose existence flows from an international mandate provided by a community of States.
- An independent support to the States Parties and to the Convention more generally; Responsive and responsible to the States Parties.
- Provides independent 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.





AP Mine Ban Convention: Relevance for the Pacific

Universalization:

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

Ensuring a mine-free future:

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

Legislation:

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

Transparency:

- One Party in the region has not yet provided an initial report as required.
- Several States Parties in the region have not provided updated transparency reports.

Clearing mined areas:

- One Party in the region has indicated that it has obligations to destroy emplaced anti-personnel mines.
- Several UXO-affected States in the region may benefit from lessons learned in Convention implementation.

Contributions to the work of the Convention:

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

	Universal acceptance: Has not yet joined the Convention	Article 9: Has not yet indicated that it has legislation sufficient to give effect to the Convention	Article 7.1: Has not yet provided an initial transparency report	Article 7.2: Did not provide an annual updated transparency report in 2006	Article 4: Needs to confirm that is has no stockpiled mines requiring destruction	Article 5: Has indicated that there may be anti-personnel mines in mined areas	UXO problems: Reportedly affected by other explosive remnants of war	Participation: Has no Permanent Mission in Geneva	Pacific Islands Forum membership
Cook Islands		X	X		X			X	X
Fiji		X		X				X	X
Kiribati				X			X	X	X
Marshall Islands	X	N/A	N/A	N/A	N/A	N/A	X	X	X
Micronesia, FS of	X	N/A	N/A	N/A	N/A	N/A		X	X
Nauru		X		X				X	X
Niue		X		X				X	X
Palau	X	N/A	N/A	N/A	N/A	N/A	X	X	X
Papua New Guinea				X			X	X	X
Samoa				X				X	X
Solomon Islands		X		X			X	X	X
Tonga	X	N/A	N/A	N/A	N/A	N/A		X	X
Tuvalu	X	N/A	N/A	N/A	N/A	N/A	X	X	X
Vanuatu		X				X		X	X



AP Mine Ban Convention: Possible objectives for the Pacific

Universalization:

- States not parties in the region start accession processes.
- States Parties in the region make use of PIF meetings to promote universalization.

Ensuring a mine-free future:

- States in the region are aware of who to contact to seek information on / assistance with obligations.

Legislation:

- States Parties in the region take steps towards establishment of implementing legislation.

Transparency:

- States Parties in the region are aware of easy way to prepare and submit annual reports.
- States Parties in the region bring themselves up to date with reporting obligations.
- A commitment is made to engage the one State Party in region that has not submitted initial report.

Clearing mined areas:

- Vanuatu clarifies the nature of the challenge it faces.
- UXO / AXO-affected States in the region know who to contact for assistance.

Contributions to the work of the Convention:

- Pacific-Pacific efforts identified to support the Convention on an ongoing basis.



Thank you!

