

ACHIEVING THE AIMS OF THE NAIROBI ACTION PLAN: THE GENEVA PROGRESS REPORT 2005-2006

Part II of the Final Report of the
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Seventh Meeting of the States Parties

(Unofficial version, without annexes)



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

Introduction

1. The *Nairobi Action Plan (NAP)*, adopted by the States Parties at the First Review Conference, lays out a comprehensive framework for the period 2005-2009 for achieving major progress towards ending, for all people and for all time, the suffering caused by anti-personnel mines. In doing so, it provides the States Parties with guidance in fulfilling their Convention obligations.

2. The purpose of the *Geneva Progress Report (GPR)* is to monitor and support application of the *NAP* by measuring progress made between the Sixth and Seventh Meetings of the States Parties.¹ The report also highlights priority areas of work for the States Parties, the Co-Chairs and the President between the Seventh and the Eighth Meetings of the States Parties. It builds upon the 2004-2005 *Zagreb Progress Report (ZPR)* and is the second in a series of annual progress reports before the 2009 Second Review Conference.

I. Universalizing the Convention

3. Since the Sixth Meeting of States Parties (6MSP), instruments of ratification were deposited by **Ukraine** on 27 December 2005, by **Haiti** on 15 February 2006, by the **Cook Islands** on 15 March 2006 and by **Brunei Darussalam** on 24 April 2006. There are now **151 States** which have deposited instruments of ratification, acceptance, approval or accession. The Convention has entered into force for 150 of these States². (See Part II - Annex I).

4. Forty-four (44) States have not yet ratified or acceded to the Convention. Among

these states are some that produce, use, transfer and / or maintain large stockpiles of anti-personnel mines. And some are considering developing new kinds of anti-personnel mines. For instance, the International Campaign to Ban Landmines (ICBL) has reported that since the 6MSP three States not parties – Myanmar, Nepal and the Russian Federation – have made new use of anti-personnel mines. Some States not parties are mine-affected and could benefit from the Convention's cooperation and assistance provisions if they acceded to the Convention. In addition, among these 44 States are three States that signed the Convention: Indonesia, the Marshall Islands and Poland.

5. Since the 6MSP, States Parties have promoted adherence to the Convention by States not parties. The President of the 6MSP wrote to all States not parties encouraging them to ratify or accede to the Convention as soon as possible. Canada, in addition to coordinating the Universalization Contact Group, held military-to-military dialogues with India and Pakistan. On the margins of the 6MSP and the May 2006 meetings of the Standing Committees, New Zealand and Jordan convened regional universalization discussions for the Asia-Pacific and the Middle East, respectively. Other States Parties have regularly raised ratification of or accession to the Convention with States not parties.

6. The International Campaign to Ban Landmines (ICBL) held youth workshops in Egypt and Lebanon, sent high-level delegations to Brunei, Egypt, India and Lebanon, and led a delegation to Poland. Its country campaign in Nepal played a leading role in convincing Nepal's government and Maoist groups to include a commitment to refrain from landmine use in a code of conduct agreed upon during peace talks in May 2006. The International Committee of the Red Cross (ICRC) promoted adherence to the Convention, particularly among signatory States and in South Asia. The United Nations (UN)

¹ Specifically, the period covered by this report is 2 December 2005 to 22 September 2006.

² The Convention enters into force for Brunei Darussalam on 1 October 2006.

recorded in its 2006-2010 inter-agency mine action strategy that it will continue to promote full adherence to the Convention. The Implementation Support Unit (ISU) in the Geneva International Centre for Humanitarian Demining (GICHD) and the GICHD's Director provided relevant information to help States not parties make informed decisions on acceptance of the Convention.

7. The European Union's (EU) commitment of support to the destruction of Ukraine's stockpiled anti-personnel mines was critical in facilitating Ukraine's entry into the Convention. The EU was called upon to act with respect to bringing into the Convention Finland and Poland, the only EU member States that have not ratified or acceded to the Convention. The Organization of American States continued to play an important role in universalization. The OAS's General Assembly adopted a resolution on 6 June 2006 urging its member States that have not yet done so to ratify or consider acceding to the Convention.

8. States Parties and other actors, including the ICBL and its member organizations, the ICRC, the UN, and the OAS General Assembly, have advocated the end to use, stockpiling, production and transfer of anti-personnel mines by armed non-State actors. Switzerland has further pursued its efforts to promote a discussion on the role of States in implementing *NAP* Action #46. Several States Parties and the United Nations Mine Action Service (UNMAS) expressed their support and / or made financial commitments to the Geneva Call for its work to engage armed non-State actors and promote their adherence to the Convention's norms. The Geneva Call has obtained further signings of its *Deed of Commitment for Adherence to a Total Ban on Anti Personnel Mines and for Cooperation in Mine Action* since the 6MSP. With respect to one of these signings, one State Party noted with concern that the Geneva Call proceeded in a manner not consistent with paragraph 17 of the Zagreb Progress Report which states:

"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."

9. According to the ICBL, armed non-State actors in 10 States (Burundi, Colombia, Guinea-Bissau, India, Iraq, Myanmar, Nepal, Pakistan, Russia and Somalia) have made new use of anti-

personnel mines since the 6MSP. The ICRC reminded States Parties that assuring respect for the Convention's norms by all parties to an armed conflict, be it of international or not of an international character, is a humanitarian necessity if civilians are to be spared the devastating effects of anti-personnel mines. The ICRC also recalled the provisions of the 1949 Geneva Conventions and their 1977 Additional Protocols according to which the application of international humanitarian law "shall not affect the legal status" of the parties to the conflict.

Priorities for the period leading to the 8MSP:

10. States Parties must turn their commitment to universalization into action in accordance with *NAP* Actions #1 to #8, particularly given the extent of the challenges that remain. States not parties should continue to be approached on a case specific basis. And pending their adherence to the Convention, they should be encouraged to participate as observers in Convention meetings and to implement voluntarily the Convention's provisions. 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.

II. Destroying stockpiled anti-personnel mines

11. Since the 6MSP, Ukraine – which possesses stockpiled anti-personnel mines – ratified the Convention. And the **Democratic Republic of the Congo** and **Latvia** reported fulfilment of their stockpile destruction obligations. Hence twelve States Parties have indicated the obligation to destroy stockpiled anti-personnel mines remains relevant for them: Afghanistan, Angola, Belarus, Burundi, Cyprus, Ethiopia, Greece, Guyana, Serbia, Sudan, Turkey and Ukraine. One of these States Parties indicated during the May 2006 meeting of the Standing Committee on Stockpile Destruction that it may seek an extension for destroying its stockpiles. Yet the Convention does not permit such extensions. Timelines for States Parties to complete stockpile destruction in accordance with Article 4 are in Part II - Annex II.

12. One hundred and thirty nine (139) States that have ratified or acceded to the Convention no longer hold stocks of anti-personnel mines, either because they never did or because they have completed their destruction programmes. States Parties have destroyed more than 38 million stockpiled mines. But for a small number of States Parties, stockpile destruction remains relevant and several challenges remain.

13. Some States Parties are emerging from years of conflict and may not know the extent of stockpiled anti-personnel mines in areas under their jurisdiction. In some instances, these States Parties may not have control over all such areas. For two States Parties, the destruction of vast numbers of the PFM-1 type mine remains a challenge. For some, the sheer volume of mines that must be destroyed presents difficulties. In addition, all 12 relevant States Parties are challenged by the obligation to destroy their stocks “as soon as possible”.

14. Two States Parties (Ethiopia and Guyana), have not yet reported, as required, the number and types of stockpiled anti-personnel mines under their respective jurisdiction or control. Bhutan, Cape Verde, Equatorial Guinea, Gambia and Sao Tome and Principe have not provided an initial Article 7 report to confirm the assumption that they do not hold stocks.

15. States Parties continued to discuss their commitment to report, in accordance with Article 7 and through informal means, discoveries of previously unknown stockpiles found after stockpile destruction deadlines have passed. And they reaffirmed the need to destroy these mines as a matter of urgent priority (*NAP* Action #15). It was suggested that Form G of the Article 7 reporting format could be amended to facilitate reporting. Others suggested that Form G in its current format seems sufficient to handle these situations.

16. While the responsibility to destroy stockpiled anti-personnel mines rests with each State Party, the Convention calls for others to assist. In most instances States Parties can fulfil Article 4 obligations with their resources. But it was again noted that the Convention community must respond to appeals for technical or other assistance, in accordance with Article 6 paragraph 5 of the Convention and as committed to in *NAP* Actions #13 and #14.

17. The *ZPR* recorded the need to raise awareness of the need to destroy stockpiled mines belonging to armed non-State actors that have committed to ban the use, stockpiling, production and transfer of anti-personnel mines. The Geneva Call reported the destruction of stockpiled anti-personnel mines in Western Sahara by a signatory to its *Deed of Commitment*. In another case the Geneva Call reported possession of stockpiled anti-personnel mines and a related request for assistance in their destruction. The Geneva Call, the Danish Demining Group and the UNDP are assessing the situation.

Priorities for the period leading to the 8MSP:

18. All States Parties must act to comply with their deadlines. States Parties that have a relatively high level of economic development should display leadership in destroying their stockpiles as soon as possible. All other States Parties fulfilling Article 4 obligations need to have a clear plan to ensure compliance with their deadlines. The seven States Parties that have not reported their stockpile status as required under Article 7 should do so.

III. Clearing mined areas

19. **Guatemala, Suriname and the former Yugoslav Republic of Macedonia** formally reported that they had fulfilled their Article 5 obligations. This brings to seven the number of States Parties that have indicated fulfilment of their Article 5 obligations. There remain **45 States Parties** which have indicated that the mine clearance obligations of Article 5 remain relevant for them: Afghanistan, Albania, Algeria, Angola, Argentina, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Chile, Colombia, the Congo, Croatia, Cyprus, the Democratic Republic of the Congo, Denmark, Ecuador, Eritrea, Ethiopia, France, Greece, Guinea-Bissau, Jordan, Malawi, Mauritania, Mozambique, Nicaragua, Niger, Peru, Rwanda, Senegal, Serbia, Sudan, Swaziland, Tajikistan, Thailand, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, Vanuatu, Venezuela, Yemen, Zambia, and Zimbabwe. Timelines for these States Parties to destroy or ensure the destruction of anti-personnel mines in mined areas in accordance with Article 5 are in Part II - Annex III.

20. It was recalled that, 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.” It was noted that the Convention does not contain language requiring each State Party to search every square metre of its territory to find mines. But the Convention does require the destruction of all anti-personnel mines in mined areas which a State Party has made every effort to identify. Moreover, it was noted that oft-used terms like “mine-free,” “impact-free,” and “mine-safe” do not exist in the Convention text and are not synonymous with Convention obligations.

21. It was emphasised that 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.”³ Clearance of anti-personnel mines can have a humanitarian impact, assist development, further the disarmament goal of the Convention and help solidify peace and build confidence.

22. Despite clarifications made at the 6MSP, continuing ambiguity on mine clearance was evident in 2006. At the May 2006 meeting of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, at least two States Parties referred to their end-state under Article 5 obligations as “impact-free” or having no new victims, terms which are neither in the Convention nor consistent with Convention obligations. At least one State Party indicated its intention to emplace *permanent* markings of minefields. This implied that such markings would not be an interim measure and that anti-personnel mines in such mined areas would not be destroyed as required by the Convention.

23. Given the urgent need to fulfil Article 5 obligations, the Co-Chairs of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies and others highlighted *NAP* paragraph 4 and the high expectations for ensuring implementation of Article 5. They recalled that successfully meeting the deadlines for clearing mined areas is the most significant challenge before the Second Review Conference. Meeting this challenge will require intensive efforts by mine-affected States Parties and those in a position to assist them. They recalled that States Parties agreed in *NAP* Actions #17 and #27 to “intensify and accelerate efforts to ensure the most effective and most expeditious possible fulfilment of Article 5 paragraph 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 with the procedure set out in Article 5, paragraphs 3-6 of the Convention.”³

24. The Co-Chairs of Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies encouraged all States Parties fulfilling Article 5 obligations to provide clarity on **national demining plans**, progress made, work that remains, and factors that may impede fulfilling their obligations in a 10 year period in May 2006. Thirty-five (35) of 45 relevant States

Parties provided information, some with more clarity than ever before. But few of these States Parties indicated that they have a plan to fulfil their obligations by their deadlines. Some emphasised that completion in a 10 year period was contingent upon sufficient resources being made available.

25. Of the 45 States Parties that have indicated they must fulfil obligations under Article 5 of the Convention, 9 have provided details on national demining plans / programmes which are consistent with Article 5 obligations and the ten-year deadline set by the Convention. Five (5) have provided details on national demining plans / programmes which are not consistent with Article 5 obligations and / or the ten-year deadline set by the Convention. Eleven (11) States Parties have provided details on national demining plans / programmes which are unclear regarding consistency with Article 5 obligations and / or the ten-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. Twelve (12) 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. A table on the status of demining plans/programmes is in Part II - Annex IV. A summary of the clarity in implementing Article 5 provided at the May 2006 meeting of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies can be found in document APLC/MSP.7/2006/MISC.2, which was presented to the 7MSP by the Standing Committee's Co-Chairs, Jordan and Slovenia.

26. Important advances in the understanding of **identifying mined areas** were made in 2006. In particular, the GICHD and the UN developed risk management approaches that focus on maximizing techniques for releasing rapidly previously suspect land thereby enabling more efficient deployment of demining assets to mined areas. In one UN mine action programme, such methodologies resulted in 50 per cent of suspect hazardous areas being determined to not contain mines. In Cambodia, methodologies have been established to cancel, with confidence, suspect hazardous areas. Non-governmental organizations are undertaking resurvey work to cancel large areas previously considered to contain anti-personnel mines. These advances suggest that the challenges faced by many States Parties may be less than previously thought and that efforts to fulfil Convention obligations can proceed in a more

³ *Nairobi Action Plan* (APLC/CONF/2004/5, Part III), Introduction.

efficient manner. They also suggest that some Landmine Impact Surveys may have dramatically overstated the extent of the problem faced.

27. The Co-Chairs and Co-Rapporteurs of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies initiated a discussion on possible **requests for extensions of deadlines** to comply with Article 5 obligations at the May 2006 meeting. Issues considered included timelines, scope and format of extension requests, review procedures and decision-making process. Work on this issue continued with a view to actions being taken at the 7MSP.

28. The ICBL and UNICEF reported a growing number of mine clearance programmes now include a community liaison component to reduce risks to civilians from mined areas awaiting clearance as called for in the *ZPR*. Community liaison is increasingly integrated by clearance operators as a standard component of their programmes in three States Parties (Bosnia and Herzegovina, Ethiopia and Mauritania). And some community liaison has been recorded in 10 State Parties (Afghanistan, Albania, Angola, Burundi, Cambodia, Croatia, Democratic Republic of the Congo, Mozambique, Sudan and Thailand). It was also noted that some States Parties, including Cambodia and Senegal, have made concrete efforts to develop community liaison projects as part of peace-building and development programmes.

29. UNICEF, in partnership with the GICHD, produced 12 guidebooks to provide advice, tools and guidance to States Parties and others to undertake mine risk education programmes compliant with International Mine Action Standards. The ICRC, in cooperation with National Red Cross and Red Crescent Societies, is reducing the impact of mines and explosive remnants of war using preventive mine action activities that include, in addition to incident data gathering and mine risk education, providing safe alternative to communities until clearance can take place.

30. According to the ICBL and UNICEF, no mine risk education activities were recorded in several States Parties where communities may be at risk. It was noted that while States Parties are obliged under Article 7 paragraph 1(i) to provide information on “the measures taken to provide an immediate and effective warning to the population in relation to all (mined areas),” the information is often insufficient and in some instances non-existent.

31. Important efforts on **mine action technologies** were undertaken consistent with the *NAP*'s guidance with respect to the right of States Parties, as indicated in Article 6 paragraph 2, “to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention.” These efforts included a technology workshop for field practitioners convened by UNMAS and the GICHD in February 2006. Croatia held a symposium involving 26 States and international organizations in April 2006. And Belgium convened a mine action technologies experts' group meeting on the margins of the May 2006 meeting of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies.

32. Mine action technology experts drew several conclusions from their work in 2006. First, the greatest challenge rests with introducing enough appropriate existing technology into national demining programmes with economic realities being the chief limiting factor. Secondly, training, life cycle costs, modifications to an organizational structure and maintenance programme and rewriting standard operating procedures are often overlooked when introducing a new technology. Thirdly, many national demining programmes, if adaptable, well-managed, and have a clear plan, could benefit from the introduction of new technologies. And finally, information to convince mine action operators of the advantages of using machines and new technologies often exists but is not shared or widely available.

Priorities for the period leading to the 8MSP:

33. States Parties implementing Article 5 which have not yet done so should act in accordance with *NAP* Actions #17 to #22 to identify mined areas under their jurisdiction or control, develop national plans consistent with Convention obligations and achieve progress in implementing such a plan. As well, these States should act to significantly reduce risks to populations, and make their priorities and needs for assistance known to other States Parties and / or international and non governmental organizations. The Co-Chairs of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies should promote the need for a high degree of clarity in the implementation of Article 5. States Parties in a position to do so should continue to comply with their obligations to provide assistance for mine clearance and mine risk reduction education in accordance with Article 6.2 of the Convention. And States Parties should work cooperatively to establish practical approaches to

assist them in developing and considering requests for extensions submitted in accordance with Article 5

IV. Assisting the victims

34. The Final Report of the First Review Conference provided a clear framework to develop mine victim assistance. Three statements are particularly relevant: The States Parties emphasized that “the call to assist landmine victims should not lead to victim assistance efforts being undertaken in such a manner as to exclude any person injured or disabled in another manner.” They stated 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.” And, they highlighted that “providing adequate assistance to landmine survivors must be seen in a broader context of development and underdevelopment.”⁴

35. The Report also stressed that greater emphasis must be placed on fulfilling responsibilities to landmine victims by the **24 States Parties** that have indicated that they hold ultimate responsibility for significant numbers of landmine survivors. These States Parties are: Afghanistan, Albania, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Croatia, Democratic Republic of the Congo, El Salvador, Eritrea, Ethiopia, Guinea-Bissau, Mozambique, Nicaragua, Peru, Senegal, Serbia, Sudan, Tajikistan, Thailand, Uganda, and Yemen. As noted in the *NAP*, “these States Parties have the greatest responsibility to act, but also the greatest needs and expectations for assistance.”⁵

36. Guided by the conclusions drawn at the First Review Conference and *NAP* Actions #29 to #39, the Co-Chairs of the Standing Committee on Victim Assistance and Socio-Economic Reintegration continued work to assist the 24 relevant States Parties to set objectives for fulfilling their victim assistance responsibilities in the period 2005-2009. Particular effort was made to overcome the following challenges:

(i) Few of the 24 relevant States Parties had responded with specific, measurable, achievable, relevant and time-bound objectives (*SMART*) in 2005, and some had failed to spell out what is

known or not known about the status of victim assistance;

(ii) In some instances demining officials led efforts to develop victim assistance objectives with little interaction with those responsible for health and social services; and,

(iii) In some instances preparation of victim assistance objectives had not taken broader national plans into consideration.

37. The Co-Chairs recognized that overcoming these challenges required intensive work, on a national basis, with as many of the relevant States Parties as possible, while providing some support to all 24 of these States Parties. The Co-Chairs invited the 24 relevant States Parties to provide updates on their efforts at the May 2006 meeting of the Standing Committee – sixteen (16) did so. With assistance provided by Switzerland, the ISU extended its services to provide *process support* to these States Parties. *Process support* has included one-on-one meetings with relevant officials to raise awareness and stimulate inter-ministerial coordination. A further component was outreach to relevant international and other organizations. And where appropriate, inter-ministerial workshops were held to bring together relevant actors to discuss and consolidate improvements on objectives and the development of plans. The ISU undertook specialized support visits to Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Guinea-Bissau, Serbia, Tajikistan and Yemen in 2006. It provided some advice to all 24 relevant States Parties.

38. The aim of *process support* is to enable those States Parties with good objectives to develop good plans, to help those with unclear objectives develop more concrete objectives, and to assist those least engaged in developing objectives and plans in 2005, to get engaged. Significant progress was made in strengthening objectives and developing or revising plans in Afghanistan, Albania, Guinea-Bissau, Tajikistan, and Yemen, with the engagement of relevant ministries and other actors in 2006. Relevant ministries are developing and implementing plans of action in other relevant States Parties, including in Thailand and Uganda.

39. The Co-Chairs’ efforts to advance national planning and objective-setting through **inter-ministerial coordination** showed that these are challenging tasks for States Parties. Responses by the 24 States Parties to the 2005 Co-Chairs’ questionnaire revealed a lack of communication and coordination between ministries and with other stakeholders. Afghanistan, as Co-Chair and

⁴ *Review of the operation and status of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*. APLC/CONF/2004/5, Part II, paragraphs 66 - 67.

⁵ *Nairobi Action Plan* APLC/CONF/2004/5, Part III, paragraph 5.

leading by example, launched an initiative to enhance inter-ministerial coordination to produce *SMARTer* objectives and a national plan of action to meet the needs of landmine survivors and other persons with disabilities. The plan was elaborated at a workshop in August 2006, with participants from relevant ministries and the disability sector. Afghanistan intends to share this experience with relevant States. Tajikistan also elaborated a plan of action during an inter-ministerial workshop in April 2006.

40. In response to *NAP* Action #29, which in part calls for enhanced **emergency care** of landmine victims, the Co-Chairs of the Standing Committee on Victim Assistance and Socio-Economic Reintegration, in consultation with a number of non-governmental and international organizations, developed *seven key points* for first responders and paramedics in providing medical first aid to mine injured people. The points are basic first-aid actions and can benefit an entire community in responding to injuries resulting from any cause. The Co-Chairs recommended that their *seven key points* be included in mine risk education programmes, where appropriate, as an efficient way to promote their use. The ICRC published a manual, *First Aid in Armed Conflicts and in Other Situations of Violence*, which aims to improve emergency care of victims of mines and armed conflict by first responders.

41. In response to *NAP* Action #32, which calls for support in the **socio-economic reintegration** of mine victims, the Co-Chairs supported a Handicap International study to identify good practices for the economic integration of mine survivors and other persons with disabilities, with particular regard to access to financing and the use of micro credit. The results of the study were presented to the 7MSP.

42. The ICBL, with the support of Switzerland and the Landmine Survivors Network, produced two reports, *Providing Comprehensive and Efficient Prosthetic and Orthotic Services in low-income settings* and *Supporting Prosthetic and Orthotic Services in low-income settings* in 2006. These contributed to *NAP* Action #30, which encourages organizations that specialise in **physical rehabilitation** to develop guidelines for the implementation of prosthetic and orthotic programmes.

43. With Australia's assistance, the ICBL Working Group on Victim Assistance through its member organizations, Standing Tall Australia and Handicap International, produced the report *Landmine Victim Assistance in 2005: Overview of the Situation in 24 States Parties*. This is the

second annual report in a series aimed at **monitoring progress** in implementation of victim assistance commitments (*NAP* Action #37).

44. In keeping with Actions #38 and #39 of the *Nairobi Action Plan*, which call on States Parties and relevant organizations to 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, at least 9 States Parties included relevant victim assistance specialists in their delegations to the May 2006 meetings of the Standing Committees and at least 11 landmine survivors participated in these meetings, including two who were members of States Parties' delegations.

45. Efforts continued since the 6MSP 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 Parties and interested organizations in the ongoing drafting of an international convention on the rights of persons with disabilities.

Priorities for the period leading to the 8MSP:

46. Despite advances since the 6MSP, States Parties need to deepen understanding of commitments made in the *NAP* and the work of the Standing Committee among relevant officials and experts working on disability issues at the national level. The involvement in the work of the Convention by health care, rehabilitation or disability rights experts must be strengthened. States Parties and relevant organizations must do more to ensure that landmine survivors are effectively involved in national planning and contribute to deliberations that affect them.

47. States Parties need to ensure efficient and effective use of resources, particularly where capacity and resources to develop and implement objectives and national plans are limited. Better collaboration between mine action centres and relevant ministries and other key actors in the disability sector is essential.

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

A. Cooperation and assistance

48. The Resource Mobilisation Contact Group focused its efforts in 2006 on the efficient and effective use of resources within all aspects of Convention implementation. Drawing on discussions at the 6MSP and in May 2006,

Contact Group Coordinator, Norway, conducted consultations with key operational actors. An unambiguous message of these consultations was that for high levels of funding to be maintained, stakeholders will demand confirmation that investments are resulting in concrete progress toward fulfilling Convention obligations, with more land released quickly, fewer new victims and more effective victim assistance.

49. Key issues identified since the 6MSP by the Resource Mobilisation Contact Group include the following:

(i) Past Landmine Impact Surveys may have overstated or misrepresented the geographical extent of the mine problem. Therefore priority should be given to investments that realign or update existing survey data with realities, using tools aimed at determining actual mined areas needing clearance.

(ii) Investments in clearance capacity should focus on States Parties' abilities to meet their Article 5 obligations.

(iii) Investments in victim assistance should focus on immediate life-saving capacities in mine-affected areas and on long-term support for survivors. Such investments need to be measured in the life spans of the survivors. They should focus on reinforcing existing health and rehabilitation capacities.

(iv) Investments in clearance and survivor assistance capacities must be done in a manner that reinforces existing and nascent local structures and national institutions, rather than establishing externally funded mine action entities. This is crucial to ensure national ownership and to facilitate more efficient use of resources. Local civil society has a key role in identifying these resources and in holding national and international operators accountable for their actions.

(v) Investments in mine action must be based on the premise that each State Party in the process of fulfilling Article 5 obligations finds itself in a specific situation. Actions must primarily be designed to meet specific circumstances. While global guidelines should be employed to maximise safety and outputs, they must not constrain sound local responses.

50. Canada and the GICHD hosted dialogues in December 2005 and May 2006 on **linking mine action and development**, pursuant to *NAP* Action #47 to encourage the international development community to play a significantly expanded role in mine action. The May meeting concluded that a

continuing mechanism should be set up to sustain efforts to integrate mine action and development cooperation where this is feasible and appropriate. Hence, the Linking Mine Action and Development Contact Group was established. The Group's immediate aim is to develop practical guidelines and tools to facilitate integration of mine action and development in complementing existing dedicated mechanisms. Canada, the United Kingdom, the GICHD and the UNDP promoted the link between mine action and development in the programme of work of the Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development (OECD) in 2007-2008. These efforts aim to enhance policy and practical guidelines for DAC members on the inclusion of mine action in security and development policies.

51. Guatemala, as Co-Chair of the Standing Committee on the General Status and Operation of the Convention, highlighted **multiparty cooperation**, in line with *NAP* Action #50 which calls for efforts to identify new and non-traditional sources of support for activities to implement the Convention. Guatemala highlighted the value of cooperation between (a) a State Party implementing Article 5, (b) a State Party that has developed capacity through its experience in implementing Article 5, or that is willing to offer human and material resources relevant for implementation of Article 5, (c) a donor, and (d) an international or regional organization that can facilitate cooperation. The Organization of American States and States Parties in the Americas have shown leadership in multiparty cooperation, most recently through assistance to Suriname in complying with its Article 5 obligations.

52. The importance of a two-track approach to cooperation on **victim assistance** was again noted. Such an approach involves assistance provided by or through specialized organizations in which assistance specifically targets landmines survivors and other war wounded, and assistance in the form of integrated approaches in which development cooperation aims to guarantee the rights of all individuals, including persons with disabilities. While many States Parties have provided information on efforts regarding the former, very little has been provided to indicate efforts that will ultimately benefit landmine survivors are being undertaken through integrated development cooperation.

53. The Development Cooperation Directorate of the OECD has reaffirmed that **stockpile destruction** activities can be recognized as Official Development Assistance (ODA). Despite

this, few States Parties have provided assistance to those requiring it for the purpose of stockpile destruction.

Priorities for the period leading to the 8MSP:

54. The Resource Mobilisation Contact Group should continue to develop a programme of work that places a clear focus on mine action efficiency and effectiveness. The Contact Group should continue to be guided by needs on the ground and ensure all relevant voices are heard in dialogues on this matter.

55. Efforts should be made to follow-up on various points contained in *NAP* Actions #40 to #50 which have not received sufficient attention since the First Review Conference. States Parties should ensure that mine clearance and victim assistance are part of national development plans and where appropriate, Poverty Reduction Strategy Papers, UN Development Assistance Frameworks, and Country Assistance Strategies. They should highlight progress in the development of national capacities. And they should clarify how States Parties' roles on decision making bodies of multilateral development organizations can support States Parties that require assistance in fulfilling Article 5 and other obligations.

B. Transparency and the exchange of information

56. Since the 6MSP, initial transparency reports were submitted by Latvia and Vanuatu. Hence, seven States Parties have not yet provided an initial Article 7 report: Bhutan, Cape Verde, Equatorial Guinea, Ethiopia, Gambia, Guyana, and Sao Tome and Principe.⁶

57. In terms of compliance with Article 7 paragraph 2 of the Convention, annual Article 7 reports for 2006 were provided by all states with the exception of the following 43 States Parties: Andorra, Antigua and Barbuda, Bahamas⁷, Barbados, Botswana, Cameroon, Central African Republic, Comoros, Costa Rica, Djibouti, Dominica, Dominican Republic, Eritrea, Fiji, Gabon, Ghana, Grenada, Guinea, Jamaica, Kiribati, Liberia, Malawi, Mali, Nauru, Nigeria, Niue, Panama, Papua New Guinea, Philippines,

⁶ Ukraine is required to submit an initial transparency report as soon as practicable and, in any event, not later than 28 November 2006, Haiti not later than 28 January 2007, the Cook Islands not later than 28 February 2007, and Brunei Darussalam not later than 30 March 2007.

⁷The annual transparency reporting rate is acquired by dividing the number of States Parties that provided a report in a particular year by the number of States Parties that were required to provide a report in a particular year.

Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia, Republic of, Seychelles, Sierra Leone, Solomon Islands, Timor-Leste, Togo, Uganda and Uruguay. As of 22 September 2006, the overall reporting rate in 2006 stood at 66 percent⁷.

58. The 6MSP reemphasised that reporting in accordance with Article 7 is particularly important for States Parties in the process of fulfilling key obligations or which have retained anti-personnel mines under Article 3. As of 22 September 2006:

(i) Of the 12 States Parties which, as of the close of the 6MSP, still had to destroy stockpiled mines in accordance with Article 4, each provided transparency information on this matter as required in 2006 covering the previous calendar year with the exception of the following: Ethiopia, Guyana and Serbia.

(ii) Of the 45 States Parties which, as of the close of the 6MSP, still had to clear mined areas in accordance with Article 5, each provided transparency information on this matter as required in 2006 covering the previous calendar year with the exception of the following: Congo, Democratic Republic of the Congo, Eritrea, Ethiopia, Malawi, Niger, Serbia and Uganda.

(iii) Of the 76 States Parties which, as of the close of the 6MSP, had not yet reported on legislation in the context of Article 9, each provided transparency information on this matter as required in 2006 covering the previous calendar year with the exception of the following: Angola, Antigua and Barbuda, Bahamas, Barbados, Bhutan, Burundi, Cape Verde, Comoros, Cyprus, Dominica, Dominican Republic, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guyana, Latvia, Liberia, Maldives, Nauru, Niue, Qatar, Saint Kitts and Nevis, Saint Lucia, San Marino, Sao Tome and Principe, Solomon Islands, Sudan, Timor-Leste, Turkmenistan, and Venezuela.

(iv) Of the 75 States Parties which, as of the close of the 6MSP, had reported that they had retained mines for reasons permitted under Article 3, each provided transparency information on this matter in 2006 with the exception of the following: Botswana, Cameroon, Democratic Republic of the Congo, Djibouti, El Salvador, Eritrea, Honduras, Malawi, Mali, Serbia, Togo and Uruguay. Two States: Burundi and the Democratic Republic of Congo stated that a decision concerning mines retained under Article 3 is pending. An update on the numbers of mines retained and transferred for permitted reasons is in Part II - Annex V.

59. At the 6MSP, the States Parties amended the transparency reporting format to provide, in Form D, the opportunity to volunteer information in addition to what is minimally required on mines retained for reasons permitted under Article 3 pursuant to *NAP* Action #54. Nine (9) States Parties used the amended reporting format to provide such information. The Co-Chairs of the Standing Committee on the General Status and Operation invited States Parties to volunteer relevant information on mines retained under Article 3 to make use of this forum. Seventeen (17) States Parties did so at the Standing Committee's meeting. An overview of information volunteered is in Part II - Annex V.

60. States Parties may share information beyond what is minimally required through the Article 7 reporting format's Form J. Since the 6MSP, the following 44 States Parties have made use of Form J as a voluntary means of reporting: Afghanistan, Albania, Angola, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Burundi, Cambodia, Canada, Chad, Chile, Colombia, Croatia, Cyprus, Democratic Republic of the Congo, Denmark, Ecuador, Estonia, France, Germany, Greece, Guinea Bissau, Ireland, Italy, Lithuania, Mozambique, Netherlands, New Zealand, Norway, Peru, Rwanda, Senegal, Slovakia, South Africa, Spain, Sudan, Sweden, Tajikistan, Thailand, Turkey, Yemen and Zimbabwe. Of these, the following 30 States Parties used Form J to report on assistance for the care and rehabilitation, and social and economic reintegration, of mine victims: Afghanistan, Albania, Angola, Australia, Austria, Bosnia and Herzegovina, Burundi, Cambodia, Canada, Chad, Colombia, Croatia, Democratic Republic of the Congo, Ecuador, France, Germany, Guinea Bissau, Mozambique, Netherlands, New Zealand, Peru, Senegal, Spain, Sudan, Sweden, Tajikistan, Thailand, Turkey, Yemen and Zimbabwe.

61. The Co-Chairs of the Standing Committee on the General Status and Operation of the Convention provided an opportunity, pursuant to *NAP* Action #55, for an exchange of views on implementation of Articles 1, 2 and 3 on 12 May 2006. Three States Parties spoke on Articles 1, 2 and/or 3. Two States Parties shared views on other aspects of implementation.

62. Since the 6MSP, Poland provided a voluntary transparency report sharing information on all pertinent matters mentioned in Article 7. In addition Morocco provided on a voluntary basis some of the information required in Article 7, although it did not submit information on stockpiled anti-personnel mines.

63. Consistent with *NAP* Action #58, some States Parties, regional or other organizations arranged voluntarily regional and thematic conferences and workshops to advance implementation of the Convention. In addition to those already mentioned, Trinidad and Tobago held a workshop on the role of the Caribbean Community in pursuing the aims of the Convention in June 2006. Argentina and the ICRC held a seminar on international humanitarian law which included as one its objectives the promotion of the application of the *NAP* in August 2006.

Priorities for the period leading to the 8MSP:

64. States Parties must continue to or improve as appropriate their compliance with Article 7 obligations, particularly those States Parties that are destroying stockpiled mines, clearing mined areas, retaining anti-personnel mines in accordance with Article 3, and / or undertaking measures in accordance with Article 9.

C. Preventing and suppressing prohibited activities, and facilitating compliance

65. Since the 6MSP, five additional States Parties (Albania, Chad, Croatia, Senegal and Peru), including one that had previously indicated that it considered existing laws to be sufficient, reported having adopted legislation in the context of Article 9 obligations. One State Party – Greece – reported existing laws to be sufficient. There are now 51 states that have reported that they have adopted legislation in the context of Article 9 obligations. An additional 26 reported that they consider existing laws to be sufficient. Seventy-four (74) States that have ratified or acceded to the Convention have not yet reported having adopted legislation in the context of Article 9 obligations or that they consider existing laws to be sufficient. None of the four States newly ratified or acceded to the Convention has reported actions taken in accordance with Article 9. An overview of implementation of Article 9 is in Part II- Annex VI.

66. Since the 6MSP, the States Parties remained committed to work together to facilitate compliance under the Convention. In addition, since the 6MSP, no State Party submitted a request for clarification to a Meeting of the States Parties in accordance with Article 8, paragraph 2, nor has any proposed that a Special Meeting of the States Parties be convened in accordance with Article 8, paragraph 5. As well, the UN Department for Disarmament Affairs (UNDDA) 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 6MSP, 21 States Parties – Argentina, Bolivia, Burkina Faso, Chile, Croatia, Cyprus, Democratic Republic of the Congo, El Salvador, Germany, Guyana, Italy, Kenya, Panama, Republic of Moldova, Spain, The former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, Zambia and Zimbabwe – provided updated information for the list of experts.

Priorities for the period leading to the 8MSP:

67. Recalling the commitment States Parties made in *NAP* Actions #59 to #62, States Parties need to ensure development and adoption of appropriate legislative and other measures in accordance with Article 9 of the Convention. States need to include penal sanctions for prohibited activities, to integrate the Convention's prohibitions and requirements into their military doctrine, and to report on these matters as required under Article 7. Since the First Review Conference, few States Parties have reported adopting such measures. States Parties requiring assistance in this area should draw on support available from the ICRC and other actors.

D. Implementation support

68. The **Coordinating Committee** met six times to prepare for and assess the outcome of the Intersessional Work Programme and to coordinate the work of the Standing Committees with the work of the Meeting of the States Parties since the 6MSP. 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.

69. With respect to the **Intersessional Work Programme**, at the May 2006 meetings of the Standing Committees there were over 550 registered delegates representing 97 States Parties, 18 States not parties and numerous international and non-governmental organizations. These meetings featured discussions on the implementation of key provisions of the Convention and on assuring that cooperation and assistance would continue to function well. The meetings were again supported by the GICHD. Interpretation services were provided through voluntary contributions by the European Commission and Canada.

70. In 2006, the **Implementation Support Unit** (ISU) of the GICHD continued to assist States

Parties to implement the Convention's obligations and objectives. The ISU supported the President, the President-Designate, the Co-Chairs, the Contact Group Coordinators, the Sponsorship Programme donors group and individual States Parties with initiatives to pursue the aims of the *Nairobi Action Plan*. In addition, through the provision of professional advice, support and information services, the ISU assisted individual States Parties in addressing various implementation challenges.

71. The continuing operations of the ISU were assured by voluntary contributions by the following States Parties since the 6MSP: Albania, Australia, Belgium, Burundi, Canada, Chile, Cyprus, Estonia, Germany, Hungary, Ireland, Italy, Lithuania, Malaysia, Malta, Mexico, the Netherlands, Nigeria, the Philippines, South Africa, Slovenia and Turkey. The ISU enhanced its available services in 2006 by providing victim assistance *process support* to the inter-ministerial coordination efforts of States Parties that have reported the responsibility for significant numbers of mine victims through project funding provided by Switzerland.

72. The UNDDA, Australia and Switzerland, with the assistance of the ISU, made arrangements for the Seventh Meeting of the States Parties. The States Parties continued to use **Contact Groups** on universalization, Article 7 reporting and resource mobilization. As noted, Canada established a new Contact Group on Linking Mine Action and Development in order to pursue in more focused manner various aspects of the *NAP*.

73. The **Sponsorship Programme** continued to ensure participation in the Convention's meetings by States Parties normally not able to be represented at these meetings by relevant experts or officials. In advance of the May 2006 meetings of the Standing Committees, the programme's Donors' Group invited 42 States Parties to request sponsorship for up to 64 delegates to provide updates on Convention implementation. Thirty-five representatives (29 States Parties) were sponsored to attend the May meetings. The programme's Donors' Group invited 45 States Parties to request sponsorship for up to 69 delegates to attend the 7MSP. 47 representatives of 32 States Parties were sponsored to attend the 7MSP.

74. Sponsorship of States Parties' delegates also assisted in the application of *NAP* Action #39, to include health and social service professionals in deliberations. Nine (9) relevant States Parties accepted the Donors' Group offer of support at the May 2006 meetings. And 16 relevant States

Parties took advantage of the Donors' Group offer of support for participation by such a professional in the 7MSP.

75. The Sponsorship Programme also contributed to the aims of universalization, with the Donors' Group having offered sponsorship to 10 States not parties for the May 2006 meetings of the Standing Committees and 10 States not parties for the 7MSP. Five States not parties accepted this offer in May 2006, with each providing an update

on its views on the Convention at the 8 May meeting of the Standing Committee on the General Status and Operation of the Convention. Four States not parties accepted this offer for the 7MSP

76. The continuing operations of the Sponsorship Programme were assured in 2006 by contributions to the Sponsorship Programme from the following States Parties since the 6MSP: Australia and Belgium.