

PART II

ACHIEVING THE AIMS OF THE NAIROBI ACTION PLAN: THE ZAGREB PROGRESS REPORT

Presented by Austria and Croatia

Introduction

1. On December 3, 2004 at the First Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (hereinafter “the Convention”) the States Parties adopted the *Nairobi Action Plan 2005-2009*. In doing so, the States Parties “reaffirmed their unqualified commitment to the full and effective promotion and implementation of the Convention,” and their determination “to secure achievements to date, to sustain and strengthen the effectiveness of cooperation under the Convention, and to spare no effort to meet (their) challenges in universalizing the Convention, destroying stockpiled anti-personnel mines, clearing mined areas and assisting the victims.”¹

2. The *Nairobi Action Plan*, with its 70 specific action points, lays out a comprehensive framework for the period 2005-2009 for achieving major progress towards ending, for all people for all time, the suffering caused by anti-personnel mines. In doing so, it underscores the supremacy of the Convention and provides the States Parties with guidance in fulfilling their Convention obligations. To ensure the effectiveness of the *Nairobi Action Plan* as a means of guidance, the States Parties acknowledge the need to regularly monitor progress in the pursuit of the aims of the *Nairobi Action Plan* and to identify challenges that remain. Hence, pursuant to ideas proposed by the Austrian President of the First Review Conference and Croatia in its capacity as designated presidency of the Sixth Meeting of the States Parties, the States Parties – in their customarily inclusive and transparent manner – have developed the *Zagreb Progress Report*.

3. The purpose of the *Zagreb Progress Report* is to support the application of the *Nairobi Action Plan* by measuring progress made during the period 3 December 2004 to 2 December 2005. While all 70 points in the *Nairobi Action Plan* remain equally important and should be acted upon, the *Zagreb Progress Report* aims to highlight priority areas of work for the States Parties, the Co-Chairs and the Convention’s President in the period between the Sixth and the Seventh Meetings of the States Parties. It could be considered as the first in a series of annual progress reports prepared by the States Parties in advance of the 2009 Second Review Conference.

I. Universalizing the Convention

¹ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Introduction.

Status at the close of the First Review Conference

4. At the close of the First Review Conference, 143 States were parties to the Convention.² Moreover, according to the International Campaign to Ban Landmines (ICBL), two-thirds of the States that had **produced** anti-personnel mines prior to the opening for signature of the Convention had become parties to the Convention, accepting to never again produce anti-personnel mines.

5. An additional three States not parties – Finland, Israel and Poland – had ceased production, and several others had not produced anti-personnel mines for several years, including Egypt, the Republic of Korea and the United States of America. In addition, the International Campaign to Ban Landmines (ICBL) had indicated that the legal global trade in anti-personnel mines had effectively come to a halt and that the use of anti-personnel mines was limited to very few States not parties, indicating a widespread acceptance of the Convention's norm of non-use. However, the First Review Conference also recorded that, according to the ICBL, since the Convention entered into force, 11 States not parties had used anti-personnel mines and that 15 States not parties continued to produce anti-personnel mines or have not produced mines for some time but retained the capacity to do so.³

6. Despite great progress towards universal adherence, as of 3 December 2004, 51 States had not yet ratified or acceded to the Convention, including 8 of the Convention's signatories: Brunei Darussalam, the Cook Islands, Haiti, Indonesia, the Marshall Islands, Poland, Ukraine and Vanuatu. The rate of adherence was particularly low in Asia, the Middle East and amongst the members of the Commonwealth of Independent States (CIS).

7. The First Review Conference recorded that challenges to universalization included: that while a compelling case has been made regarding how the terrible humanitarian consequences that result from anti-personnel mine use greatly outweigh their limited military utility, some States not parties continue to claim that anti-personnel mines are necessary; that others have linked the possibility of accession to the Convention to the resolution of a territorial, regional or internal dispute or conflict; that one State not party, Ukraine, had indicated that assistance for the destruction of its large stockpile of anti-personnel mines must be in place before it would be in a position to join the Convention; that while some States have joined the Convention notwithstanding the fact that armed non-State actors engage in acts prohibited by the Convention in their sovereign territory, one State not party, Sri Lanka, has suggested that accession to the Convention may be linked to an end to the use of anti-personnel mines by an armed non-State actor in its sovereign territory; that some States with no objections to the Convention remain outside it simply because ratification or accession to it is one of many competing priorities for scarce administrative resources; and, that accession to the Convention may not be possible on the part of States that do not have functioning or recognized government in place. The First Review Conference also noted that “while universalization of the Convention itself means adherence to it

² The First Review Conference recorded 144 States as having ratified, accepted, approved or acceded to the Convention, with the 144th State being Ethiopia. After the First Review Conference it was noted that technical procedures regarding the deposit of Ethiopia's instrument of ratification were not completed until 17 December 2004.

³ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 6-8 and 12.

by all States, universal acceptance of the Convention's norms is impeded by armed non-State actors that continue to use, stockpile, and produce anti-personnel mines."⁴

Nairobi Action Plan

8. To assure progress in overcoming these challenges, in the *Nairobi Action Plan* the States Parties decided to: call on those States that have not yet done so to accede to the Convention as soon as possible; persistently encourage those signatories of the Convention that have not yet done so to ratify it as soon as possible; attach particular priority to States not parties that continue to use, produce, or possess large stockpiles of anti-personnel mines, or otherwise warrant special concern; accord particular importance to promoting adherence in regions where the level of acceptance of the Convention remains low; seize every appropriate opportunity to promote adherence to the Convention in bilateral contacts, military-to-military dialogue, peace processes, national parliaments, and the media; and, actively promote adherence to the Convention in all relevant multilateral fora, including the UN Security Council, UN General Assembly, assemblies of regional organizations and relevant disarmament bodies.⁵ As well, the States Parties accepted that they will "continue promoting universal observance of the Convention's norms, by condemning, and taking appropriate steps to end the use, stockpiling, production and transfer of anti-personnel mines by armed non-State actors."⁶

Actions taken and progress made

9. Since the First Review Conference, a number of universalization initiatives have been undertaken by States Parties, regional organizations, the United Nations, the International Committee of the Red Cross (ICRC), the ICBL and others in a manner that is consistent with the States Parties' commitment to "encourage and support involvement and active cooperation in these universalization efforts by all relevant partners."⁷ On 1 March 2005, the President of the First Review Conference wrote to all States not parties, urging them to ratify or accede to the Convention. He reiterated this appeal in his 3 March 2005 statement to the Conference on Disarmament and in doing so he was joined by the representatives of 10 other States Parties. On 5-6 May 2005 Canada, the Coordinator of the Universalization Contact Group, co-sponsored the *Seminar on Removing Landmines* in Tripoli with a view to raising understanding of the Convention by Libya. On 7 June 2005 the Organization of American States (OAS) adopted a resolution which reaffirmed "the goals of the global elimination of anti-personnel mines and the conversion of the Americas into an anti-personnel-mine-free zone" and which urged member States of the OAS which have not yet done so to ratify or consider acceding to the Convention as soon as possible.⁸ On 16 June 2005, the European Parliament convened a *Landmines Information Day* to promote progress towards a mine-free world and on 7 July it adopted a resolution which in part called on all States that have not yet done so to ratify or accede to the Convention without

⁴ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 14-18.

⁵ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Actions #1 to #6.

⁶ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #7.

⁷ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) action #8.

⁸ Organization of American States General Assembly resolution # AG/RES. 2142 (XXXV-O/05), *The Americas as an Anti-Personnel-Land-Mine-Free Zone*.

delay.⁹ On 5-6 October 2005, the Organisation for Security and Cooperation and Europe (OSCE) co-hosted, in Georgia, the regional workshop *Confidence Building and Regional Cooperation through Mine Action*. The workshop was organized by the International Trust Fund for Demining and Mine Victims Assistance (ITF) and sponsored by Canada, the Netherlands and Slovenia.

10. A number of States Parties have acted in accordance with their commitment to “seize every appropriate opportunity to promote adherence to the Convention,” thus indicating that universalization is a matter that is relevant for all States Parties.¹⁰ In addition, the ICBL continued vigorous promotion of the Convention, which included visits to Azerbaijan, Bahrain, China, Georgia, Indonesia, the Libyan Arab Jamahiriya, Mongolia and Singapore. As well, the ICRC continued to encourage adherence by States not parties in the context of its bilateral contacts with those States, national and regional meetings aimed at promoting adherence to and implementation of international humanitarian law treaties, and in other international fora. Moreover, in November 2005 all components of the International Movement of the Red Cross and Red Crescent were called upon to encourage all States to adhere to the Convention.¹¹ As well, the United Nations engaged a high-level advisor to discuss the provisions of the Convention with a number of States not parties. The United Nations also hosted a treaty event in New York in September 2005 at which States were encouraged to deposit instruments of ratification of or accession to the Convention. Vanuatu availed itself of this opportunity.

11. In keeping with the Nairobi Action Plan’s emphasis on regions where the level of adherence to the Convention remains low,¹² the Coordinator of the Universalization Contact Group sought to identify regional facilitators in Asia, the Middle East and amongst the member States of the CIS. These facilitators engage States Parties from their respective regions on the margins of Convention meetings to discuss ways in which they will promote universalization among States not parties within their regions.

12. Important progress has been made in increasing adherence to the Convention since the First Review Conference. Instruments of ratification were deposited by **Ethiopia** on 17 December 2004 and by **Vanuatu** on 16 September 2005, and, instruments of accession were deposited by **Latvia** on 1 July 2005 and by **Bhutan** on 18 August 2005. There are now 147 States which have deposited instruments of ratification, acceptance, approval or accession with the Convention having entered into force for 144 of these States.¹³ A list of these States can be found in Annex I.

13. Several other States not parties have completed or have made significant progress in their internal processes towards ratification or accession: **Ukraine’s** concerns about requiring resources for stockpile destruction appear to have been addressed thanks to the European Union and thus it has announced that it in May 2005 it completed its internal procedures for the ratification of the Convention. In June 2005, the Deputy Prime Minister of the Transitional Federal Government of **Somalia** reiterated that Somalia will accede to the Convention as soon as

⁹ European Parliament resolution # P6_TA-PROV(2005)0298, *A world without landmines*.

¹⁰ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #5.

¹¹ Council of Delegates Resolution on Weapons and International Humanitarian Law, CD 2005 – DR 6/2 (Seoul, 16 November 2005), paragraph 1.

¹² *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #4.

¹³ The Convention enters into force for Latvia on 1 January 2006 and for Bhutan on 1 February 2006.

possible. In October 2005, **Haiti** completed its internal ratification of the Convention and **Palau** stated its intent to accede to the Convention at the Sixth Meeting of the States Parties. In addition, in October 2005, the **Indonesian** President has given the approval for the drafting of the law to ratify the Convention which will involve the Ministry of Defence and the Ministry of Foreign Affairs and onward transmission to the First Commission of the Indonesian Parliament. As well, the Executive Branch of the **Federated States of Micronesia** completed its review of the Convention and intends to submit it to its national congress for internal ratification in 2005.

14. The *Nairobi Action Plan* makes mention of encouraging States not parties to abide by the Convention's provisions pending their adherence to it.¹⁴ Accordingly, while some States not parties are considering acceptance of the Convention, they have been encouraged to adopt interim measures that promote broader acceptance of the norm of the Convention, or demonstrate their commitment to humanitarian principles of it. Such interim measures can include: moratoria on the use, production and transfer of anti-personnel mines; voluntary destruction of stockpiled anti-personnel mines; mine clearance operations; the submission of voluntary transparency reports, according to Article 7 of the Convention; voluntary compliance with other Articles of the Convention; and, mine action projects jointly undertaken as confidence-building measures. Since the First Review Conference, **Poland** adopted such an interim measure by again submitting a voluntary transparency report on anti-personnel mines in accordance with the provisions of Article 7 of the Convention. **Sri Lanka** provided, on a voluntary basis, some of the information required in Article 7, although it did not submit information on stockpiled anti-personnel mines. While voluntary compliance with provisions of the Convention may be recognized as first steps towards ratification of or accession to it, such steps should not be used to postpone formal adherence.

15. According to the ICBL, since the First Review Conference three States not parties (Myanmar, Nepal and Russia) have used anti-personnel mines. In addition, the ICBL indicated that the United States, which has not produced anti-personnel mines since 1997, is due to make a decision in December 2005 on the production of a new weapon system that reportedly could function as an anti-personnel mine.

16. On 7 June 2005, the General Assembly of the Organization of American States condemned the use, stockpiling, production and transfer of anti-personnel mines by armed non-State actors and reaffirmed that progress toward a mine-free world will be facilitated if these actors observe the international norm established by the Convention.¹⁵ On 7 July 2005, the European Parliament called on armed non-State actors to sign the Geneva Call's *Deed of Commitment for Adherence to a Total Ban on Anti Personnel Mines and for Cooperation in Mine Action*.¹⁶ With respect to the *Deed of Commitment*, since the First Review Conference, two additional armed non-State actors – in Somalia and in Western Sahara – renounced the use of anti-personnel mines by signing the document. In addition, former armed non-State actors that signed the *Deed of Commitment* and which are now part of governments have played a leading role in the acceptance and implementation of the Convention by Burundi and Sudan, and are doing the same in Somalia. Challenges remain, however, in that some key armed non-State

¹⁴ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #5.

¹⁵ Organization of American States General Assembly resolution # AG/RES. 2142 (XXXV-O/05), *The Americas as an Anti-Personnel-Land-Mine-Free Zone*.

¹⁶ European Parliament resolution # P6_TA-PROV(2005)0298, *A world without landmines*.

actors have been reluctant to renounce the use of anti-personnel mines and difficulties persist in monitoring compliance with the *Deed of Commitment* and in mobilisation the resources necessary to implement the *Deed of Commitment*.

17. Also in this context, as rights and obligations enshrined in the Convention and commitments in the Nairobi Action Plan apply to States Parties, some States Parties are of the view that when engagement with armed non-state actors is contemplated, States Parties concerned should be informed, and their consent would be necessary in order for such an engagement to take place.

Priorities for the period leading to the Seventh Meeting of the States Parties

18. Given the progress made in 2005, in the period leading to the next Meeting of the States Parties priorities should be as follows:

- (i) **All States Parties should direct specific efforts towards encouraging progress by those States not parties which have indicated that they could ratify or accede to the Convention in the near-term. As discussed by the Universalization Contact Group, these include: Bahrain, Brunei Darussalam, Indonesia, Iraq, Kuwait, the Federated States of Micronesia, Oman, Poland, Somalia and the United Arab Emirates.**
- (ii) **In keeping with Action #3 of the *Nairobi Action Plan*, all States Parties and those that share their aims should continue and increase universalization efforts that place a priority on those States not parties that produce, use, transfer and maintain large stockpiles of anti-personnel mines, including those developing new kinds of anti-personnel mines. In addition, efforts should continue to bring into the Convention those mine-affected States that have not yet ratified or acceded to the Convention.**
- (iii) **In accordance with Action #7 of the *Nairobi Action Plan*, efforts should continue to promote universal observance of the Convention's norms by condemning, and taking appropriate steps to end the use, stockpiling, production and transfer of anti-personnel mines by armed non-State actors.**

II. Destroying stockpiled anti-personnel mines

Status at the close of the First Review Conference

19. At the close of the First Review Conference 16 States Parties had still to achieve their obligation to destroy their stockpiled mines. While the number of States Parties for which stockpile destruction was relevant had been reduced to a small number, it was noted that several challenges remained, including that: the numbers of mines held by a few individual States Parties were high; the destruction of the PFM1 mine remained technically challenging; some States

Parties did not possess the financial means to destroy their stockpiles of anti-personnel mines; in some post-conflict or otherwise complex situations it might have been difficult to find and account for all stockpiled anti-personnel mines that were under the jurisdiction or control of a State Party; and, a small number of the States Parties with Article 4 obligations did not or might not have had control over their entire sovereign territories.¹⁷

Nairobi Action Plan

20. According to the *Nairobi Action Plan*, States Parties that have yet to complete their destruction programmes will: establish the type, quantity and, if possible, lot numbers of all stockpiled anti-personnel mines owned or possessed, and report this information as required; establish appropriate national and local capacities; strive to complete their destruction programmes if possible in advance of their four-year deadlines; and, make their problems, plans progress and priorities for assistance known in a timely manner.¹⁸

21. Also in the *Nairobi Action Plan*, States Parties in a position to do so committed to act upon their obligations to promptly assist States Parties with clearly demonstrated needs for support, and, support the investigation and further development of technical solutions to overcome the particular challenges associated with destroying PFM1 mines. As well, it was resolved that all States Parties will: when previously unknown stockpiles are discovered after stockpile destruction deadlines have passed, report such discoveries in accordance with their obligations under Article 7, take advantage of other informal means to share such information and destroy these mines as a matter of urgent priority; and, enhance or develop effective responses, including regional and sub regional responses, to meet requirements for technical, material and financial assistance for stockpile destruction and invite the cooperation of relevant regional and technical organizations in this regard.¹⁹

Actions taken and progress made

22. At the June 2005 meeting of the Standing Committee on Stockpile Destruction, the Co-Chairs announced a goal that, by the Sixth Meeting of the States Parties, stockpile destruction would remain an obligation for at most seven States Parties (Afghanistan, Belarus, Ethiopia, Greece, Serbia and Montenegro, Sudan and Turkey) and challenged seven States Parties (Algeria, Angola, Burundi, Cyprus, the Democratic Republic of Congo, Guinea-Bissau, Guyana) to complete destruction before the Sixth Meeting of States Parties. Algeria accepted this challenge, completing its destruction program on 21 November 2005 more than five months ahead of its deadline. In addition, Guinea-Bissau completed its destruction programme on 17 October 2005.

23. Of the 16 States Parties which at the close of the Review Conference had not yet completed the destruction of mines, 5 have since reported that their stockpile destruction programs are complete: Algeria, Bangladesh, Guinea Bissau, Mauritania, and Uruguay. Since the

¹⁷ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 26-30.

¹⁸ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Actions #9 - #12.

¹⁹ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Actions #13 - #16.

First Review Conference, four additional States – Bhutan, Ethiopia, Latvia and Vanuatu – joined the Convention and have accepted the obligation to destroy their stockpiles. Two of these – Bhutan and Vanuatu – have informally advised the Co-Chairs that they hold no stockpiles. Hence, the number of States Parties for which the obligation to destroy stockpiled anti-personnel mines remains relevant has been narrowed to include 13 States: Afghanistan, Angola, Belarus, Burundi, Cyprus, the Democratic Republic of the Congo, Ethiopia, Greece, Guyana, Latvia, Serbia and Montenegro, Sudan and Turkey.²⁰ Timelines for these States Parties to complete stockpile destruction in accordance with Article 4 is contained in Annex II.

24. As noted above, the *Nairobi Action Plan* calls upon States Parties in the process of destroying stockpiled anti-personnel mines to report, as required by Article 7, on the type, quantity and, if possible, lot numbers of all stockpiled anti-personnel mines owned or possessed.²¹ Of the remaining 13 States Parties with the obligation to destroy their stockpiles, all have reported such information since the First Review Conference with the exception of Afghanistan, Ethiopia, and Guyana. With respect to Afghanistan, it should be noted that it complied in 2005 with its obligation to provide a transparency report, noting, with respect to stockpiled anti-personnel mines, that it may need assistance in determining quantities and types of mines held.

25. In accordance with Action Item 15 of the *Nairobi Action Plan*, one State Party - Cambodia – reported, in 2005, on anti-personnel mines discovered after its deadline had passed and on the destruction of these 15,466 anti-personnel mines.

26. In accordance with the commitment made by States Parties to establish capacities to destroy their stocks,²² of the 13 remaining States Parties at least 7 (Afghanistan, Angola, Belarus, Cyprus, Greece, Serbia and Montenegro and Turkey) have indicated that they have made available or are acquiring the necessary resources and plans to destroy their stockpiles.

27. Pursuant to the commitment made to support the investigation and further development of technical solutions to overcome the particular challenges associated with destroying PFM1 mines,²³ much more is now known about this type of mine and solutions to its destruction are at hand.

28. At the June 2005 meeting of the Standing Committee on Stockpile Destruction, the Co-Chairs recognized technical issues associated with the destruction of artillery delivered anti-personnel mines (ADAM) which contain or may contain depleted uranium. This issue is of interest to at least two States Parties. Steps should be taken to enhance the understanding and identify difficulties associated with the destruction of ADAM.

²⁰ It should be noted that while it is understood that these 13 States Parties are the only States Parties which must still fulfill Article 4 obligations, an additional 6 States Parties not mentioned in this paragraph have never provided an initial Article 7 report as required to confirm informal indications that no stocks are held. These States Parties are: Cameroon, Cape Verde, Equatorial Guinea, Gambia, Guyana and Sao Tome and Principe. In addition, in coming months, Bhutan and Vanuatu will be required to submit initial Article 7 reports to confirm informal indications that no stocks are held.

²¹ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #9.

²² *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #10.

²³ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #14.

29. Additionally during the June 2005 meeting of the Standing Committee, it was highlighted that the States Parties must consider the subject of multi-function fuses and how inventories of this particular fuse could possibly be used to convert command detonated munitions to victim activated mines. At least one State Party holds this type of fuse in its inventory. The issue of multifunction fuses warrants further consideration to clarify the nature and scope of the problems associated with their destruction.

Priorities for the period leading to the Seventh Meeting of the States Parties

30. Given the progress made in 2005, in the period leading to the next Meeting of the States Parties priorities should be as follows:

- (i) **Efforts should continue, in accordance with Action #11 of the *Nairobi Action Plan*, to ensure that States Parties continue to strive to complete their destruction programmes if possible in advance of their four year deadlines.**
- (ii) **Given that some of the 13 States Parties for which stockpile destruction remains relevant lack necessary capacities, due attention must be given to continuing to overcome challenges identified by the First Review Conference, including that some States Parties do not possess the financial means to destroy their stockpiles of anti-personnel mines and that in some post-conflict or otherwise complex situations it may be difficult to find and account for all stockpiled anti-personnel mines that are under the jurisdiction or control of a State Party.²⁴**
- (iii) **Success and / or progress in pursuing the aims of the *Nairobi Action Plan* as they pertain to stockpile destruction should continue to be monitored, measured and discussed, particularly during the Intersessional Work Programme, in part to raise awareness in relevant States Parties of the need to establish and implement stockpile destruction programmes that are consistent with good safety and environmental practices, such as those outlined in International Mine Action Standards.**
- (iv) **Appropriate actions should be taken to ensure that those States Parties that have not reported their stockpile status in their Article 7 Transparency Reports do so in a timely manner.**
- (v) **Efforts should be made to raise awareness of the need to establish and implement stockpile destruction of mines belonging to armed non-State actors that have made a commitment to ban the use, stockpiling, production and transfer of anti-personnel mines.**

²⁴ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 28-29.

III. Clearing mined areas

Status at the close of the First Review Conference

31. In accordance with Article 5 of the Convention, States Parties must “make every effort to identify all areas under (their) jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced” and undertake “to destroy or ensure the destruction of all anti-personnel mines in mined areas under (their) jurisdiction or control, as soon as possible but not later than ten years after the entry into force of (the) Convention for (a particular) State Party.” The term “mined area” is defined in Article 2 of the Convention as “an area which is dangerous due to the presence or suspected presence of mines.” 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. It should be noted 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.

32. Clearance of all mined areas in accordance with Article 5 is part of the Convention’s overall comprehensive approach to ending the suffering and casualties caused by anti-personnel mines – “for all people, for all time.”²⁵ 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. The totality of the impacts caused by anti-personnel mines should be addressed in the context of the Convention. As of 3 December 2004, 50 States Parties had reported areas under their jurisdiction or control that contain, or are suspected to contain, anti-personnel mines. Four of these States Parties – Bulgaria, Costa Rica, Djibouti and Honduras – had indicated that they have completed implementation of Article 5.²⁶

33. With respect to the **identification of mined areas**, the First Review Conference both recorded significant methodological, organizational and operational advances, and, emphasized that “States Parties that have not yet done so need to act with urgency to ensure that every effort is made to identify all areas under their jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced” as required by Article 5.²⁷

34. With respect to **national planning and programme development**, on the one hand the First Review Conference noted that “many States Parties have proceeded in the development and implementation of national programmes to fulfil Article 5 obligations,” assisted in part by the development of the Information Management System for Mine Action (IMSMA) and the International Mine Action Standards (IMAS).²⁸ On the other hand, the First Review Conference

²⁵ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III), Introduction.

²⁶ The Final Report of the First Review Conference omitted to mention that Bulgaria had reported that it had areas under its jurisdiction or control in which anti-personnel mines were known or suspected to be emplaced and that it had subsequently reported that it had cleared these areas.

²⁷ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 37-40.

²⁸ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 42, 43 and 54. The IMSMA has been developed by the Geneva International Centre for Humanitarian Demining (GICHD). The GICHD also manages the development and updating of the IMAS on behalf of the UN.

was not able to record progress with respect to the national plans and demining programmes of several States Parties.²⁹

35. With respect to **marking and protecting mined areas**, the First Review Conference recorded that implementation of relevant obligations had been aided by relevant International Mine Action Standards. However, challenges noted included that fencing off large swathes of territory and maintaining fencing and markings are expensive propositions, that monitoring requires precious human resources, that communities in resource-deprived areas have often procured the fencing for their own day-to-day purposes and that ongoing instability in areas suspected of being mined and the absence of operational mine action structures affects implementation.³⁰

36. With respect to **mine risk education (MRE)**, the First Review Conference noted that this field has become more standardized and professional. However, challenges were also recorded, including that many States Parties do not have accurate data on populations at risk and that many States Parties need to integrate MRE programmes into broader relief and development activities and education systems.³¹

37. With respect to **mine action technologies**, the First Review Conference recorded that a variety of means have emerged for States Parties to exercise their right, under Article 6(2), “to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of (the) Convention”, and to fulfil their responsibility to facilitate such an exchange. In addition, the following challenges were recorded: the need for additional investments for close-in detection and area reduction; the need to focus on country or region-specific solutions; the need to maintain an appropriate level of technology in mine-affected States Parties, ensuring that it is affordable, sustainable and adaptable to local conditions; the need to ensure that developing new technologies does not overshadow productivity increases, which could be achieved with supplying existing technology; and, the need to further strengthen the relationship between end users of technology and those developing it.³²

Nairobi Action Plan

38. The *Nairobi Action Plan* emphasizes that successfully meeting the deadlines for clearing mined areas according to Article 5 of the Convention “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.”³³

39. To address this challenge, in the *Nairobi Action Plan*, the States Parties decided to “intensify and accelerate efforts to ensure the most effective and most expeditious possible fulfilment of Article 5 (1) mine clearance obligations in the period 2005-2009” and to “strive to ensure that few, if any, States Parties will feel compelled to request an extension in accordance

²⁹ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), Annex IV.

³⁰ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 45 and 47.

³¹ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 49 and 52.

³² *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 57 and 61.

³³ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III), paragraph 4.

with the procedure set out in Article 5, paragraphs 3-6 of the Convention.”³⁴ In addition, the States Parties that have reported mined areas under their jurisdiction or control, where they have not yet done so, committed to do their utmost to urgently identify all areas containing anti-personnel mines, urgently develop and implement national plans, and make their problems, plans, progress and priorities for assistance known.³⁵ As well, the States Parties resolved to “monitor and actively promote the achievement of mine clearance goals and the identification of assistance needs.”³⁶

40. In the *Nairobi Action Plan* States Parties that have reported mined areas under their jurisdiction or control, where they have not yet done so, accepted that they will do their utmost to: prioritize clearance of areas with highest human impact, provide mine risk education and increase efforts to perimeter-mark, monitor and protect mined areas awaiting clearance in order to ensure the effective exclusion of civilians, as required by Article 5 (2); and, ensure that mine risk education programmes are made available in all communities at risk, integrating such programmes into education systems and broader relief and development activities, taking into consideration age, gender, social, economic, political and geographical factors, and ensuring consistency with relevant International Mine Action Standards, as well as national mine action standards.³⁷

41. The States Parties resolved in the *Nairobi Action Plan* to strengthen efforts to enable mine-affected States Parties to participate in the fullest possible exchange of equipment, material and scientific and technological information, in part to further close the gap between end users of technology and those developing it; to share information on – and further develop and advance – mine clearance techniques, technologies and procedures; and, while work proceeds on developing new technologies, to seek to ensure an adequate supply and most efficient use of existing technologies.³⁸

42. The *Nairobi Action Plan* also contains a commitment on the part of the States Parties to “ensure and increase the effectiveness and efficiency of their efforts” in clearing mined areas.³⁹

Actions taken and progress made

43. Since the First Review Conference, Ethiopia – a State with areas under its jurisdiction or control that contain anti-personnel mines – ratified the Convention and Guatemala and Suriname indicated that they had fulfilled their obligations under Article 5. Hence, fulfilling obligations under Article 5 remains relevant for 46 States Parties. Timelines for these States Parties to complete clearance in accordance with Article 5 is contained in Annex III.

44. Regarding “(monitoring) and actively (promoting) the achievement of mine clearance goals and the identification of assistance needs,”⁴⁰ the Co-Chairs of the Standing Committee on

³⁴ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III), Actions #17 and #27.

³⁵ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III), Actions #18, #19 and #22.

³⁶ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III), Action #28.

³⁷ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III), Actions #20 and 21.

³⁸ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III), Actions #25 and #26.

³⁹ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III), Action #24.

⁴⁰ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III), Action #28.

Mine Clearance, Mine Risk Education and Mine Action Technologies set as their main objective for the Standing Committee to serve as a catalyst to “intensify and accelerate efforts” to fulfil Article 5 obligations. Each of the States Parties which has reported areas containing anti-personnel mines was invited to share information at the June meeting of the Standing Committee with 36 of these States Parties doing so. Based on presentations made by States Parties, reports submitted by them in accordance with Article 7, and other information that has been made available, it is possible to record progress and remaining challenges.

45. Since the First Review Conference, *landmine impact surveys* – a means of defining the landmine problem in terms of location and socio-economic impacts experienced by affected communities – have been completed in Afghanistan and have been underway in Angola and Ethiopia. It should be noted that as landmine impact surveys record areas according to the social and economic impacts experienced by affected communities, the total area recorded will be greater than the actual area in which anti-personnel mines are emplaced.

46. Reporting on identified mined areas should be facilitated by the IMSMA having been made available by the Geneva International Centre for Humanitarian Demining to mine action programmes in 29 relevant States Parties. However, more must be done by several States Parties to identify mined areas under their jurisdiction or control and to report this information as required. For instance, the First Review Conference recorded that “many States Parties have demonstrated that technical survey operations – rapidly verifying that parts of suspected hazardous areas are clear in order to focus manual deminers on areas actually containing mines – will be important in assuring the fulfilment of Article 5 obligations.”⁴¹ To help advance technical survey efforts, the GICHD announced that it will proceed with a technical survey and risk management study. This study aims to enable mine action programmes to streamline their area reduction processes and thus implement more effective use of scarce resources for demining.

47. Of the 46 States Parties which must still fulfil obligations under Article 5 of the Convention, 19 have provided details on national demining plans / programmes which are consistent with Article 5 obligations and the 10-year deadline set by the Convention.⁴² Five (5) have provided details on national demining plans / programmes which are not consistent with Article 5 obligations and / or the 10-year deadline set by the Convention. Seven (7) States Parties have provided details on national demining plans / programmes which are unclear regarding consistency with Article 5 obligations and / or the 10-year deadline set by the Convention. Eight (8) States Parties have indicated that efforts are underway to establish a national demining plan / programme or to acquire the necessary information to do so. Seven (7) States Parties have not provided details on a national demining plan / programme. Immediate action must be taken by several States Parties to develop and implement national demining programmes with a view to meeting their deadlines. In terms of the development and implementation of national plans and demining programmes, a summary of the status of progress reported over the past year can be found in Annex IV.

⁴¹ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 53.

⁴² It should be noted that some of the States Parties which have provided details on national demining plans / programmes which are consistent with Article 5 obligations and the 10-year deadline set by the Convention have made it clear that successfully implementing their plans will depend upon obtaining a reasonable amount of external support.

48. The United Nations has assisted a number of States Parties in establishing national plans and in making these plans publicly available on its E-Mine web site.⁴³ In addition, the Organization of American States has provided assistance in national planning to almost every State Party in the Americas which has reported anti-personnel mines in mined areas under its control or jurisdiction.

49. Since the First Review Conference, the following 18 States Parties have reported, as required, on measures taken to “ensure as soon as possible that all anti-personnel mines in mined areas under (their) 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:” Afghanistan, Cambodia, Chile, Croatia, Cyprus, Greece, Guinea Bissau, Jordan, Malawi, Mauritania, Nicaragua, Peru, Rwanda, Senegal, Turkey, United Kingdom, Yemen, and Zimbabwe. According to the ICBL, the same challenges noted by the First Review Conference concerning the fulfilment of this obligation have persisted since the Conference.⁴⁴

50. In addition, the following 26 States Parties have reported, as required, on “the measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5:” Afghanistan, Albania, Angola, Burundi, Cambodia, Chad, Chile, Colombia, Croatia, Democratic Republic of the Congo, Eritrea, Guatemala, Guinea Bissau, Jordan, Malawi, Mauritania, Mozambique, Nicaragua, Peru, Rwanda, Senegal, Thailand, Uganda, United Kingdom, Yemen and Zimbabwe.

51. According to the ICBL, important quantitative and qualitative gains have been made in risk reduction activities with more individuals receiving mine risk education (MRE), with 11 States Parties (Afghanistan, Angola, Bosnia and Herzegovina, Cambodia, Croatia, Eritrea, Ethiopia, Mozambique, Nicaragua, Sudan and Uganda) having increased the integration of MRE into broader mine action activities, and with 7 States Parties (Afghanistan, Bosnia and Herzegovina, Cambodia, Eritrea, Guinea-Bissau, Mozambique, and Uganda) now having integrated MRE into school curricula. In addition, UNICEF led a consultative process with other key stakeholders to create International Mine Action Standards (IMAS) for MRE. UNICEF, with the support of the Geneva International Centre for Humanitarian Demining (GICHD), has commenced work on comprehensive guidelines to support the implementation of these IMAS.

52. In follow-up to the relevant actions agreed to at the First Review Conference, Belgium continued in 2005 to convene an informal group of mine action technologies experts. This group of experts highlighted that a great deal of testing of existing equipment has been undertaken, particularly by the International Test and Evaluation Programme (ITEP). This has included tests on more than 20 vegetation cutters and flails, 30 metal detectors, 2 dual-sensor mine detectors, protective equipment, ground penetrating radar and vapour detectors. In addition, on the basis of presentations made by Japan and the GICHD, on 5 July 2005 the New York-based Mine Action Support Group held detailed discussions on advances in the field of mine action technologies.

⁴³ www.mineaction.org

⁴⁴ See paragraph 34.

53. With respect to “(ensuring) and (increasing) the effectiveness and efficiency of their efforts”⁴⁵ in clearing mined areas, since the First Review Conference, the IMAS Review Board, which is chaired by UNMAS with secretariat support provided by the GICHD, met, making amendments to 32 International Mine Action Standards. In addition, the United Nations Mine Action Service (UNMAS) has indicated it will analyse IMAS training needs, including among peacekeeping forces, in order to ensure that the IMAS are applied effectively. Furthermore, the Russian translation of all IMAS commenced in August 2005 and, with the support of the Organisation Internationale de la Francophonie (OIF), 12 IMAS have been translated into French.

54. While it is mentioned elsewhere in the Nairobi Action Plan, an emphasis on gender considerations is also important in the fulfilment of Article 5 obligations.⁴⁶ In this regard, since the First Review Conference, the United Nations has produced *Gender Guidelines for Mine Action Programmes* to help ensure that gender perspectives are incorporated into United Nations mine action programmes.

Priorities for the period leading to the Seventh Meeting of the States Parties

55. Given the progress made in 2005, in the period leading to the next Meeting of the States Parties priorities should be as follows:

- (i) **In keeping with action #18 of the Nairobi Action Plan, each State Party which has not yet identified all areas under its jurisdiction or control in which anti-personnel mines are known or are suspected to be emplaced should identify such areas as soon as possible and report this information as required.**
- (ii) **In keeping with action #19 of the Nairobi Action Plan, each State Party which has reported areas containing anti-personnel mines but which has not yet established a plan to clear these areas by its deadline should establish such a plan as soon as possible and share information on its plan and progress in implementing it, using mechanisms such as Article 7 reporting and the Intersessional Work Programme, and all States Parties shall ensure that their plans, and the implementation of them, are consistent with Article 5 obligations.**
- (iii) **Each actor which has professed its support for the Convention and which is assisting States Parties in developing a national plan to implement Article 5 should ensure that advice and assistance provided is consistent with and does not contradict or fall short of the obligations that States Parties have accepted under Article 5 of the Convention.**
- (iv) **In keeping with Action #20 of the Nairobi Action Plan, States Parties shall prioritize clearance of areas with highest human impact to significantly**

⁴⁵ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III), Action #24.

⁴⁶ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III), Action #35.

reduce risks to populations, at the same time bearing in mind that this is an intermediary step towards fulfilling Article 5 obligations to destroy all anti-personnel mines in mined areas under a State Party's jurisdiction or control.

- (iv) With a view to striving to ensure, as specified by action #27 of the Nairobi Action Plan, that few, if any, States Parties will feel compelled to request an extension in accordance with the procedure set out in Article 5, paragraphs 3-6 of the Convention, each State Party which has reported areas containing anti-personnel mines should make or acquire the financial and technical means available to clear mined areas, identify ways to address any circumstances which may impede its ability to conduct clearance, and share information on these matters using mechanisms such as Article 7 reporting and the Intersessional Work Programme.**
- (v) In cases where mine action is largely managed and conducted by foreign non-governmental organizations and / or international organizations, national ownership and local capacity development – which are more cost-effective and sustainable – should be accelerated through means such as the use of national demining experts and staff and the use, if appropriate in local contexts, of regular army units or demobilized combatants in demining.⁴⁷ In addition, in keeping with Action #24 of the Nairobi Action Plan, States Parties should continue using the International Mine Action Standards as a frame of reference to establish national standards and operating procedures.**
- (vi) Given the advances made in the field of mine risk education, a priority should be placed on applying the relevant International Mine Action Standards in keeping with Action #21 of the Nairobi Action Plan, particularly by ensuring that all clearance operations have a community liaison component as stipulated by these standards.**
- (vii) In accordance with actions #26 and #27 of the Nairobi Action Plan, States Parties should ensure an adequate supply and most efficient use of existing technologies to further integrate available technologies into clearance operations.**

IV. Assisting the victims

Status at the close of the First Review Conference

⁴⁷ This point has been underscored in the United Nations Inter-Agency Policy, *Mine Action and Effective Coordination*, which was endorsed on 6 June 2005, in which it is stated that “the primary responsibility lies with the government of the mine-affected State.”

56. The First Review Conference recorded that significant conceptual gains had been made during the period 1999-2004 with respect to the fulfilment of the States Parties' obligation to provide assistance for the care and rehabilitation, and social and economic reintegration of mine victims. One of the major advances made by the States Parties was to better understand the elements that comprise victim assistance.⁴⁸ While progress had been made in each area, significant challenges remained.

57. With respect to **understanding the extent of the challenge faced**, it was noted that many mine-affected States Parties still knew little about the prevalence of new victims, the numbers of survivors or their specific needs and that in many cases where data collection did occur national ownership over this matter had not yet been achieved. Hence it was recorded that many States Parties faced the challenge of enhancing their mine victim data collection capacities, integrating such systems into existing health information systems and ensuring full access to information.⁴⁹

58. With respect to **emergency and continuing medical care**, it was noted that for many mine-affected countries: there was a lack of trained staff, medicines, equipment and infrastructure to adequately respond to mine and other trauma injuries; the application of existing guidelines remained a challenge; there was a need to ensure that healthcare workers and lay-people in mine-affected areas were trained in emergency first-aid and that trauma surgeons and nurses received appropriate training; there was a need to enhance medical facilities, at a minimum, to meet basic standards; and, problems were posed by the proximity of services to mined areas and difficulties in transporting to these facilities those who require care.⁵⁰

59. With respect to **physical rehabilitation**, it was noted that major challenges for many States Parties were to: increase, expand access to and ensure the sustainability of national capacities; increase the number of trained specialists; provide rehabilitation services in mine-affected communities, ensuring that landmine victims have access to transportation to these services; and, engage all relevant actors to ensure effective coordination in advancing the quality of care and increasing the numbers of individuals assisted.⁵¹

60. With respect to **psychological support and social reintegration**, it was noted that a challenge for many States Parties was to increase national and local capacity, engaging all relevant actors and taking full advantage of the fact that landmine survivors themselves are resources who can act as constructive partners in programmes.⁵²

61. Concerning **economic reintegration**, it was noted that a challenge for many States Parties was to build and develop sustainable economic activities in mine-affected areas that would benefit not only those individuals directly impacted by mines and UXO but their communities. It was also noted that this challenge was profound given that economic reintegration of survivors must be seen in the broader context of economic development.⁵³

⁴⁸ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 69.

⁴⁹ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 71.

⁵⁰ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 72 and 73.

⁵¹ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 75.

⁵² *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 76.

⁵³ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 77.

62. Concerning the **establishment, enforcement and implementation of relevant laws and public policies**, it was noted that it remained challenging for many States Parties: to fully implement the provisions of existing legislation; to provide pensions that are adequate to maintain a reasonable standard of living; to ensure accessibility to public and private infrastructure; and, to further develop and implement plans to address the needs and rights of mine victims, and more generally to improve rehabilitation and socio-economic reintegration services for all persons with disabilities.⁵⁴

63. The First Review Conference highlighted that the problems faced by landmine victims are similar to the challenges faced by other persons with injuries and disabilities. Victim assistance does not require the development of new fields or disciplines but rather calls for ensuring that existing health care and social service systems, rehabilitation programmes and legislative and policy frameworks are adequate to meet the needs of all citizens – including landmine victims. However, it does require that a certain priority be accorded to health and rehabilitation systems in areas where landmine victims are prevalent.⁵⁵

64. The First Review Conference also highlighted that victim assistance responsibilities are most pertinent for – and hence these challenges are most profound in – 23 States Parties in which these States Parties themselves have indicated there likely are hundreds, thousands or tens-of-thousands of landmine survivors: Afghanistan, Albania, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Croatia, the Democratic Republic of the Congo, El Salvador, Eritrea, Guinea-Bissau, Mozambique, Nicaragua, Peru, Senegal, Serbia and Montenegro, Sudan, Tajikistan, Thailand, Uganda and Yemen.⁵⁶ With the ratification of the Convention by Ethiopia on 17 December 2004, this number now stands at 24.

Nairobi Action Plan

65. The *Nairobi Action Plan* provides that States Parties, particularly those with the greatest numbers of mine victims, will do their utmost to: develop or enhance national mine victim data collection capacities; establish and enhance health-care services needed to respond to the needs of mine victims; increase national physical rehabilitation capacity; actively support the socio-economic reintegration of mine victims; ensure that national legal and policy frameworks effectively address the needs and fundamental human rights of mine victims; and, ensure that, in all victim assistance efforts, emphasis is given to age and gender considerations and to mine victims who are subject to multiple forms of discrimination.⁵⁷ These actions constitute the basis for the States Parties' response in a concrete, measurable and meaningful way to the "vital promise for hundreds of thousand of mine victims around the world, as well as for their families and communities."⁵⁸

66. Ensuring that the 24 States Parties that have reported the responsibility for significant numbers of landmine survivors will be in a position to meet their objectives by 2009 will, in many cases, require outside assistance. This was recognized in the *Nairobi Action Plan*, which

⁵⁴ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 78 and 79.

⁵⁵ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 65.

⁵⁶ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 85.

⁵⁷ *Nairobi Action Plan* (APLC/CONF/2004/5) Actions #29 to #35.

⁵⁸ *Nairobi Action Plan* (APLC/CONF/2004/5) paragraph 5.

recorded the commitment that “States Parties in a position to do so will act upon their obligation under Article 6(3) to promptly assist those States Parties with clearly demonstrated needs for external support for care, rehabilitation and reintegration of mine victims, responding to priorities for assistance as articulated by those States Parties in need and ensuring continuity and sustainability of resource commitments.”⁵⁹

67. In the *Nairobi Action Plan*, the States Parties also resolved to “ensure effective integration of mine victims in the work of the Convention” and to “ensure an effective contribution in all relevant deliberations by health, rehabilitation and social services professionals,” inter alia by including such individuals on their delegations.⁶⁰

Actions taken and progress made

68. At the First Review Conference, it was noted that “while not forgetting the responsibilities to landmine victims wherever they may be, a greater emphasis must be placed on the fulfilment of the responsibilities to landmine victims by (the now 24 State Parties of the Convention which have indicated that they hold the responsibility to provide for the well-being of significant numbers of landmine survivors).”⁶¹ However, maximizing the *Nairobi Action Plan* as a basis for action on victim assistance requires a better understanding of what can or should be achieved by December 2009 by / in these 24 States.

69. It should be noted that what can or should be achieved by when and how will be different for each of these 24 States Parties with respect to each of the areas of victim assistance, given diversities in terms of numbers / characteristics of survivors, capacity, geography, etc. As the ultimate responsibility of meeting the needs of survivors rests with each of these States, they themselves must define what can or should be achieved (in concrete and measurable terms) and how.

70. Assisting these States Parties in establishing objectives was a major priority of the Co-Chairs of the Standing Committee on Victim Assistance and Socio-Economic Reintegration in 2005. The Co-Chairs distributed a comprehensive questionnaire to the 24 pertinent States Parties to support these States Parties in their articulation of (a) specific, measurable and realistic victim assistance objectives by 2009; (b) plans to achieve these objectives; and (c) means to implement these plans. This questionnaire was inspired by the *Strategic Framework for Planning Integrated Victim Assistance Programmes*, which was developed by Switzerland in 1999, and it was based upon the *Guidelines for the Socio-economic Reintegration of Landmine Survivors*, which was produced by the World Rehabilitation Fund and the United Nations Development Programme (UNDP) in 2003.

71. To further support the efforts of these 24 States Parties in developing concrete and measurable objectives for victim assistance, the Co-Chairs convened workshops in Managua, in which all four pertinent Latin American States Parties participated, and in Nairobi, in which 10

⁵⁹ *Nairobi Action Plan* (APLC/CONF/2004/5) Action #36.

⁶⁰ *Nairobi Action Plan* (APLC/CONF/2004/5) Actions #38 and #39.

⁶¹ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 86.

of the 11 pertinent African States Parties participated.⁶² The Co-Chairs also pursued a number of country-specific assistance strategies and provided a forum for States Parties to present their initial responses to the questionnaire at the June 2005 meeting of the Standing Committee. In addition, a number of States Parties were assisted by the United Nations and by the Implementation Support Unit of the GICHD in preparing responses to the questionnaire.

72. The questionnaire, which is not an end-product but rather an initial step in long-term planning and implementation as it concerns victim assistance, has been welcomed and used by most of the 24 States Parties in question. Many of these States Parties have now developed victim assistance objectives for 2009, which are summarized in Annex V. Hence, there is now a much more solid basis for developing a clearer road map regarding what needs to be done between 2005 and the Second Review Conference and how success pertaining to victim assistance will be measured in 2009.

73. The questionnaires that have been submitted by several States Parties suggest that challenges remain in applying certain lessons that were recorded by the First Review Conference. For example, it was noted that “assistance to landmine victims should be viewed as a part of a country’s overall public health and social services systems and human rights frameworks.”⁶³ However, in many instances the effort to develop victim assistance objectives has been led by demining officials with little interaction with those responsible for health and social services. In addition, the First Review Conference recorded that “providing adequate assistance to landmine survivors must be seen in a broader context of development and underdevelopment.”⁶⁴ Many States Parties have prepared Poverty Reduction Strategy Papers or national development plans to overcome broader development challenges, with most such documents containing objectives that are relevant to advancing the care, rehabilitation and reintegration of landmine survivors. However, in many instances the preparation of victim assistance objectives has not taken these broader national plans into consideration.

74. With specific regard to understanding the status of the challenge faced by many States Parties, actions taken since the First Review Conference include UNICEF, with the Centres for Disease Control and Prevention, having supported the implementation of a field epidemiology for mine action course, which is designed to strengthen and standardise mine victim data collection in affected countries. In addition, the Information Management System for Mine Action (IMSMA), which has the capacity to manage information on mine victims, has been provided to 20 of the 24 States Parties that have reported significant numbers of landmine survivors.⁶⁵

75. Providing support that will benefit landmine survivors can take many forms. Important assistance can be and is provided by or through specialized organizations in which assistance specifically targets landmines survivors and other war wounded. Tracking and measuring such

⁶² Colombia, El Salvador, Nicaragua and Peru participated in the workshop in Managua. Angola, Burundi, the Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea-Bissau, Mozambique, Senegal, Sudan and Uganda participated in the workshop in Nairobi.

⁶³ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 66.

⁶⁴ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 67.

⁶⁵ Afghanistan, Albania, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea Bissau, Mozambique, Nicaragua, Peru, Serbia and Montenegro, Sudan, Tajikistan, Thailand and Yemen.

assistance is relatively easy. However, it has proven difficult to track and measure benefits that flow specifically to landmine survivors through integrated approaches in which development cooperation aims to guarantee the rights of all persons with disabilities, including landmine survivors.

76. With respect to ensuring “effective integration of mine victims in the work of the Convention” and “an effective contribution in all relevant deliberations by health, rehabilitation and social services professionals,”⁶⁶ the President of the First Review Conference and the Director of the GICHD undertook to remind the States Parties and all other relevant actors of these commitments through their letter of invitation to the June 2005 meetings of the Standing Committees. In addition, the Secretary General of the Sixth Meeting of the States Parties informed the States Parties that have reported the responsibility for significant numbers of survivors that Croatia was providing some assistance to support the participation of survivors on delegations at the Sixth Meeting. Many States Parties and relevant organizations responded by including survivors and / or health, rehabilitation and social services professionals on their delegations to key meetings in 2005.

77. Since the First Review Conference, efforts have been made to strengthen the normative framework that protects and ensures respect for the rights of persons with disabilities including landmine survivors through the participation by many States and interested organizations in the ongoing drafting of an international convention on the rights of persons with disabilities.

78. The thematic areas that make up what the States Parties understand *victim assistance* to be are complex. With a view to advancing understanding of some of these complexities, since the First Review Conference, the Co-Chairs of the Standing Committee on Victim Assistance placed priority on exploring two areas in particular – emergency medical care and socio-economic reintegration. It was noted that in subsequent years, future Co-Chairs may wish to highlight other thematic areas of victim assistance. For instance, this may be particularly important with respect to physical rehabilitation given that in many cases the provision of services remains dependent upon external actors for resources and expertise.

79. For its part, the ICBL and its member organizations assisted in advancing understanding of various matters concerning victim assistance by producing, since the First Review Conference, the compilation, *101 Great Ideas for the Socio- Economic Reintegration of Mine Survivors*, the study, *National Legal Frameworks Relating to Persons with Disabilities in Heavily Mine-Affected Countries*, and, the report *Victim Assistance in 2004: Overview of the Situation in 24 States Parties*.

Priorities for the period leading to the Seventh Meeting of the States Parties

80. Given the progress made in 2005, in the period leading to the next Meeting of the States Parties priorities should be as follows:

- (i) **While objectives may have been established by many of the 24 States Parties that have reported the responsibility for significant numbers of survivors, it**

⁶⁶ See *Nairobi Action Plan* (APLC/CONF/2004/5) Actions #38 and #39.

is essential that these States Parties proceed with the more complex task of developing comprehensive national plans to guide the fulfilment of these objectives, ensuring that these plans integrate mine victim assistance into broader health care and social service systems, rehabilitation programmes and legislative and policy frameworks.

- (ii) In keeping with the commitment made in the *Nairobi Action Plan* to “monitor and promote progress in the achievement of victim assistance goals,” a priority must be, to place a focus on what steps are being taken to achieve the national objectives set by the 24 most affected States Parties and what progress is being made.⁶⁷
- (iii) Given that the objectives established by the 24 most affected States Parties provide a clearer picture of their priorities for assistance, an emphasis could be placed on an enriched exchange of information on ways in which States Parties in a position to do so are fulfilling their obligations under Article 6(3) as called for in action #36 of the *Nairobi Action Plan*.
- (iv) In 2006 and beyond, a priority should be placed by the Standing Committee on Victim Assistance on exploring in greater detail those areas of victim assistance which were not covered in great detail in 2005 such as physical rehabilitation, psychological support and / or establishment, enforcement and implementation of relevant laws and public policies.
- (v) As called for in actions #38 and #39 of the *Nairobi Action Plan*, States Parties and relevant organizations should continue to ensure effective integration of mine victims in the work of the Convention and an effective contribution in all relevant deliberations by health, rehabilitation and social services professionals.

V. Other matters essential for achieving the Convention’s aims

A. Cooperation and assistance

Status at the close of the First Review Conference

81. The First Review Conference highlighted that “the Convention is clear that fulfilling obligations to destroy stockpiled anti-personnel mines and to clear mined areas is the responsibility of each individual State Party, just as ensuring the well-being of a country’s citizens – including mine victims – is a national responsibility.” The First Review Conference,

⁶⁷ *Nairobi Action Plan* (APLC/CONF/2004/5) Action #37.

nevertheless, emphasized “that cooperation and assistance are important elements available to those States Parties that may require support in fulfilling their obligations.”⁶⁸

82. While the First Review Conference noted that an impressive volume of funding and other support had been generated since 1997 in the context of the pursuit of aims of the Convention, it also recorded that “the challenge for both traditional and non-traditional States Parties in a position to do so will be to ensure a renewed commitment to assist others during the period 2005-2009, through means such as dedicated funds to assist in the implementation of the Convention and by mainstreaming support to mine action through broader humanitarian, development, peace-building and peace support programmes.” As well, the First Review Conference noted the importance of affected States Parties themselves taking full ownership over implementation by making national mine action resources available, including by integrating mine action in national development plans and Poverty Reduction Strategy Papers.⁶⁹

83. The First Review Conference noted that additional challenges that pertain to cooperation assistance included: ensuring that States Parties are made well aware of available assistance from the World Bank and regional development banks; the need for international, regional, non-governmental and other organizations to remain as committed to the Convention in the future as they have in the past; and, recognizing that cooperation and assistance concerns not only the volume of money generated but also ensuring cost-effectiveness.⁷⁰ As well, the States Parties recorded: the need to ensure that necessary support for clearing mined areas does not disappear before Article 5 has been fully implemented; the fact that assisting landmine survivors often requires that attention be given during the entire lifetime of these individuals; and, that very few States Parties in a position to do so have provided assistance in destroying stockpiled mines.⁷¹

Nairobi Action Plan

84. The actions in the *Nairobi Action Plan* that concern cooperation and assistance provide guidance to the States Parties in a manner consistent with the Convention's principles of national responsibility and cooperation in implementation. For instance, it was accepted that the States Parties that have reported mined areas under their jurisdiction or control and those with the greatest numbers of mine victims will: ensure that clearing mined areas and assisting victims are identified as priorities in development plans and programmes, Poverty Reduction Strategy Papers (PRSPs), UN Development Assistance Frameworks, and other appropriate mechanisms; ensure that the activities of the UN and other actors, where relevant, are incorporated into national mine action planning frameworks and are consistent with national priorities; call on relevant actors for cooperation to improve national and international policies and development strategies, enhance effectiveness in mine action, reduce the need to rely on international personnel and ensure that assistance in mine action is based on adequate surveys, needs analysis and cost effective approaches; and, promote technical cooperation, information exchange and other mutual assistance.⁷²

⁶⁸ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 88.

⁶⁹ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 89-94.

⁷⁰ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 95, 99-100.

⁷¹ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 101-103.

⁷² *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Actions #40 to #43.

85. In the *Nairobi Action Plan* emphasises that States Parties in a position to do so will fulfil their obligations contained in Article 6 of the Convention by: promptly assisting States Parties with clearly demonstrated needs for external support for stockpile destruction, for mine clearance and mine risk education, and for the care, rehabilitation and reintegration of mine victims;⁷³ ensuring the sustainability of their commitments through a variety of means;⁷⁴ and, continuing to support, as appropriate, mine action to assist affected populations in areas under the control of armed non-State actors, particularly in areas under the control of actors which have agreed to abide by the Convention's norms.⁷⁵

86. In addition, the *Nairobi Action Plan* indicated that all States Parties will: encourage the international development community to play a significantly expanded role in mine action; use their participation in decision making bodies of relevant organizations to urge the UN and regional organizations and development banks and financial institutions to support States Parties requiring assistance in fulfilling the Convention's obligations; develop and strengthen means to enhance cooperation at the regional level to implement the Convention; and, pursue efforts to identify new and non-traditional sources of support.⁷⁶

Actions taken and progress made

87. A number of States Parties and organizations have heeded the calls made at the First Review Conference to ensure renewed commitments to implement the Convention, to ensure the sustainability of these commitments and to remain as dedicated in the future as in the past.⁷⁷ For example, Australia, announced, on 29 July 2000, a five-year renewal of its efforts by committing AUS\$ 75 million to mine action in addition to funds it has spent over the past ten years. The European Commission has renewed its commitment, establishing a mine action strategy for the period 2005 to 2007 in which it is projected that total EC assistance for mine action during this period will amount to at least € 140 million. In addition, the level of funding that has passed through significant funding channels such as the UN Voluntary Trust Fund for Assistance in Mine Action and the International Trust Fund for Demining and Mine Victims Assistance (ITF) has been maintained at consistently high levels.

88. In general since the First Review Conference, the volume of funding generated for activities consistent with the Convention's aims appears to have been sustained at a very high and constant level. As this tells little about where the funding is going, how well it is spent and the impact of investments, the Coordinator of the Resource Mobilisation Contact Group, Norway, requested that the Implementation Support Unit of the GICHD research this matter. Some initial findings from this research suggest: that while great sums of money continue to be generated, much of the funding in any particular year is directed to a few beneficiary countries; that better understanding the flow of mine action resources requires transparency on the part of all actors handling scarce mine action resources, and, that it is difficult for many actors to

⁷³ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Actions #13, #23, #36 and #44.

⁷⁴ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #45.

⁷⁵ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #46.

⁷⁶ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Actions #47 to #50.

⁷⁷ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraphs 91 and 99, *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #45.

articulate the impact of mine action efforts, suggesting that further research in this area is required.

89. While there have been renewals of commitments to provide resources to implement the Convention, in some instances when States Parties have been close to having fulfilled their obligations under Article 5, funding appears to be drying up. For example, funding received by the Organization of American States for mine action programmes in Central and South America declined dramatically in 2005. This despite the fact that some States Parties have indicated that they could complete clearance of mined areas before their 10-year deadlines in accordance with Article 5 of the Convention if funding is provided until the job is done. That said, the primary responsibility for mine clearance lies with the mine-affected State Party, and the contributions of the international community can only be a supplement to their efforts. National ownership and coordination of mine action operations, at both the local and national levels, are essential if the efforts of mine-affected States Parties are to be effective and efficient.

90. The First Review Conference highlighted various means to ensure the sustainability of commitments, including by integrating support to mine action “through broader humanitarian, development, peace-building and peace support programmes.”⁷⁸ Some progress has been made in understanding the integration of mine action into development programming. On 13 June 2005, Canada and the GICHD convened a dialogue on this matter in which 14 donor States, the European Commission and various international agencies participated. At this dialogue, it was concluded that while linking mine action to development is a valid approach for furthering assistance to mine-affected countries, the matter needs to be better understood and defined by development practitioners and mine action professionals. In addition, it was noted that the value in pursuing this approach is that mine action integrated into development offers possibilities that complement stand-alone efforts and those funded under humanitarian programmes. Canada and the GICHD are planning to host a second dialogue on mine action in development in Geneva on 5-6 December 2005. The UNDP has contributed to the matter of integrating mine action into development by providing advice and support to country programmes in developing and enhancing integration strategies and plans.

91. While the matter of integrating mine action into donors’ development programming was discussed to some detail in 2005, it should be noted that integrating the removal of anti-personnel mines into broader efforts must also be explored in the context of peace and confidence-building programmes and peace-support initiatives. This will be particularly important with respect to assisting States Parties in clearing mined areas, as required, which do not fall into the context of development but have a closer relationship to the humanitarian and disarmament goals of the Convention, and, to the opportunity presented by the Convention to build confidence between States.

92. In the lead-up to the First Review Conference, significant advances were made in understanding how States Parties which are in the process of fulfilling obligations can themselves integrate mine action into broader domains. This point was emphasized in the Nairobi Action Plan in which it was resolved that such States Parties “will ensure that clearing mined areas and assisting victims are identified as priorities, wherever this is relevant, in national, sub-national and sector development plans and programmes, Poverty Reduction

⁷⁸ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 91.

Strategy Papers (PRSPs), UN Development Assistance Frameworks, and other appropriate mechanisms.”⁷⁹ It is not, known, however, to what extent this matter has been acted upon since the First Review Conference, although the UNDP has indicated that it is willing to facilitate integration and provide follow-on assistance.

93. Moreover, no assessment has been made regarding the commitment of States Parties to “use, where relevant, their participation in decision making bodies of relevant organizations to urge the UN and regional organizations and the World Bank and regional development banks and financial institutions to support States Parties requiring assistance in fulfilling the Convention’s obligations.”⁸⁰

94. With respect to the commitment in the Nairobi Action Plan to “continue to support, as appropriate, mine action to assist affected populations in areas under the control of armed non-State actors, particularly in areas under the control of actors which have agreed to abide by the Convention’s norms,”⁸¹ on 15 June 2005 Switzerland organised an event entitled *the role of States in moving forward with the implementation of Action 46 of the Nairobi Action Plan*. At this event, Switzerland presented a paper that it had commissioned to stimulate discussion regarding engaging armed groups with a view to implementing *Action 46*. In addition with respect to *Action 46*, the Geneva Call reported that progress has been made by armed non-State actors within India, the Philippines, Somalia and Sudan in their application of the mine action responsibilities contained in the Geneva Call’s *Deed of Commitment for Adherence to a Total Ban on Anti Personnel Mines and for Cooperation in Mine Action*.

Priorities for the period leading to the Seventh Meeting of the States Parties

95. Given the progress made in 2005, in the period leading to the next Meeting of the States Parties priorities should be as follows:

- (i) **In accordance with Actions #13, #23, #36, #44 and #45 of the Nairobi Action Plan, States Parties in a position to do so should act with greater urgency to fulfil their obligations under Article 6 of the Convention, taking into account the importance of providing necessary support until the implementation of Article 5 obligations has been completed, the long-term needs of landmine survivors, and the value of expanding the number of States Parties providing increased assistance for mine action.**
- (ii) **The Resource Mobilisation Contact Group should continue to explore ways that resources can be made use of in the most efficient and effective way, inter alia through cooperation, coordination and the application of best practices by concerned actors in relevant fora and institutions, particularly by drawing upon the experiences of field-based mine action actors.**

⁷⁹ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #40.

⁸⁰ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #48.

⁸¹ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III), Action #46.

- (iii) **In line with Action #45 of the Nairobi Action Plan, efforts should continue concerning, as appropriate, the integration of mine action into broader humanitarian and / or development assistance programmes as one means of ensuring sustainability of commitments from all relevant sources, be they humanitarian, development or stand alone sources.**
- (iv) **In support of the application of Action #42 of the Nairobi Action Plan, increased support should be provided to mine-affected States Parties in their use of local resources and competence. In doing so States Parties in a position to assist should encourage mine-affected countries to identify mine action in national development plans, to show what national resources will be invested, and to improve the way they report on results they achieve. Furthermore, those providing assistance should consider capacity-building measures and assistance which is sustainable over the long term, as opposed to short term foreign expertise which does not sufficiently focus on transfer of capacity to local institutions.**
- (v) **Efforts should be undertaken to explore other areas where integrating support to mine action may be relevant, including in the context of integrating mine action into peace and confidence-building programmes and peace-support initiatives.**
- (vi) **Pursuant to Action #40 of the Nairobi Action Plan, an assessment should be made of the extent to which relevant States Parties have identified the fulfilment of Convention obligations in development plans, Poverty Reduction Strategy Papers and UN Development Assistance Frameworks.**
- (vii) **Pursuant to Action #48 of the Nairobi Action Plan, an assessment should be made of the extent to which States Parties have used, where relevant, their participation in decision making bodies to urge the UN, regional organizations, the World Bank and other development banks and financial institutions to support States Parties requiring assistance in fulfilling Convention obligations.**

B. Transparency and the exchange of information

Status at the close of the First Review Conference

96. At the First Review Conference, the States Parties noted that “transparency and the open exchange of information have been essential pillars on which the Convention’s practices, procedures and tradition of partnership have been built, through both formal means and informal means,” and, “(recognized) that transparency and effective information exchange will be equally crucial to fulfilling their obligations during the period 2005-2009.”⁸²

⁸² *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) paragraph 7.

97. At the close of the First Review Conference, of the then 141 States Parties that were required to submit an initial transparency report in accordance with Article 7.1, all but 6 had done so.⁸³ In addition, of the States Parties that were obliged to furnish updated information in 2004 in accordance with Article 7.2, all had done so with the exception of 24 States Parties. The overall reporting rate in the year of the First Review Conference exceeded 78 percent.

98. Notwithstanding a high rate of compliance, the States Parties noted at the First Review Conference that it will be a challenge to ensure that the States Parties continue to comply with their annual reporting obligations. They underlined that compliance will be particularly important for States Parties that are in the process of destroying stockpiled mines in accordance with Article 4, those that are in the process of clearing mined areas in accordance with Article 5, those that have decided to retain anti-personnel mines in accordance with Article 3, and those undertaking measures in accordance with Article 9.⁸⁴

Nairobi Action Plan

99. In the *Nairobi Action Plan*, the States Parties stated that they will “fulfil their obligations to annually update Article 7 transparency reports.” In addition, they resolved to “maximise reporting as a tool to assist in implementation, particularly in cases where States Parties must still destroy stockpiled mines, clear mined areas, assist mine victims or take legal or other measures referred to in Article 9.” As well, with respect to those States Parties which have not yet complied with Article 7.1 of the Convention, the States Parties decided to “urge (these States Parties) to fulfil their obligation to provide initial transparency reports under Article 7 without further delay and request that the UN Secretary-General, as the recipient of these reports, call upon these States Parties to provide their reports.”⁸⁵

100. With respect to mines retained under Article 3, the First Review Conference noted that some States Parties on a voluntary basis have provided information on the intended purpose and actual use of mines retained under Article 3.⁸⁶ In the *Nairobi Action Plan*, this level of transparency was further encouraged. That is, it was accepted that all States Parties will “in situations where States Parties have retained mines in accordance with the exceptions in Article 3, provide information on the plans requiring the retention of mines for the development of and training in mine detection, mine clearance, or mine destruction techniques and report on the actual use of retained mines and the results of such use.”⁸⁷

101. The First Review Conference recalled that in 2000 the States Parties adopted *Form J* to provide States Parties with an opportunity to report voluntarily on other relevant matters, including matters pertaining to compliance and implementation not covered by the formal

⁸³ The Final Report of the First Review Conference indicates that Saint Lucia had not submitted an initial report by the close of the Conference. This was an error as Saint Lucia submitted its initial report on 16 November 2004. The Final Report also omitted to mention that Cameroon and Gambia, each of which submitted a voluntary transparency report prior to joining the Convention, have not submitted an initial report since becoming States Parties.

⁸⁴ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 117.

⁸⁵ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Actions #51 and #52.

⁸⁶ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 109.

⁸⁷ *Nairobi Action Plan* (APLC/CONF/2004/5) Action #54.

reporting requirements contained in Article 7, particularly information on assistance for the care and rehabilitation, and social and economic reintegration, of mine victims.⁸⁸ The Nairobi Action Plan encouraged the use of this information sharing mechanism in that it was decided that “all States Parties will take full advantage of the flexibility of the Article 7 reporting process, including through the reporting format's *Form J*.”⁸⁹

102. At the First Review Conference, the States Parties noted that since the Convention's entry into force they have shared information and exchanged views on the application of many of the Articles of the Convention and that they concurred in the *Nairobi Action Plan* that they will, during the period 2005 to 2009, “exchange views and share their experiences in a cooperative and informal manner on the practical implementation of the various provisions of the Convention, including Articles 1, 2 and 3, to continue to promote effective and consistent application of these provisions.”⁹⁰

103. At the First Review Conference, the States Parties recognized the value of extending to States not parties the concept of volunteering pertinent information. In the *Nairobi Action Plan*, it was accepted that “all States Parties will encourage States not parties, particularly those that have professed support for the object and purpose of the Convention, to provide voluntary transparency reports and to participate in the work of the Convention.”⁹¹

104. The Nairobi Action Plan also recognized the value of other informal means to exchange information in that the States Parties expressed a willingness to “encourage individual States Parties, regional or other organizations to arrange on a voluntary basis regional and thematic conferences and workshops to advance the implementation of the Convention.”⁹²

Actions taken and progress made

105. As of 2 December 2005, a total of 144 of the 147 States which have ratified or acceded to the Convention were required to submit an initial report in accordance with Article 7.1. Since the First Review Conference, initial reports were submitted by Estonia and Papua New Guinea. Hence, all States Parties have now complied with their Article 7.1 obligations with the exception of six States Parties which had not yet provided an initial report: Cape Verde, Equatorial Guinea, Ethiopia, Gambia, Guyana, and Sao Tome and Principe.⁹³

106. In terms of compliance with Article 7.2 of the Convention, of the States Parties which were required in 2005 to provide updated information covering the preceding calendar year, each has done so with the exception of the following 41 States Parties: Andorra, Antigua and

⁸⁸ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 112.

⁸⁹ *Nairobi Action Plan* (APLC/CONF/2004/5) Action #53.

⁹⁰ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 115; *Nairobi Action Plan* (APLC/CONF/2004/5) Action #55.

⁹¹ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #57.

⁹² See *Nairobi Action Plan* (APLC/CONF/2004/5) Action #58.

⁹³ Ethiopia's initial report is due no later than 28 November 2005. Latvia is required to submit an initial transparency report as soon as practicable and in any event not later than 30 June 2006. Bhutan is required to submit an initial transparency report as soon as practicable and in any event not later than 31 July 2006. Vanuatu is required to submit an initial transparency report as soon as practicable and in any event not later than 28 August 2006.

Barbuda, Barbados, Belize, Benin, Botswana, Central African Republic, Comoros, Dominican Republic, Ecuador, Fiji, Gabon, Gambia, Ghana, Grenada, Guinea, Honduras, Kenya, Kiribati, Lesotho, Liberia, Madagascar, Maldives, Nauru, Niue, Panama, Papua New Guinea, Paraguay, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sierra Leone, Solomon Islands, St. Kitts and Nevis, Sudan, Swaziland, Timor Leste, Togo, Trinidad and Tobago, and Uruguay. As of 2 December 2005, the overall reporting rate in 2005 stood at 67 percent.

107. As noted, the First Review Conference emphasised that reporting in accordance with Article 7 is particularly important for States Parties which are in the process of fulfilling key obligations or which have retained anti-personnel mines for reasons permitted under Article 3 of the Convention. In this regard, the following was the status as of 2 December 2005:

- (i) Of the 16 States Parties which, as of the close of the First Review Conference, still had to destroy stockpiled mines in accordance with Article 4, each provided a transparency report in 2005 covering the previous calendar year with the exception of the following: Ethiopia, Guyana, and Sudan.
- (ii) Of the 46 States Parties which, as of the close of the First Review Conference, still had to clear mined areas in accordance with Article 5, each provided a transparency report in 2005 covering the previous calendar year with the exception of the following: Ecuador, Ethiopia, Sudan, and Swaziland.
- (iii) Of the 89 States Parties which, as of the close of the First Review Conference, had not yet reported either that they had adopted legislation in the context of Article 9 obligations or that they considered existing laws to be sufficient to give effect to the Convention, each provided a transparency report in 2005 covering the previous calendar year with the exception of the following: Andorra, Antigua and Barbuda, Barbados, Benin, Botswana, Cape Verde, Central African Republic, Comoros, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guinea, Guyana, Kenya, Kiribati, Liberia, Madagascar, Maldives, Nauru, Niue, Panama, Papua New Guinea, Paraguay, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Sierra Leone, Solomon Islands, Sudan, Swaziland, Timor-Leste, Togo and Uruguay.
- (iv) Of the 74 States Parties which, as of the close of the First Review Conference, had reported that they had retained mines for reasons permitted under Article 3, each provided updated information on this matter with the exception of the following: Botswana, Ecuador, Honduras, Kenya, Sudan, Togo, and Uruguay. An update on the numbers of mines retained and transferred for permitted reasons by all States Parties is contained in Annex VI.

108. The Co-Chairs of the Standing Committee on the General Status and Operation of the Convention took an active interest in promoting the pursuit of the aims of Action #54 of the Nairobi Action Plan. At the 13 / 17 June 2005 meeting of the Standing Committee, the Co-Chairs provided a forum for States Parties to volunteer relevant information and, in advance of this meeting, they invited States Parties that have retained mines under Article 3 to make use of

this forum.⁹⁴ A total of 12 States Parties took advantage of this opportunity to share information at the Standing Committee's meeting. Some States Parties also used their annual transparency reports as vehicles to volunteer information. An overview of additional information provided is contained in Annex VI. In addition, two States Parties – Argentina and Chile – proposed that the transparency reporting format be amended to better enable States Parties to provide information.

109. Since the First Review Conference, the following 42 States Parties have made use of Form J as a voluntary means of reporting: Afghanistan, Albania, Angola, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Burundi, Cambodia, Canada, Chad, Chile, Costa Rica, Cyprus, Democratic Republic of the Congo, Denmark, Estonia, France, Germany, Guinea Bissau, Ireland, Italy, Japan, Lithuania, Malawi, Malta, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Peru, Rwanda, Slovakia, South Africa, Spain, Sweden, Tajikistan, Thailand, Turkey and Zimbabwe.

110. To facilitate an exchange of views and sharing of experiences pursuant to Action #55 of the *Nairobi Action Plan*, the Co-Chairs of the Standing Committee on the General Status and Operation of the Convention incorporated this matter into the agenda for the Standing Committee's 13 / 17 June 2005 meeting, noting that the implementation of Articles 1, 2 and 3 would reflect on the robustness of the international norm against the use of anti-personnel mines and that it was important that all States Parties expressed their views on these issues.

111. Since the First Review Conference, Latvia and Poland provided voluntary transparency reports, sharing information on all pertinent matters mentioned in Article 7.⁹⁵ Sri Lanka also provided some information referred to in Article 7, although significantly it refrained from offering transparency on matters such as stockpiled anti-personnel mines.

112. Most types of information contained in reports submitted in accordance with Article 7 have been referred to elsewhere in this review. Two areas not covered include information on the conversion or decommissioning of anti-personnel mine production facilities, and, on the technical characteristics of mines at one time produced or currently held by States Parties. Since the First Review Conference, the following 1 additional State Party reported on the conversion or decommissioning of anti-personnel mine production facilities Zimbabwe. With respect to the technical characteristics of anti-personnel mines produced or currently held, the following 2 additional States Parties have reported on this matter since the First Review Conference Latvia and Venezuela.⁹⁶

113. The informal Article 7 Contact Group, Coordinated by Belgium, has played a major role in raising the profile of transparency reporting obligations and in serving as a point of contact for

⁹⁴ The Co-Chairs suggested that States Parties may wish to volunteer three main pieces of information: (i) The purposes for which retained mines have been used and the results of this use, including for example: the mine detection, clearance or destruction techniques that have been / are being developed; the mine detection, clearance or destruction training that has been carried out; and, the number of personnel trained and to what standard. (ii) Plans for the further development of mine detection, clearance or detection techniques and further training which would result in the use of mines retained under Article 3. (iii) The number and types of mines that a State Party anticipates using in coming years for the development of and training in mine detection, mine clearance, or mine destruction techniques.

⁹⁵ Since submitting a report on a voluntary basis, Latvia acceded to the Convention.

⁹⁶ The information provided by Latvia was in the context of a voluntary report submitted before it had acceded to the Convention.

requests for assistance. On 1 March 2005 – on the sixth anniversary of the Convention’s entry into force – the Coordinator of the Contact Group and the President of the First Review Conference wrote to all States Parties to remind the States Parties of their obligations, particularly the 30 April deadline to provide updated information covering the previous calendar year. In addition, the Contact Group met to discuss cooperative strategies and exchange of information on a regular basis. As well, the Contact Group Coordinator has suggested placing an emphasis on quality reporting. The United Nations also has helped States Parties comply with their reporting obligations. In 2005.

Priorities for the period leading to the Seventh Meeting of the States Parties

114. Given the progress made in 2005, in the period leading to the next Meeting of the States Parties priorities should be as follows:

- (i) **All States Parties should continue to be reminded of, and comply with, their annual reporting obligations in accordance with Article 7, and in particular, those States Parties that are in the process of destroying stockpiled mines in accordance with Article 4, those that are in the process of clearing mined areas in accordance with Article 5, those that have decided to retain anti-personnel mines in accordance with Article 3, those undertaking measures in accordance with Article 9.**
- (ii) **All States Parties that have not yet provided an initial transparency report in accordance with Article 7, particularly given the need for these States Parties to confirm the presence or absence of stockpiled anti-personnel mines and mined areas, should be urged to comply with their transparency obligations.**
- (iii) **Voluntary means to share information, including other relevant information through the use of Form J, should continue to be encouraged and used. In addition, States Parties should continue to cooperate with and provide information to the mechanisms created to facilitate the general operations of the Convention.**
- (iv) **Those States Parties that have retained or transferred anti-personnel mines for reasons permitted under Article 3 of the Convention will continue to share information, as called for by Action #54 of the Nairobi Action Plan.**
- (v) **In addition to States Parties complying with transparency obligations in accordance with Article 7, States Parties, States not parties, international organisations, non-governmental organisations and other actors, should continue to use the meetings of the Convention to provide and exchange information relevant to the implementation of the Convention and the Nairobi Action Plan. Actions taken and progress made should be recorded in the Progress Report of the Seventh Meeting of the States Parties, including specific efforts made with regards to universalization, and detailed information on, for example, the quantity of stocks that remain to be destroyed by a State Party in accordance with Article 4 obligations and the**

number of mined areas that remain to be cleared by a State Party in accordance with Article 5 obligations.

C. Preventing and suppressing prohibited activities, and facilitating compliance

Status at the close of the First Review Conference

115. Regarding the prevention and suppression of prohibited activities and facilitating compliance, the States Parties noted at the First Review Conference that the primary responsibility for ensuring compliance with the Convention rests with each individual State Party establishing and applying, as necessary, measures outlined in Article 9.⁹⁷ This Article obliges each State Party 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 the Convention undertaken by persons or on territory under its jurisdiction or control.

116. As of 3 December 2004, 38 States Parties had reported that they had adopted legislation in the context of Article 9 obligations.⁹⁸ In addition, 18 States Parties had reported that they consider existing laws to be sufficient to give effect to the Convention.⁹⁹ A further 32 States Parties had reported that they were in the process of adopting legislation to implement the Convention.¹⁰⁰

117. On the basis of this status, particularly given that 56 States Parties had not yet reported that they had taken any legislative measures in accordance with Article 9, it was noted that a challenge for the period 2005 to 2009 is for all States Parties that have not yet done so to ensure that they have in place the legislative measures required by Article 9 and to report on such measures in accordance with Article 7.¹⁰¹

118. In addition to noting that they are individually responsible for ensuring compliance with the Convention, at the First Review Conference the States Parties noted that they are also

⁹⁷ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 120.

⁹⁸ Australia, Austria, Belarus, Belgium, Belize, Brazil, Burkina Faso, Cambodia, Canada, Colombia, Costa Rica, the Czech Republic, France, Germany, Guatemala, Honduras, Hungary, Iceland, Italy, Japan, Liechtenstein, Luxembourg, Malaysia, Mali, Malta, Monaco, Mauritius, New Zealand, Nicaragua, Norway, South Africa, Spain, Sweden, Switzerland, Trinidad & Tobago, the United Kingdom of Great Britain and Northern Ireland, Zambia and Zimbabwe. The Final Report of the First Review Conference omitted to mention that Belarus had indeed reported that it had adopted legislation in the context of Article 9 obligations.

⁹⁹ Bulgaria, Croatia, Denmark, Guinea-Bissau, the Holy See, Ireland, Lesotho, Mexico, the Netherlands, Portugal, Romania, Samoa, Slovakia, Slovenia, Tajikistan, The former Yugoslav Republic of Macedonia, the United Republic of Tanzania and Tunisia.

¹⁰⁰ Albania, Argentina, Bangladesh, Benin, Bosnia and Herzegovina, Botswana, Cameroon, Chad, the Congo, Chile, the Democratic Republic of the Congo, Djibouti, El Salvador, Jamaica, Kenya, Malawi, Mauritania, Mozambique, the Niger, Panama, Paraguay, Peru, Philippines, Senegal, Serbia and Montenegro, Seychelles, Suriname, Swaziland, Thailand, Togo, Uganda, and Yemen.

¹⁰¹ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 122.

collectively responsible for doing the same when a States Party has engaged in a prohibited activity, using the means available to them in Article 8 of the Convention.¹⁰²

Nairobi Action Plan

119. According to the *Nairobi Action Plan*, all States Parties that had not yet done so will: develop and adopt legislative, administrative and other measures in accordance with Article 9 as soon as possible to fulfil their obligations under this Article thereby contributing to full compliance with the Convention and report annually on progress as required by Article 7; and, make their needs known to other States Parties and the ICRC or other relevant actors in instances when assistance is required to develop implementing legislation.¹⁰³ In addition, it was agreed that States Parties that have applied their legislation will share information on the application of implementing legislation.¹⁰⁴

120. Also with respect to measures outlined in Article 9, at the First Review Conference the States Parties acknowledged that it will be a challenge during the period 2005-2009 for most States Parties to ensure that measures to prevent and suppress prohibited activities – including the systematic dissemination of information regarding the Convention’s prohibitions to their armed forces, the development of armed forces training bulletins, the distribution of the text of the Convention in military academies and directives issued to police forces – are taken and reported upon.¹⁰⁵ To address this challenge in part it was accepted that all States Parties that had not yet done so will integrate the Convention’s prohibitions and requirements into their military doctrine as soon as possible.¹⁰⁶

121. In the *Nairobi Action Plan*, the States Parties also resolved, in instances when serious concerns about non-compliance cannot be resolved through measures adopted pursuant to Article 9, to seek clarification in a cooperative spirit in accordance with Article 8, and to call upon the UN Secretary-General to undertake the tasks foreseen in Article 8 as required.¹⁰⁷ As well, the States Parties accepted, in instances when armed non-State actors are operating in areas under the States Parties’ jurisdiction or control, to “make it clear that armed non-State actors are required to comply with the provisions of the Convention and that they will be called to account for violations of the Convention in accordance with measures taken under Article 9.”¹⁰⁸

Actions taken and progress made

122. To advance progress in the pursuit of these aims, several States Parties have taken actions at the national level and reported on steps taken, as required, in reports submitted in accordance with Article 7 of the Convention. In addition, the Co-Chairs of the Standing Committee on the General Status and Operation of the Convention invited States Parties to volunteer information at

¹⁰² *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 119.

¹⁰³ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Actions #59 and #60.

¹⁰⁴ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #62.

¹⁰⁵ *Review of the operation and status of the Convention* (APLC/CONF/2004/5, Part II), paragraph 123.

¹⁰⁶ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #61.

¹⁰⁷ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #63.

¹⁰⁸ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #64.

the Standing Committee's 17 June 2005 meeting on their progress in developing and adopting legislative, administrative and other measures in accordance with Article 9, and, if relevant, to make their needs known if assistance is required. Moreover, a number of States Parties, the ICRC and the Implementation Support Unit of the GICHD continued to make it clear that they were ready to provide technical assistance should States Parties need it. The ICRC has reported that, since the First Review Conference, it has been providing assistance for the development of national implementing legislation to 16 States Parties.

123. As a result of steps taken, since the First Review Conference: the following States Parties reported that they have adopted legislation in the context of Article 9 obligations: Bosnia and Herzegovina, El Salvador, Estonia, Niger, Saint Vincent and the Grenadines, Seychelles, Turkey and Yemen; the following States Parties reported that they considers existing laws to be sufficient to give effect to the Convention: Algeria, Andorra, Central African Republic, Jordan, Kiribati, Lithuania, Moldova and Papua New Guinea; and, the following States Parties reported that they are in the process of adopting legislation to implement the Convention Afghanistan, Côte d'Ivoire, Croatia, Guinea, Nigeria, Rwanda, Sierra Leone and Uruguay. There are now 46 States Parties that have adopted legislation in the context of Article 9 obligations and 26 States Parties now consider existing laws to be sufficient. Consequently, 75 States Parties have not yet adopted legislation in the context of Article 9 obligations or reported that existing laws are sufficient, although 35 of these have indicated that they are in the process of adopting legislation to implement the Convention.

124. Since 3 December 2004, the States Parties remained committed to their agreement, as stated in Article 8, paragraph 1, "to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention." In addition, it should be noted that since the First Review Conference, no State Party has submitted a request for clarification to a Meeting of the States Parties in accordance with Article 8, paragraph 2, or has proposed that a Special Meeting of the States Parties be convened in accordance with Article 8, paragraph 5.

125. Since the First Review Conference, the UN Department for Disarmament Affairs has continued fulfilling the UN Secretary-General's responsibility to prepare and update a list of names, nationalities and other relevant data of qualified experts designated for fact finding missions authorized in accordance with Article 8, paragraph 8. Since the First Review Conference, one State Party – Germany – has provided updated information for the list of experts.

Priorities for the period leading to the Seventh Meeting of the States Parties

126. Given the progress made in 2005, in the period leading to the next Meeting of the States Parties priorities should be as follows:

- (i) **While progress has been made by States Parties in fulfilling their Article 9 obligations, it remains a priority that the necessary appropriate legislative, administrative and other measures are taken by the 75 States Parties that have not yet done so. These States Parties are also encouraged to report once such measures are adopted.**

- (ii) **States Parties and relevant organizations in a position to do so should assist other States Parties that have indicated, consistent with Action #60 of the Nairobi Action Plan, that they would require legal assistance in drafting implementing legislation.**
- (iii) **States Parties that have not yet integrated the Convention's prohibitions and requirements into their military doctrine, in keeping with Action #61 of the Nairobi Action Plan, should do so as soon possible.**

D. Implementation Support

Status at the close of the First Review Conference

127. The First Review Conference recorded that “the effective functioning and full implementation of the Convention has been enhanced through the structures and mechanisms that exist in the Convention, that have been established pursuant to the decisions of the States Parties or that have emerged on an informal basis” and that the States Parties’ implementation mechanisms “will remain important during the period 2005-2009.”¹⁰⁹

Nairobi Action Plan

128. In the *Nairobi Action Plan*, it was accepted that States Parties will: support the efforts of the Coordinating Committee; continue to make use of the support provided by the GICHD in hosting the meetings of the Standing Committees, through the Implementation Support Unit (ISU), and by administering the Sponsorship Programme; continue to provide on a voluntary basis, in accordance with their agreement with the GICHD, the necessary financial resources for the operation of the ISU; continue to reaffirm the valuable role of the United Nations for providing support to Meetings of the States Parties; and, continue to utilize informal mechanisms such as the Contact Groups, which have emerged to meet specific needs.¹¹⁰

129. Also with respect to implementation support, the *Nairobi Action Plan* provides that “States Parties in a position to do so will on a voluntary basis contribute to the Sponsorship Programme thereby permitting widespread representation at meetings of the Convention, particularly by mine-affected developing States Parties, with the latter maximising this important investment by actively participating and sharing information on their problems, plans, progress and priorities for assistance.”¹¹¹

Actions taken and progress made

¹⁰⁹ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) paragraph 9.

¹¹⁰ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Actions #65 to #69.

¹¹¹ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III) Action #70.

130. Since the First Review Conference, the Coordinating Committee met 7 times to prepare for and assess the outcome of the Intersessional Work Programme and to coordinate matters relating to and flowing from the work of the Standing Committees with the work of the Meeting of the States Parties. The Coordinating Committee continued to operate in an open and transparent manner with summary reports of each meeting made available to all interested parties on the web site of the GICHD.

131. The June 2005 meetings of the Standing Committees featured the largest ever number of registered representatives of States Parties, States not parties and interested organizations. In addition, these meetings featured a continued trend towards more focused discussions on the implementation, by individual States Parties, of key provisions of the Convention and on assuring that cooperation and assistance in the context of the Convention would continue to function well. These meetings were again supported by the GICHD and active participation was enhanced by interpretation services which were provided courtesy of voluntary contributions made by the European Commission and Canada.

132. The Implementation Support Unit of the GICHD continued to assist States Parties in all possible aspects of implementing the Convention's obligations and objectives. With the adoption of the *Nairobi Action Plan*, clear direction was provided to the ISU regarding the States Parties' priorities. Since the First Review Conference, the President, the President-Designate, the Co-Chairs, the Contact Group Coordinators, the Sponsorship Programme donors group and individual States Parties proceeded with initiatives to pursue the aims of the Nairobi Action Plan. The ISU responded accordingly, providing necessary support. The ongoing operations of the ISU were assured by voluntary contributions which were made by the following States Parties since the First Review Conference: Australia, Austria, Belgium, Bosnia and Herzegovina, Canada, Chile, Czech Republic, Germany, Hungary, Iceland, Italy, Luxembourg, Mexico, the Netherlands, Nigeria, Norway and Turkey.

133. The United Nations Department for Disarmament Affairs and Croatia, with the assistance of the Implementation Support Unit of the GICHD, proceeded in 2005 in making arrangements for the Sixth Meeting of the States Parties. In addition, the States Parties continued to make use of Contact Groups concerning universalization, Article 7 reporting and resource mobilization.

134. Since the First Review Conference, there has been no increase in the number of donor States Parties contributing to the Sponsorship Programme. The group of donors includes: Australia, Austria, Belgium, Canada, Denmark, France, Germany, Ireland, Italy, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom. The Sponsorship Programme remains an important instrument in ensuring States Parties' and States not parties' participation in the Convention's meetings. It also remains important in enhancing universalization. Renewed effort is needed, from all States Parties in a position to do so, to contribute to this Programme and ensure its continuing success.