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

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Geneva International Centre for Humanitarian Demining
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AP Mine Ban Convention – basic facts

- The product of the unconventional Ottawa Process:
  - A process outside of the normal forum of conventional weapons negotiations
  - A “fast-track” process
  - Unconventional State-NGO partnerships
- ICRC, under then President Cornelio Sommaruga, played an instrumental role.
- ICBL & then Coordinator Jody Williams awarded the 1997 Nobel Peace Prize.
- Entered into force on 1 March 1999.
AP Mine Ban Convention – its place in the IHL response to conventional weapons

<table>
<thead>
<tr>
<th>ANTI-PERSONNEL MINES</th>
<th>ANTI-VEHICLE MINES</th>
<th>BOOBY TRAPS AND OTHER DEVICES</th>
<th>UXO / AXO; munitions potentially to become UXO / AXO problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997 Anti-Personnel Mine Ban Convention (&quot;Ottawa Convention&quot;)</td>
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Ottawa Convention:
- Prohibitions
- Framework to end existing / potential impact

CCW Amended Protocol II
- Restrictions
- Measures to limit impacts

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CCW Protocol II
- Limited restrictions
- Limited measures to limit impacts

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CCW Protocol II
- Measures primarily to limit future impacts
# AP Mine Ban Convention – its place in the IHL response to conventional weapons

<table>
<thead>
<tr>
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<td>CCW Amended Protocol II</td>
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<td>CCW Protocol II</td>
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**Purpose:**

“To put an end to the suffering and casualties caused by anti-personnel mines.”

**Addressing existing suffering:**

1. Clearing mined areas
2. Destroying stockpiles
3. Assisting the victims
4. Universalizing prohibitions
5. Preventing future suffering

**AP Mine Ban Convention**

[www.apminebanconvention.org](http://www.apminebanconvention.org)
In accepting the Convention, each State Party undertakes never under any circumstances:

- To use anti-personnel mines;
- To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
- To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

“The Articles of this Convention shall not be subject to reservations.”
Universalizing acceptance of the Convention

42 States have not ratified or acceded to the Convention (as of 23 March 2007)

Armenia
Azerbaijan
Bahrain
China
Cuba
Egypt
Finland
Georgia
India
Iran
Iraq
Israel
Kazakhstan
Korea, DPR of
Korea, Republic of
Kuwait
Kyrgyzstan
Laos
Lebanon
Libyan Arab Jamahiriya
Marshall Islands
Micronesia, Fed. States of
Mongolia
Morocco
Myanmar (Burma)
Nepal
Oman
Pakistan
Palestine
Poland
Russian Federation
Saudi Arabia
Singapore
Somalia
South Africa
Sri Lanka
Syrian Arab Republic
Tonga
Tunisia
United Arab Emirates
United States of America
Uzbekistan
Vietnam

As it did with the Republic of Cyprus in 2003, the ISU can provide objective information, advice and training to States not parties considering acceptance of the Convention or desiring to learn more about the Convention’s operations.

Stockpile Destruction

- Each State Party “undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party.”

- States Parties may retain “a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques.” This number “shall not exceed the minimum number absolutely necessary” for these purposes.

The ISU provides advice and information to States Parties (e.g., on what mines must be destroyed, retaining or transferring mines for permitted reasons, public relations opportunities); facilitates links between those requiring assistance and those in a position to provide it; maintains information on mines destroyed and on the general implementation of Article 4 of the Convention.
Stockpile Destruction

Timelines for the destruction of stockpiled mines

<table>
<thead>
<tr>
<th>State Party</th>
<th>2003</th>
<th>2004</th>
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Deadline for stockpile destruction before the 8th Meeting of the States Parties

Deadline for stockpile destruction after the 8th Meeting of the States Parties

Each State Party must make “every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced.”

Each State Party must “as soon as possible” ensure that these mined areas “are perimeter marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed.”

Each State Party must clear these mined areas “as soon as possible but not later than 10 years after the entry into force of this Convention for that State Party.”

Mine Clearance

The ISU helps States Parties understand their obligations, provides training to national directors and technical advisors on understanding the international legal framework for mine action, facilitates a link between those requiring assistance and those in a position to provide it, and, maintains up to date information on the implementation of Article 5.
Victim Assistance

- According to the Convention “each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims.”

- Victim assistance has been defined by the States Parties to include:
  - Understanding the extent of the challenge faced (e.g., injury surveillance).
  - Emergency and ongoing medical care.
  - Physical rehabilitation.
  - Psychological support and social reintegration.
  - Economic reintegration.
  - Relevant laws and public policies.
Victim Assistance

24 States Parties have indicated that they have a responsibility for significant numbers of landmine survivors:

- Afghanistan
- Albania
- Angola
- Bosnia and Herzegovina
- Burundi
- Cambodia
- Chad
- Colombia
- Croatia
- DRC
- El Salvador
- Eritrea
- Ethiopia
- Guinea-Bissau
- Mozambique
- Nicaragua
- Peru
- Senegal
- Serbia
- Sudan
- Tajikistan
- Thailand
- Uganda
- Yemen

The ISU provides support, advice and information to States Parties in establishing SMART objectives and developing national plans; reinforces the inter-ministerial efforts of States Parties in fulfilling their victim assistance responsibilities; and, provides training and briefings to mine action managers and technical advisors on the role of mine action programmes in victim assistance efforts.

Cooperation and Assistance

- “Each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.”

- “Each State Party in a position to do so shall provide assistance for…”
  - mine victims
  - mine awareness (i.e., mine risk education) programs
  - mine clearance and related activities
  - the destruction of stockpiled anti-personnel mines.

- “Each State Party giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programs.”

The ISU can provide advice to States Parties on how to maximise Convention meetings, such as the annual meetings of the Standing Committees, to communicate their problems, plans, progress and priorities for assistance. The ISU can also provide advice to donors on ways that they can assist States Parties in fulfilling obligations.
Each State Party must provide an initial transparency report within 180 days of the Convention entering into force for it.

Each State Party must provide “not later than 30 April of each year” updated information covering the last calendar year.

Information must be provided on:
- Legislative and other measures to prevent and suppress prohibited acts
- Stockpiled mines awaiting destruction, destruction programmes, mines destroyed
- Mines retained / transferred for permitted reasons
- Mines awaiting clearance, mine clearance programmes, mines cleared
- Programmes for decommissioning or converting production facilities
- Technical characteristics of mines produced / possessed
- Measures to warn the population of mined areas

I like transparency!

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

The primary responsibility for ensuring compliance with the Convention rests with each individual State Party.

Each State Party must take appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress prohibited activities.

A variety of compliance clarification mechanisms are available to the States Parties, ultimately including – if necessary – fact-finding missions.

At regional events such as the June 2006 Workshop on the role of the Caribbean Community in pursuing the aims of the Ottawa Convention, the ISU works with the ICRC to ensure that States Parties receive the advice and information they need to comply with Article 9 obligations.
Implementation Support

**Intersessional Work Programme**
- Established by a 1999 decision of the States Parties; Modified by decisions since.
- Involves 4 Standing Committees meeting between formal meetings.
- Created “for the purpose of advancing the achievement of the humanitarian objectives of the Convention.”
- Intended “to organize the work of the Convention in a way which promotes continuity, openness, transparency, inclusiveness and a cooperative spirit.”

**Implementation Support Unit**
- Established pursuant to the 2001 decision of the States Parties to mandate the GICHD to create such a unit.
- Funded on a voluntary basis by States Parties.
- Provides independent advice and support to the Convention’s President, President-Designate, Co-Chairs and Contact Group Coordinators; Support to Coordinating Committee.
- Provides advice, information and support to individual States Parties on implementation matters.
- Coordinates with actors that are relevant and supportive of the States Parties’ aims and efforts.
- Provides information to all whom are interested (including States not parties) – documentation centre, web site, et cetera.

**Coordinating Committee**
- Established by a 2000 decision of the States Parties.
- Mandate: “To coordinate matters relating to and flowing from the work of the Standing Committees with the work of the MSPs.”
- Transparency: Agreement that “the President (…) would report on (the CC’s) functioning…”

Framework for work 2005-2009

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
<th>Number</th>
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<tbody>
<tr>
<td>2004</td>
<td>First RevCon</td>
<td>6MSP</td>
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<td>2005</td>
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<td>2007</td>
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<td>2008</td>
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<td>2009</td>
<td>Second RevCon</td>
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</table>

"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."

Expectations of “major progress towards ending, for all people for all time, the suffering caused by anti-personnel mines.”
Programme for work 2006-2007

Seventh Meeting of the States Parties, Geneva
September 18-22
2006

Meetings of the Standing Committees, Geneva
April 23-27
2007

Eighth Meeting of the States Parties, Jordan
November 18 – 22
2007

Assessment of progress made in the second year of the Nairobi Action Plan’s application (Geneva Progress Report)

Decisions on a process to deal with mine clearance extensions

Informal exchange of information on steps being taken to fulfill core obligations and on assistance available

Work in progress on extensions

Assessment of progress made in the third year of the Nairobi Action Plan’s application (Dead Sea Progress Report)

Further work in progress on extensions

Feb 16: Advice provided to States Parties on preparations for April meetings

April 30: Due date for annual transparency reports

The ISU: What it is…

An independent support to the States Parties and to the Convention more generally; Responsive and responsible to the States Parties.

A part of the GICHD but a part whose existence flows from an international mandate provided by a community of States.

Provides independent professional advice, support and information to the States Parties in the pursuit of the Convention’s aims.

Supports the States Parties in their fulfilment of roles concerning the Convention’s general operations.

Interacts, as a de facto agent of the States Parties and the Convention, with actors that are central to the work to implement the Convention.

The definitive information source on the Convention, in part by having been mandated to have established and maintain the Convention’s documentation centre.
Thank you!

1997/2007
10th anniversary

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