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

12 March 2007 – Phnom Penh
AP Mine Ban Convention


- 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

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

Universal acceptance of a ban on AP Mines

Addressing existing suffering

Preventing future suffering

Universalizing prohibitions

Clearing mined areas

Destroying stockpiles

Assisting the victims
In accepting the Convention, each State Party undertakes never under any circumstances:

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

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

153 States have ratified or acceded to the Convention (as of 12 March 2007)

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Universalizing acceptance of the Convention

42 States have not ratified or acceded to the Convention (as of 12 March 2007)


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

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- **Red** Deadline for stockpile destruction before the 8th Meeting of the States Parties
- **Yellow** Deadline for stockpile destruction after the 8th Meeting of the States Parties
Mine Clearance

- 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.”

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.
# Mine Clearance Deadlines

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**Key:**
- **Red** States Parties with deadlines in 2010 or earlier.
- **Yellow** States Parties with deadlines beyond 2010.
Mine Clearance Extensions

In September 2006, the States Parties agreed...

(i) to reaffirm their obligation to ensure the destruction of anti-personnel mines in mined areas in accordance with (their obligations and the Nairobi Action Plan).

(ii) to establish a process for the preparation, submission and consideration of requests for extension to Article 5 deadlines;

(iii) that requesting States Parties are encouraged, as necessary, to seek assistance from the Implementation Support Unit in the preparation of their requests;

(iv) that States Parties in a position to do so should assist States Parties to fulfil their Article 5 obligations in accordance with (their obligations and the Nairobi Action Plan).

(v) to work further on a voluntary template to facilitate preparation and assessment of extension requests, with a view to its finalisation by the conclusion of the 2007 intersessional meetings.

(vi) to strongly encourage States Parties seeking Article 5 extensions to append their national demining plans to their extension requests;

(vii) to encourage States Parties seeking Article 5 extensions to submit their request to the President no fewer than nine months before the Meeting of the States Parties or Review Conference at which the decision on the request would need to be taken;

(viii) that the President, upon receipt of an extension request, should inform the States Parties of its lodgement and make it openly available, in keeping with the Convention’s practice of transparency;

(ix) that the President and the Co-Chairs and Co-Rapporteurs of the Standing Committees, jointly prepare an analysis of the request indicating, inter alia: clarifications of facts sought and received from the requesting State; demining plans for the extension period; resource and assistance needs and gaps;

(x) that, in preparing the analysis, the President and the Co-Chairs and Co-Rapporteurs of the Standing Committees and the requesting States Party should cooperate fully to clarify issues and identify needs;

(xi) that in preparing the analysis, the President, Co-Chairs and Co-Rapporteurs, in close consultation with the requesting state, should, where appropriate, draw on expert mine clearance, legal and diplomatic advice, using the ISU to provide support;

(xii) that the President, acting on behalf of the Co-Chairs and Co-Rapporteurs, should submit the analysis to the States Parties well before the MSP or Review Conference preceding the requesting State’s deadline.

(xiii) to encourage all States Parties in a position to do so to provide additional, ear-marked funds to the ISU Trust Fund to cover costs related to supporting the Article 5 extensions process.
Mine Clearance Extensions

- Mid-December 2007

- Mid-September 2008

- 1 March 2009

- Approximately nine months prior to the possible date for the last Meeting of the States Parties prior to the first deadlines for completing implementation of Article 5.

- Possible date for the last Meeting of the States Parties prior to the first deadlines for completing implementation of Article 5.

- First deadlines (for 11 States Parties) for completing implementation of Article 5.
Article 5 extension request timeline: Thailand

- **March 2007 – Mid-December 2007**: Time to prepare request for extension, seeking the assistance of the Implementation Support Unit if necessary.
- **Mid-December 2007**: Request submitted (nine months prior to the last Meeting of the States Parties prior to Thailand’s deadline for completing implementation of Article 5).
- **September – November 2008**: Request formally considered (Likely date for the last Meeting of the States Parties prior to Thailand’s deadline for completing implementation of Article 5).
- **1 May 2009**: Deadline for Thailand for completing implementation of Article 5.
Article 5 extension request timeline: Cambodia

March 2007 to March 2008
Time to prepare request for extension, seeking the assistance of the Implementation Support Unit if necessary.

March 2008
Request submitted (nine months prior to the last Meeting of the States Parties prior to Thailand’s deadline for completing implementation of Article 5).

December 2009
Request formally considered (Likely date for the last Meeting of the States Parties prior to Thailand’s deadline for completing implementation of Article 5).

1 January 2010
Deadline for Thailand for completing 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.
Transparency in implementation

- Each State Party must provide an initial transparency report within 180 days of the Convention entering into force for it.

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

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

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

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

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

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

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

- Meetings of the States Parties
- Review Conferences
- Intersessional Work Programme
- Coordinating Committee
- Implementation Support Unit
  - Universalization Contact Group
  - Article 7 Contact Group
  - Resource Mob. Contact Group
  - Sponsorship Programme

Contained within the text of the Convention
Established by decisions of the States Parties
Established informally
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.”

**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….”

**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.
“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

Meeting 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

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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.