
**Meeting of the States Parties to the Convention
on the Prohibition of the Use, Stockpiling,
Production and Transfer of Anti-Personnel
Mines and on Their Destruction**

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**Operation and status of the Convention. Presentation, reporting,
discussion and decision with regard to: Conclusions and recommendations
related to the mandate of the Committee on Cooperative Compliance**

**Activity report and observations and conclusions of the
Committee on Cooperative Compliance¹**

**Submitted by the Committee on Cooperative Compliance (Belgium,
Algeria, Canada, Chile and the Netherlands)**

I. Introduction

1. 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 (APMBC) to work together in a spirit of cooperation to facilitate compliance in a supportive and amicable manner.

II. Activities

2. In order to fulfill this objective, the Committee has been meeting on a regular basis since September 2014. Part of the meetings consisted of internal deliberations, while another part of the meetings was aimed at engaging in a cooperative dialogue with those States Parties confronted with allegations of use of anti-personnel mines within their respective territories.

3. During its internal deliberations, the Committee recalled past instances of alleged use of anti-personnel mines that had been documented by the States Parties, assessed the credibility of these allegations and the value of follow-up on them, and gave similar consideration to more recent allegations of the use of anti-personnel mines within the territories of States Parties.

4. Also during its internal deliberations, the Committee took stock of the working methods it has developed over time and considered the possibility of informally listing some good practices in order to better streamline the Committee's work and to create more

¹ Late submission.



continuity given the regular turnover of the members. Issues which were debated relate to the decision to take on a case, the preferred order of proceedings, the idea of identifying an indicative set of questions which could be used as openers for new cases, the structure of the reports of the Committee, what to do in case of a conflict of interest, and the Committee's relations with civil society.

5. The Committee also had several meetings with representatives of States Parties confronted with allegations of use of anti-personnel mines within their respective territories. The Committee also reached out to the International Campaign to Ban Landmines (ICBL) in order to receive input from civil society with regard to these issues.

6. More specifically, on 11-12 December 2014 the Committee met with representatives of Turkey, Sudan and Yemen. On 18 February 2015, the Committee met with representatives of ICBL. On 28 May 2015, the Committee held follow-up meetings with representatives of Sudan and Turkey and met for the first time with representatives of Ukraine. On 26 June 2015 during the Intersessional meetings the Committee furthermore had the opportunity to meet with representatives of the UNMAS office in South Sudan. On 31 August 2015 the Committee met with the representatives of Sudan again and with a representative of ICBL. Lastly, on 29 September 2015 the Committee met for the first time with a representative of South Sudan.

III. Observations and Conclusions

7. On the basis of its deliberations and of the cooperative engagement with concerned States Parties, the Committee wishes to share the following observation and conclusions:

Yemen

8. 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.

9. In July 2015 new allegations of 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. The Committee invited Yemen to meet in a letter dated 15 September 2015. In its response Yemen replied that due to the difficult circumstances the government is facing, it is not able to conduct an investigation for the moment on these new allegations and that due to the lack of adequate information it was unable to attend the meeting.

10. The Committee welcomes the constructive exchange of views with Yemen and remains ready to engage, in particular with regard to the new allegations.

Sudan

11. 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 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 reported not being able to access the other areas where allegations have arisen due to the security situation in these areas.

12. In the written update sent to the Committee as a follow up to the meeting of 31 August 2015 Sudan stressed that it does not stockpile nor does it manufacture mines. With regard to the allegations of the existence of mines in some areas of Southern Kordofan and Blue Nile, Sudan stated that these mines may have been planted by rebel movements in areas under the rebels’ control. A fact finding committee was unable to reach Jabalko due to heavy rain, the difficulty of movement and lack of security, therefore the National Mine Action Committee is scheduled to visit the area in November 2015.

13. In the same update Sudan also reiterated that the biggest obstacle to the implementation of mine action programs in general relates to the security situation in the regions of Blue Nile and South Kordofan. The National Mine Action Committee focuses its mine action activities in post-conflict areas such as Eastern Sudan and Darfur, but there is no work in the Blue Nile and South Kordofan because of the challenging security situation.

14. Sudan would furthermore welcome support in all areas related to mine action, especially capacity building. Sudan also called for support from the international community to assist its National Mine Action Committee to redouble its efforts in order to achieve full compliance with the terms of the Convention and remove all mines in Sudan’s conflict zones by its 1 April 2019 extended deadline to implement its mine clearance obligations under the Convention.

15. The Committee appreciates the commitment of Sudan to enter into an interactive dialogue. Regular meetings have taken place, and the Committee noted Sudan’s reiteration of its willingness to comply (with its Convention commitments?).

Ukraine

16. 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 engaged in a dialogue with the Committee in May 2015 regarding these allegations, and stressed that it complies fully with the Convention. Ukraine reiterated furthermore that its Armed Forces are authorized to use MON-series and OZM-72 mines only in command-detonate mode (through electrical initiation), which is not prohibited by the Ottawa Convention. Moreover, Ukraine underlined that it would welcome further international assistance to address its large and growing contamination challenge.

17. Ukraine made a declaration on this issue during the Intersessional Meetings in June 2015 and has been standing by its declaration since, indicating that there are no new elements to add.

18. The Committee welcomes the detailed information Ukraine provided during the Intersessional Meetings and remains ready to engage.

South Sudan

19. The Committee considered allegations about South Sudan's compliance with the Convention's prohibitions contained in Article 1.1 of the Convention. These allegations concerned the deployment of anti-personnel mines by the Government of South Sudan's Forces in the area around Nassir in the Upper Nile state and stem from the "Summary of Latest Reports of Violations of the Cessation of Hostilities Agreement (COHA) Investigated and verified by the IGAD Monitoring and Verification Mechanism in South Sudan from 1 March 2015 to 16 March 2015".

20. In May 2015 South Sudan informed the Committee in writing that its national army has not possessed anti-personnel mines since 2008. The government also indicated that due to insecurity the concerned area was difficult to access and that this hindered mine action activities. This was confirmed by representatives of the UNMAS office in South Sudan who also indicated that the security situation made it difficult to conduct investigations into alleged mine use.

21. Since then the situation has evolved. During a meeting on 29 September 2015 a representative of South Sudan expressed hope that the peace agreement signed on 26 August 2015 would lead to an amelioration of the security situation in the states of Unity, Jonglei and Upper Nile and that this would pave the way for mine clearance and, therefore, facilitate investigation of allegations. It was noted however that given the vast land area that needs to be cleared the operations might take a considerable amount of time. The Committee was also informed that the Ministry of Defense also decided to set up a commission to investigate the allegations of mine use in these areas.

22. The Committee values the fact that South Sudan is sharing information and welcomes the announcement that South Sudan is establishing a committee to investigate the allegations. The Committee looks forward to continuing the dialogue on a regular basis.

Turkey

23. The allegations with regard to Turkey relate to two incidents which date back to April 2009 and to one incident of 1 May 2013. Turkey has been engaged in a dialogue with the Committee since December 2014 regarding these allegations.

24. Concerning the first allegation, media reports claimed that documents reportedly belonging to the 23rd Gendarmerie Command appeared to indicate that members of the Turkish Armed Forces planted M2A4 anti-personnel mines in Turkey's southeastern province of Sirnak on 9 April 2009. Turkey had already reported in 2013 that a detailed investigation had concluded that there had not been an explosion and that the registry of the Turkish Armed Forces showed that the mines in question had been destroyed before the end of 2009, together with other stockpiles. In a letter dated 13 October 2015 Turkey reconfirmed this information.

25. In April 2009, an explosion claimed the lives of six Turkish soldiers in the Cukurca Province, which was alleged to have been caused by an anti-personnel mine. The delegation of Turkey since clarified to the States Parties and to the Committee that this explosion was caused by an unexploded mortar and/or improvised explosive device and that a Brigadier General of the Turkish Armed Forces was convicted of causing death and injury by negligence and sentenced to 6 years and 8 months of imprisonment by the Turkish General Staff Military Court (a sentence which was confirmed upon appeal). Turkey provided the Committee with supporting documentation in a letter dated 18 June 2015.

26. In May 2013, Turkey indicated that it was aware of news in the Turkish press regarding an explosion on 1 May 2013 and that the allegation was currently being investigated. The Committee was informed in writing on 4 May 2015 that the investigation

had concluded that the source of the explosion of 1 May 2013 was an improvised explosive device which had been planted by a non-state actor. This conclusion was formally documented by an expert report prepared by the forensic division of the Gendarmerie General Command, which was translated into English and communicated to the Committee.

27. The Committee appreciates the willingness of Turkey to engage into a continued dialogue, share information and clarify the situation with regard to the mentioned allegations. In view of the information received from Turkey, the Committee concluded not to further pursue examination of the allegations.

28. The Committee also reviewed the credibility of media reports from March 2015 of an anti-personnel landmine explosion in northeastern Tunisia. In view of previous incidents in this region involving the use of improvised explosive devices by non-state actors, the Committee decided that there was no reason to consider that the matter is within its purview at this stage. In this regard, the Committee observed that explosions of unknown sources are often reported in the media as anti-personnel mines explosions, which is conducive to the proliferation of allegations and complicates the work of the Committee.
