

**PRELIMINARY OBSERVATIONS
COMMITTEE ON COOPERATIVE COMPLIANCE
(Iraq, Panama, Poland, Sudan, Switzerland)
Intersessional Meetings
30 June – 2 July**

PART 1: Introduction

Purpose and mandate of the Committee

The purpose of the Committee on Cooperative Compliance is to assist the States Parties in acting upon their commitment under Article 8.1 of the Anti-Personnel Mine Ban Convention to work together in a spirit of cooperation to facilitate compliance in a supportive and amicable manner.

At the Fourth Review Conference the mandate of the Committee has been expanded to:

- Address all matters under Article 1.2 in cases where a State Party has not submitted an Article 7 Report detailing progress in implementing relevant obligations each year.
- Support States Parties in their efforts to implement and report on matters contained in Article 9 of the Convention.
- Encourage the States Parties to submit annual Article 7 reports.
- Review relevant information provided by the States Parties on the implementation of the commitments contained in the Oslo Action Plan.
- Consider matters related to gender and the diverse needs and experiences of people in affected communities in every aspect of its work.

Activities and general observations of the Committee

1. The initial meeting of the Committee in 2020 took place on 10 January 2020 to begin the Committee's work of engaging in a cooperative dialogue with those States Parties concerned by allegations of use of anti-personnel mines.
2. On 3 March 2020, the Committee wrote to all States Parties to encourage the submission of Article 7 reports detailing progress in implementation of their relevant obligations under the Convention.
3. On 2 April 2020, the Committee met with the ICRC to discuss matters related to National Legislation under Article 9 of the Convention and Action #50 of the Oslo Action Plan and area of possible cooperation in support of States Parties and in accordance with the Committee's mandate.
4. Taking advantage of the presence of delegations in Geneva, on 12 February 2020, the Committee met with representatives of Sudan, Ukraine and Yemen to discuss matters related to their specific situation concerning allegations of mine use. The Committee also used the opportunity to recall Action #3 of the Oslo Action Plan encouraging them to provide information in their Article 7

Reports on how they integrate gender and take the diverse needs and experiences of people in affected communities into account in implementation of the Convention.

5. Likewise, on 11 February 2020 the Committee met with the International Campaign to Ban Landmines (ICBL) and Human Rights Watch (HRW) in order to receive input from civil society with regard to compliance matters. The Committee also met with delegates from UNMAS.
6. The Committee was grateful for the engagement of representatives from Sudan, Ukraine and Yemen and values their willingness to meet with the Committee on a permanent basis. The Committee also values the important contribution of civil society to the work of the Committee.
7. On 13 May 2020 the Chair of the Committee sent a letter to Ukraine to encourage the provision of further information to the Committee concerning matters related to Article 9 of the Convention in line with Action #50 of the Oslo Action Plan.

PART 2: Observations on States Parties with alleged of non- compliance

8. Article # 48 of the Oslo Action Plan indicates that “in the event of alleged or known non-compliance with the general obligations under Article 1, the State Party concerned will provide information on the situation to all States Parties in the most expeditious, comprehensive and transparent manner possible” and that “it will work together with other States Parties in a spirit of cooperation to resolve the matter in an expeditious and effective manner, in accordance with Article 8.1.”
9. On the basis of its deliberations and of the cooperative engagement with concerned States Parties, the Committee wishes to share the following background and status of engagement with States where there have been allegations of use of mines:

Sudan

10. Claims with regard to allegations of the use of anti-personnel mines in Sudan– both by the Sudanese Armed Forces (SAF) and by the Sudan People’s Liberation Army – North (SPLA-N) surfaced in 2011 and 2012. Sudan has been engaged in a dialogue with the Committee on Cooperative Compliance since December 2014 regarding these allegations. Sudan has repeatedly underlined that it complies fully with the Convention and has opened investigations to clarify several allegations that concern the areas of Toroji, Higleg, Jabalko, Heiban, and Belila. While Sudan was able to provide to the Committee an investigative internal report for Higleg, which came to the conclusion that no new anti-personnel mines were laid, it reports not being able to access the other areas where allegations have arisen due to the security situation.
11. On 1 February 2016, Sudan provided to the Committee two investigation reports on the alleged use of anti-personnel mines by the Sudanese Army. The investigations were conducted in the Kilemo district of Kadugli (South Kordofan) and in the Baleela region (West Kordofan) in October 2015 and concluded that the Sudanese Army observed the obligations under the Convention and that no new anti-personnel mines were laid.
12. As in previous years, Sudan reported to the Committee that investigations continue to be prevented due to the security situation. Sudan has reported that allegations in the regions of Heiban, Jabalko and Troji need to be investigated once the security situation permits. Sudan further expressed that the ongoing peace process may provide an opportunity to carry out investigations.

13. In its Article 7 report submitted in 2020, Sudan indicated that despite the challenges that are opportunity given the efforts the government of Sudan is exerting to achieve comprehensive peace and the support of partners such as UNMAS and other. Sudan further reported that during 2019 access to South Kordofan and Blue Nile state has improved.

Observations

14. The Committee appreciates Sudan's engagement with the Committee and looks forward to engaging further with Sudan over the course of this year in the lead up to the Eighteenth Meeting of the States Parties (18MSP).

15. The Committee welcomes that Sudan is continuing to act upon Action #48 of the Oslo Action Plan which indicates that "In the event of alleged or known non-compliance with the general obligations under Article 1, the State Party concerned will provide information on the situation to all States Parties in the most expeditious, comprehensive and transparent manner possible. It will work together with other States Parties in a spirit of cooperation to resolve the matter in an expeditious and effective manner, in accordance with Article 8.1."

16. The Committee observed that it would welcome continued updated information on the security situation in the remaining areas where allegations have surfaced and where Sudan indicated security presents an impediment to investigations. The Committee encourages Sudan to continue working with all partners in order to ensure that investigations can take place as soon as possible.

Ukraine

17. The claims of use of anti-personnel mines in Ukraine relate to the documentation of alleged presence of various types of anti-personnel mines (PFM, MON and OZM series) on Ukrainian territory since early 2014, without clear determination as to the parties responsible for such use. Ukraine has engaged in a dialogue with the Committee since May 2015 regarding these allegations and has stressed that it complies fully with the Convention. Ukraine has reiterated that its Armed Forces are authorised to use mines only in command-detonated mode (through electrical initiation), which is not prohibited by the Convention.

Observations

18. The Committee appreciates Ukraine's past and current engagement in continued dialogue and exchange of information concerning allegations. Following engagement with Ukraine over the past years and engagement with civil society concerning allegations of use, the Committee has come to the conclusion that there was no reason to maintain this case on the agenda of the Committee at this stage.

19. The Committee also recalls Action #50 of the Oslo Action Plan which requests "Any State Party that has not yet fulfilled its obligations under Article 9 of the Convention will urgently take all appropriate legal, administrative and other measures to implement those obligations and report on the measures taken no later than by the Twentieth Meeting of the States Parties." The Committee would welcome Ukraine updating the Committee on this matter.

Yemen

20. Through an Official Communiqué on 17 November 2013, Yemen acknowledged and confirmed allegations of use of anti-personnel mines by the Republican Guard Forces in the area of Wadi Bani Jarmoz, near Sana'a, in 2011. Since then, Yemen has provided to the States Parties an interim

report (29 March 2014) and a final report (15 January 2015), in accordance with its commitment made at the Twelfth Meeting of the States Parties, to inform States Parties on (a) the status and outcome of Yemen's investigation; (b) the identification of those responsible for deploying anti-personnel mines, and subsequent measures taken; (c) information on the source of the anti-personnel mines and how those mines were obtained, particularly given that Yemen had long ago reported the destruction of all stockpiles; (d) the destruction of any additional stockpiles discovered and the clearance of the mined areas in question; and (e) actions to prevent and suppress any possible future prohibited activities undertaken by persons or on territory under its jurisdiction or control. According to these reports and to information provided to the Committee, internal investigations were opened and referred to a military tribunal in order to consider and verify the evidence. However, according to Yemen, these procedures were subsequently halted due to internal security, political and technical restraints

21. In July 2015, new allegations of the use of anti-personnel mines in the provinces of Aden, Abyan, and Lahij surfaced. Media reports referred to declarations made by both mine action officials and health officials. At the Fourteenth Meeting of the States Parties, Yemen informed that it has been made aware by the media of the use of anti-personnel mines in the centre and south of the country where battles are taking place. Yemen further informed that the locations of these mines remain unclear and affirmed that one of the Government's priorities is to collect evidence to provide specific information on the allegations.
22. Yemen further informed the Committee that there is anti-personnel mine contamination in the centre of the country, the south (Aden) and possibly the east near the governorate of Taiz. Yemen indicated that due to the conflict these mined areas cannot be visited.
23. Yemen indicated to the Committee that the current security situation, lack of capacity and lack of information has made it impossible to carry out the pending investigations. Yemen indicated that it was also difficult to acquire reliable information on the source of anti-personnel mines being used in Yemen. Yemen indicated that, at the moment, efforts to attain accountability have been side-lined by pressing humanitarian priorities to provide mine risk education to the population, carry out clearance activities and provide victim assistance. Yemen indicated that one of the ongoing efforts is to implement the emergency response plan and integrate mine action efforts "within the UN" to facilitate implementation of the Convention.
24. In addressing the intersessional meetings on 9 June 2017, Yemen reiterated that the mines being identified in Yemen were illicitly transferred into the country. Yemen also indicated that it hopes to be able to submit conclusions of a fact-finding mission undertaken and determine accountability in response to the allegations and stated its readiness to answer any questions and keeping the Committee informed.

Observations

25. The Committee appreciates Yemen's engagement with the Committee and looks forward to engaging further with Yemen over the course of the year in the lead up to the 18MSP.
26. The Committee welcomes Yemen acting upon Action #48 of the Oslo Action Plan which indicates that "In the event of alleged or known non-compliance with the general obligations under Article 1, the State Party concerned will provide information on the situation to all States Parties in the most expeditious, comprehensive and transparent manner possible. It will work together with other States Parties in a spirit of cooperation to resolve the matter in an expeditious and effective manner, in accordance with Article 8.1."

27. The Committee observed that it would welcome continued updated information on the security situation and efforts made by Yemen to carry out investigations on allegations and on the transfer and use of mines within areas under its jurisdiction or control.

PART 3: Review relevant information provided by the States Parties on the implementation of the commitments contained in the Oslo Action Plan.

28. **Action #49** indicates that “State Party implementing obligations in particular under Article 4 or 5, or retaining or transferring mines in line with Article 3 that has not submitted an Article 7 report detailing progress in implementing these obligations each year will provide in close cooperation with the ISU an annual update on the status of implementation in line with Article 7 and will provide information to all States Parties in the most expeditious, comprehensive and transparent manner possible” and that “if no information on implementing the relevant obligations for two consecutive years is provided, the President will assist and engage with the States Parties concerned in close cooperation with the relevant Committee.”

The Committee observed that as of 15 June:

- Of the 3 States Parties implementing **Article 4** obligations, one State Party did not submit an Article 7 Report in 2020.
- Of the 33 States Parties implementing **Article 5** obligations, thirteen (13) State Parties have not submitted an Article 7 Report in 2020.
- Of the 66 States Parties retaining mines under **Article 3**, thirty-eight (38) States Parties have not submitted an Article 7 Report in 2020. (See Annex I - **Status of implementation of Article 7**).

29. **Action #50** indicates that “any State Party that has not yet fulfilled its obligations under Article 9 of the Convention will urgently take all appropriate legal, administrative and other measures to implement those obligations and report on the measures taken no later than by the Twentieth Meeting of the States Parties.”

At the start of the Fourth Review Conference, it was recorded that 72 States Parties had reported, as required by Article 7, paragraph 1 a), having adopted legislation in accordance with Article 9, that 38 States Parties considered existing laws to be sufficient and that 54 States Parties, as of 15 June, have not reported having adopted legislation or that they considered existing laws to be sufficient in the context of Article 9.

In 2020, only 6 of the 53 States Parties that have not yet reported having either adopted legislation in the context of Article 9 obligations or that they consider that existing laws are sufficient to give effect to the Convention submitted a transparency report in accordance with Article 7. (see Annex I Status of implementation of Article 7)

Since the Fourth Review Conference **Iraq** indicated that it considers existing laws to be sufficient.

There are now 72 States Parties that have reported that they have adopted legislation in the context of Article 9 obligations and 39 States Parties that have reported that they consider existing

national laws to be sufficient to give effect to the Convention. The remaining 53 States Parties have not yet reported having either adopted legislation in the context of Article 9 obligations or that they consider that existing laws are sufficient to give effect to the Convention. (See Annex II National implementation measures - Status as of 15 June 2020)

Annex I - Status of implementation of Article 7

In accordance with Article 7 of the Convention, States Parties have to submit an initial report to the Secretary-General of the United Nations providing information on the Convention obligations that are relevant to them. The information provided in accordance Article 7 has to be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.

Of the 164 States Parties to the Convention, 116 still have obligations to fulfil under the Convention and one State Party has to confirm which obligations of the Convention are relevant through the submission of an initial transparency report. 47 States Parties no longer have obligations but for the submission of updated information in accordance with Article 7.2.

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| 1. Algeria | 18. Kiribati | 35. Panama |
| 2. Andorra | 19. Kuwait | 36. Papua New Guinea |
| 3. Australia | 20. Latvia | 37. Paraguay |
| 4. Austria | 21. Lesotho | 38. Poland |
| 5. Belize | 22. Liechtenstein | 39. Portugal |
| 6. Brazil | 23. Lithuania | 40. Qatar |
| 7. Burkina Faso | 24. Luxembourg | 41. St Kitts and Nevis |
| 8. CAR | 25. Malaysia | 42. St Vincent & the
Grenadines |
| 9. Chile | 26. Malta | 43. Samoa |
| 10. Cook Islands | 27. Mauritius | 44. Seychelles |
| 11. Costa Rica | 28. Mexico | 45. Switzerland |
| 12. Estonia | 29. Moldova | 46. Timor Leste |
| 13. Fiji | 30. Monaco | 47. Trinidad and
Tobago |
| 14. Guatemala | 31. Montenegro | |
| 15. Holy See | 32. New Zealand | |
| 16. Hungary | 33. North Macedonia | |
| 17. Iceland | 34. Norway | |

Convention Article	States Parties due to report annually	States Parties that submitted a report in 2020	States Parties that have not yet submitted a report in 2020	Percentage of States Parties that have not submitted an Article 7 report detailing progress in the obligation OAP#49
Article 3	Angola, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Congo, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Eritrea, Finland, France, Gambia, Germany, Greece, Guinea Bissau, Honduras, Indonesia, Iraq, Ireland, Italy, Japan, Jordan, Kenya, Mali, Mauritania, Mozambique, Namibia, the Netherlands, Nicaragua, Nigeria, Oman, Peru, Romania, Rwanda, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Tanzania, Togo, Tunisia, Turkey, Uganda, Ukraine, Venezuela (Bolivarian Republic of), Yemen, Zambia and Zimbabwe. (66 States Parties)	Angola, Belgium, Cambodia, Croatia, Czech Republic, Finland, Gambia, Germany, Greece, Iraq, Ireland, Japan, Jordan, the Netherlands, Oman, Peru, Romania, Serbia, Slovakia, Slovenia, Spain, Sudan, Sweden, Tunisia, Turkey, Ukraine, Yemen and Zimbabwe. (28 States Parties). ¹	Bangladesh, Belarus, Benin, Bhutan, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Canada, Cape Verde, Congo, Côte d'Ivoire, Cyprus, Denmark, Djibouti, Ecuador, Eritrea, France, Guinea Bissau, Honduras, Indonesia, Italy, Kenya, Mali, Mauritania, Mozambique, Namibia, Nicaragua, Nigeria, Rwanda, Senegal, South Africa, Sri Lanka, Tanzania, Togo, Uganda, Venezuela (Bolivarian Republic of) and Zambia. (38 States Parties)	57.5%
Article 4	Greece, Sri Lanka, Ukraine (3 States Parties)	Greece and Ukraine (2 States Parties)	Sri Lanka (1 State Party)	33%
Article 5	Afghanistan, Angola, Argentina, Bosnia and Herzegovina, Cambodia, Chad, Colombia, Croatia, Cyprus, Democratic Republic of the Congo, Ecuador, Eritrea, Ethiopia, Iraq, Mauritania, Niger, Nigeria, Oman, Peru, Senegal, Serbia, Somalia, South Sudan, Sri Lanka, State of Palestine, Sudan, Tajikistan, Thailand, Turkey, Ukraine, United Kingdom, Yemen and Zimbabwe. (33 States Parties)	Angola, Argentina, Cambodia, Colombia, Croatia, Ethiopia, Iraq, Oman, Peru, Serbia, South Sudan, Sudan, Tajikistan, Thailand, Turkey, Ukraine, United Kingdom, Yemen and Zimbabwe. (19 States Parties)	Afghanistan, Bosnia and Herzegovina, Chad, Cyprus, Democratic Republic of the Congo, Ecuador, Eritrea, Mauritania, Niger, Nigeria, Senegal, Somalia, Sri Lanka and the State of Palestine. (13 States Parties)	40.6%
Article 9	Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brunei Darussalam, Cameroon, Cape Verde, Comoros, Congo, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Eritrea, Eswatini, Gabon, Gambia, Ghana, Grenada, Guinea, Guyana, Haiti, Jamaica, Liberia, Madagascar, Malawi, Maldives, Nauru, Nigeria, Niue, Palau, Palestine, State of, Philippines, Rwanda, Saint Lucia, San Marino, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, South Sudan, Sri Lanka, Suriname, Togo, Turkmenistan, Tuvalu, Uganda, Ukraine, Uruguay and Vanuatu. (53 States Parties)	Brunei Darussalam, Gambia, South Sudan, Uruguay and Ukraine. ² (5 States Parties)	Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Benin, Bolivia, Botswana, Cameroon, Cape Verde, Comoros, Congo, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Eritrea, Eswatini, Gabon, Ghana, Grenada, Guinea, Guyana, Haiti, Jamaica, Liberia, Madagascar, Malawi, Maldives, Nauru, Nigeria, Niue, Palau, Palestine, State of, Philippines, Rwanda, Saint Lucia, San Marino, Sao Tome and Principe, Sierra Leone, Solomon Islands, Somalia, Sri Lanka, Suriname, Togo, Turkmenistan, Tuvalu, Uganda and Vanuatu. (48 States Parties)	90.5%

¹ The Gambia, Oman and Serbia submitted reports in 2020 but these reports did not contain information on Article 3. While Indonesia has not yet submitted a report in 2020, it provided information on anti-personnel mines retained under Article 3 at the Fourth Review Conference.

² The Gambia submitted a report in 2020 but it did not contain information on national implementation measures.

Annex II - National implementation measures - Status as of 15 June 2020

A. 72 States Parties that have reported that they have adopted legislation in the context of Article 9 obligations

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| 1. Afghanistan | 25. Fiji | 50. Niger |
| 2. Albania | 26. Finland | 51. Norway |
| 3. Australia | 27. France | 52. Oman |
| 4. Austria | 28. Germany | 53. Panama |
| 5. Belarus | 29. Guatemala | 54. Paraguay |
| 6. Belgium | 30. Honduras | 55. Peru |
| 7. Belize | 31. Hungary | 56. St Kitts and Nevis |
| 8. Bosnia and Herzegovina | 32. Iceland | 57. St Vincent & the Grenadines |
| 9. Brazil | 33. Ireland | 58. Senegal |
| 10. Bulgaria | 34. Italy | 59. Serbia |
| 11. Burkina Faso | 35. Japan | 60. Seychelles |
| 12. Burundi | 36. Jordan | 61. South Africa |
| 13. Cambodia | 37. Kenya | 62. Spain |
| 14. Canada | 38. Kiribati | 63. Sudan |
| 15. Chad | 39. Latvia | 64. Sweden |
| 16. Colombia | 40. Liechtenstein | 65. Switzerland |
| 17. Cook Islands | 41. Luxembourg | 66. Timor Leste |
| 18. Costa Rica | 42. Malaysia | 67. Trinidad and Tobago |
| 19. Croatia | 43. Mali | 68. Turkey |
| 20. Cyprus | 44. Malta | 69. United Kingdom |
| 21. Czech Republic | 45. Mauritania | 70. Yemen |
| 22. DRC | 46. Mauritius | 71. Zambia |
| 23. Djibouti | 47. Monaco | 72. Zimbabwe |
| 24. El Salvador | 48. New Zealand | |
| | 49. Nicaragua | |

B. 39 States Parties that have reported that they consider existing laws to be sufficient in the context of Article 9 obligations

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| 1. Algeria | 22. Mozambique |
| 2. Andorra | 23. Namibia |
| 3. Angola | 24. Netherlands |
| 4. Argentina | 25. North Macedonia |
| 5. Bhutan | 26. Papua New Guinea |
| 6. Central African Republic | 27. Poland |
| 7. Chile | 28. Portugal |
| 8. Côte d'Ivoire | 29. Qatar |
| 9. Denmark | 30. Republic of Moldova |
| 10. Estonia | 31. Romania |
| 11. Ethiopia | 32. Samoa |
| 12. Greece | 33. Slovakia |
| 13. Guinea Bissau | 34. Slovenia |
| 14. Holy See | 35. Tajikistan |
| 15. Indonesia | 36. Thailand |
| 16. Iraq | 37. Tunisia |
| 17. Kuwait | 38. United Republic of Tanzania |
| 18. Lesotho | 39. Venezuela |
| 19. Lithuania | |
| 20. Mexico | |
| 21. Montenegro | |

C. 53 States Parties that have not yet reported having either adopted legislation in the context of Article 9 obligations or that they consider existing laws to be sufficient

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| 1. Antigua and Barbuda | 19. Gabon | 37. Rwanda |
| 2. Bahamas | 20. Gambia | 38. St. Lucia |
| 3. Bangladesh | 21. Ghana | 39. San Marino |
| 4. Barbados | 22. Grenada | 40. Sao Tome and Principe |
| 5. Benin | 23. Guinea | 41. Sierra Leone |
| 6. Bolivia | 24. Guyana | 42. Solomon Islands |
| 7. Botswana | 25. Haiti | 43. Somalia |
| 8. Brunei Darussalam | 26. Jamaica | 44. South Sudan |
| 9. Cameroon | 27. Liberia | 45. Sri Lanka |
| 10. Cape Verde | 28. Madagascar | 46. Suriname |
| 11. Comoros | 29. Malawi | 47. Togo |
| 12. Congo | 30. Maldives | 48. Turkmenistan |
| 13. Dominica | 31. Nauru | 49. Tuvalu |
| 14. Dominican Republic | 32. Nigeria | 50. Uganda |
| 15. Ecuador | 33. Niue | 51. Ukraine |
| 16. Equatorial Guinea | 34. Palau | 52. Uruguay |
| 17. Eritrea | 35. Palestine | 53. Vanuatu. |
| 18. Eswatini | 36. Philippines | |