

ARTICLE 7 REPORTING: A PROGRESS REPORT

LANDMINE MONITOR FACT SHEET

Prepared by Human Rights Watch

For the Fourth Meeting of the
Intersessional Standing Committee on
General Status and Operation of the Convention

Geneva, Switzerland
11 May 2000

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CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF
ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION, 18 SEPTEMBER 1997

Article 7

Transparency measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party on:

- a) The national implementation measures referred to in Article 9;
- b) The total of all stockpiled anti-personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
- c) To the extent possible, the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of anti-personnel mine in each mined area and when they were emplaced;
- d) The types, quantities and, if possible, lot numbers of all anti-personnel mines retained or transferred for the development of and training in mine detection, mine clearance or development of and training in mine detection, mine clearance or mine destruction techniques, or transferred for the purpose of destruction, as well as the institutions authorized by a State Party to retain or transfer anti-personnel mines, in accordance with Article 3;
- e) The status of programs for the conversion or de-commissioning of anti-personnel mine production facilities;
- f) The status of programs for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
- g) The types and quantities of all anti-personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each type of anti-personnel mine in the case of destruction in accordance with Article 4;
- h) The technical characteristics of each type of anti-personnel mine produced, to the extent known, and those currently owned or possessed by a State Party, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of anti-personnel mines; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information which may facilitate mine clearance; and
- i) 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.

2. The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.

3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

Submit Reports and Notifications to:	United Nations, Department for Disarmament Affairs S-3100 New York, NY 10017 USA Attn: Ms. Tamara Malinova Email. malinova@un.org Telephone + (1) 212 963 8199 Fax +(1) 212 963 8995
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For more information or to make a clarification or comment, please contact:

Mark Hiznay, Human Rights Watch
1630 Connecticut Ave NW, #500, Washington DC, USA 20009
Tel. + 202-612-4353; Fax. + 202-612-4333; Email. hiznaym@hrw.org

INTRODUCTION

Article 7 (Transparency Measures) of the 1997 Mine Ban Treaty states that “Each State Party shall report to the Secretary General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party” on steps taken to implement aspects of the convention. Thereafter, States Parties are obligated to report annually, by 30 April, on the preceding calendar year.

As of 1 May 2001, the UN had received initial transparency measures reports from fifty-eight States Parties. A total of thirty-six States Parties were late submitting initial reports. One signatory, Cameroon, submitted its report even though it has yet to officially ratify the convention. States Parties are to be commended for this commitment to transparency. The UN Department of Disarmament Affairs posts Article 7 transparency measures reports to the Internet at: <http://domino.un.org/Ottawa.nsf>. The UN deserves recognition for the timely fashion in which it has put the reports on the Internet.

The fifty-eight States Parties, and one signatory, who have deposited their initial transparency measures reports are listed below:

Andorra	Fiji	Nicaragua
Antigua and Barbuda	France	Niue
Argentina	Germany	Norway
Australia	Guatemala	Peru
Austria	Holy See	Portugal
Belgium	Honduras	Saint Kitts and Nevis
Belize	Hungary	Senegal
Benin	Ireland	Slovakia
Bolivia	Italy	Slovenia
Bosnia and Herzegovina	Jamaica	South Africa
Brazil	Japan	Spain
Bulgaria	Jordan	Swaziland
Burkina Faso	Lesotho	Sweden
Cambodia	Liechtenstein	Switzerland
Cameroon (Signatory)	Macedonia FYR	Thailand
Canada	Malaysia	Tunisia
Croatia	Mexico	United Kingdom
Czech Republic	Mozambique	Yemen
Denmark	Netherlands	Zimbabwe
Ecuador	New Zealand	

The overall rate of States Parties submitting initial transparency measures reports is 62 percent. On a regional basis, in Europe-Central Asia 78 percent of States Parties have submitted their initial reports; in the Middle East-North Africa 75 percent; in the Asia-Pacific region 73 percent; in the Americas region 56 percent; and in sub-Saharan Africa 36 percent have submitted initial Article 7 reports.

After submission of the initial Article 7 report, States Parties are required to submit updated information on an annual basis. Annual reports are due on 30 April and are to cover the previous calendar year.

A total of twenty-eight States Parties have submitted an annual report following their initial report: Australia, Austria, Belgium, Benin, Bulgaria, Canada, Croatia, Denmark, Ecuador, France, Germany, Hungary, Ireland, Japan, Jordan, Mexico, Netherlands, Norway, Senegal, Slovakia, Slovenia, South Africa, Sweden, Switzerland, Thailand, United Kingdom, Yemen, and Zimbabwe.

Seventeen States Parties failed to submit an annual report as due on 30 April 2000. (See below for list).

At the time of preparation of this fact sheet, annual reports due on 30 April 2001 had been submitted by Bulgaria, Canada, Ecuador, Germany, Netherlands, Senegal, Slovenia, Switzerland, Thailand, and Zimbabwe.

TRANSPARENCY REPORTING IN AFRICA

Of the thirty-two States Parties in sub-Saharan Africa:

Submissions

- Eight countries have submitted their initial report: Benin, Burkina Faso, Lesotho, Mozambique, Senegal, South Africa, Swaziland, and Zimbabwe;
- Treaty signatory Cameroon submitted an initial report in March 2001;
- Benin and South Africa have submitted their annual report due on 30 April 2000;
- Senegal and Zimbabwe have submitted their annual report due by 30 April 2001;

Late Initial Reports

- Fourteen countries are late in submitting their initial reports:

<u>Country</u>	<u>Date Due</u>
Botswana	28 February 2001
Chad	29 April 2000
Djibouti	28 August 1999
Equatorial Guinea	28 August 1999
Guinea	28 September 1999
Liberia	28 November 2000
Madagascar	28 August 2000
Malawi	28 August 1999
Mali	28 August 1999
Mauritius	28 August 1999
Namibia	28 August 1999
Niger	28 February 2000
Togo	28 February 2001
Uganda	28 February 2000

Pending Due Dates

- Initial reports will be due from ten countries on the following dates:

<u>Country</u>	<u>Date Due</u>
Cote d'Ivoire	30 May 2001
Gabon	28 August 2001
Ghana	30 May 2001
Kenya	28 December 2001

Mauritania	30 June 2001
Rwanda	30 May 2001
Seychelles	30 May 2001
Sierra Leone	30 March 2002
Tanzania	28 October 2001
Zambia	27 January 2002

TRANSPARENCY REPORTING IN THE AMERICAS

Of the twenty-seven States Parties in the Americas:

Submissions

- Fourteen countries have submitted their initial report: Antigua and Barbuda, Argentina, Belize, Bolivia, Brazil, Canada, Ecuador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Peru, and Saint Kitts and Nevis;
- Canada and Mexico submitted their annual report due by 30 April 2000;
- Canada and Ecuador have submitted their annual report due by 30 April 2001;

Late Initial Reports

- Eleven countries are late in submitting their initial reports:

<u>Country</u>	<u>Date Due</u>
Bahamas	28 August 1999
Barbados	28 December 1999
Costa Rica	28 February 2000
Dominica	28 February 2000
El Salvador	28 December 1999
Grenada	28 August 1999
Panama	28 September 1999
Paraguay	28 October 1999
Saint Lucia	29 March 2000
Trinidad Tobago	28 August 1999
Venezuela	29 March 2000

Pending Due Dates

- Initial reports are due from two countries:

<u>Country</u>	<u>Date Due</u>
Colombia	28 August 2001
Dominican Republic	30 May 2001

TRANSPARENCY REPORTING IN THE ASIA-PACIFIC REGION

Of the fifteen States Parties in the Asia-Pacific region:

Submissions

- Eight countries have submitted their initial report: Australia, Cambodia, Fiji, Japan, Malaysia, New Zealand, Niue, and Thailand;
- Australia, Japan, and Thailand have submitted their annual report due 30 April 2000;

- Thailand has submitted its annual report due by 30 April 2001.

Late Initial Reports

- Three countries are late in submitting their initial reports:

<u>Country</u>	<u>Date Due</u>
Philippines	28 January 2001
Samoa	28 August 1999
Solomon Islands	28 December 1999

Pending Due Dates

- Initial reports are due from four countries:

<u>Country</u>	<u>Date Due</u>
Bangladesh	28 August 2001
Kiribati	28 August 2001
Maldives	28 August 2001
Nauru	31 July 2001

TRANSPARENCY REPORTING IN EUROPE – CENTRAL ASIA

Of the thirty-four States Parties in Europe -- Central Asia:

Submissions

- Twenty-five countries have submitted their initial report: Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, France, Germany, Holy See, Hungary, Ireland, Italy, Liechtenstein, Macedonia FYR, Netherlands, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom;
- Fifteen countries have submitted their annual report due 30 April 2000: Austria, Belgium, Bulgaria, Croatia, Denmark, France, Germany, Hungary, Ireland, Norway, Slovakia, Slovenia, Sweden, Switzerland, and the United Kingdom;
- Bulgaria, Germany, Netherlands, Slovenia, and Switzerland have submitted their annual report due by 30 April 2001.

Late Initial Reports

- Seven countries are late in submitting their initial reports:

<u>Country</u>	<u>Date Due</u>
Albania	28 January 2001
Iceland	29 April 2000
Luxembourg	29 May 2000
Monaco	28 October 1999
San Marino	28 August 1999
Tajikistan	28 September 2000
Turkmenistan	28 August 1999

Pending Due Dates

- Initial reports are due from two countries:

<u>Country</u>	<u>Date Due</u>
Moldova	28 August 2001
Romania	28 October 2001

TRANSPARENCY REPORTING IN THE MIDDLE EAST -- NORTH AFRICA

Of the four States Parties in the Middle East – North Africa region:

- Three countries have submitted their initial report: Jordan, Tunisia, and Yemen;
- Jordan and Yemen have submitted their annual report due on 30 April 2000;
- Qatar is late in submitting its initial report (date due, 28 September 1999) and its annual report due 30 April 2000.

ISSUES OF CONCERN

Late Reporting

Thirty-six countries are late in submitting their initial transparency measures report, and an additional seventeen did not submit an annual report as required on 30 April 2000. These governments have thus far failed to fulfill a treaty obligation; Article 7 reporting is not optional; 180 days after entry into force is a legal deadline, not a target date. Timely reporting is also an important indicator of a government's commitment to the eradication of antipersonnel mines. It is important that governments meet the obligations of the convention, so as to build confidence in their intention and ability to meet other vital obligations. Article 7 reporting is also crucial because it can provide a wealth of information that will be useful to mine action practitioners.

The ICBL appreciates that the Standing Committee on General Status and Operation has highlighted this problem and has sought ways to remedy it. States Parties and non-governmental organizations should make every effort to ascertain why a government is late, should provide strong encouragement to report as soon as possible, and most importantly, should provide any possible assistance in completing the report (consistent with Article 6 of the convention). Those in need of assistance and those willing to provide it should make known precisely what type of assistance (technical, translation, etc.) is needed and available, respectively.

The ICBL is pleased that States Parties have responded positively to its suggestion regarding the value of an Article 7 Reporting Handbook, and urges governments to support this initiative in all ways possible.

Lack of Reporting on Foreign Stocks

The United States has approximately 371,000 antipersonnel mines stockpiled in five States Parties: Germany (112,000), Japan (115,000), Norway (123,000), Qatar (11,000), and United Kingdom (10,000). U.S. mines have been removed from Italy and Spain. There have been unconfirmed reports of foreign mines stored in other States Parties as well. A State Party is required to report on mines "owned or possessed by it, or under its jurisdiction or control." States Parties should report on the U.S. stockpiles in order to be consistent with at least the spirit if not the letter of the convention. Yet, Germany, Japan, and the United Kingdom did not even mention the existence of US antipersonnel mine stocks in their Article 7 reports. Norway acknowledged that "[t]here are pre-stocked US mines on Norwegian territory," but "[d]ue to previously concluded agreements, information on pre-stocked

military materiel is not available for reporting.” Qatar is late submitting its initial Article 7 report.

Lack of Reporting on Prohibited Antivehicle Mines with Antihandling Devices

According to the definitions in the treaty, antivehicle mines (AVMs) with sensitive fusing mechanisms (such as tilt rods or tripwires) and AVMs equipped with antihandling devices (AHDs) which explode from an unintentional act of a person – that is to say, AVMs that function like antipersonnel mines -- are banned by the treaty. The diplomatic record would support this view, as it was made explicit during the negotiations in Oslo in September 1997. This has also been confirmed by numerous States Parties in previous meetings of the Standing Committee on the General Status of the Convention.

Thus, prohibited AVMs with overly sensitive fuses or overly sensitive AHDs should be included in Article 7 reporting, including types and numbers possessed, modified and destroyed. Yet, none of the governments that have submitted Article 7 reports have given any details on prohibited antivehicle mines captured by the treaty, even though several governments have destroyed or modified such mines.

Lack of Reporting on Claymore-type Mines

Claymore mines (directional fragmentation mines) are legal under the Mine Ban Treaty as long as they are command detonated, and not victim-actuated (used with a tripwire). States Parties that retain Claymores must use them in command detonated mode only. Transparency is necessary on Claymore mines, too. States Parties should take the technical steps and modifications necessary to ensure command detonation only, and should report on those measures. Yet, very few of the governments that have submitted Article 7 reports have given any details on Claymore mines or on modification efforts to make these mines compliant under the treaty.

Need for Expanded Article 3 Reporting

Article 3 reporting on mines retained for mine clearance training and development should not only include types and quantities and institutions authorized to retain (as currently delineated in the Article 7), but should be expanded to include the specific anticipated *purpose* and then actual *use* of any retained mines.

Need for Reporting on Victim Assistance, Use of Form J

The ICBL Working Group on Victim Assistance has noted that victim assistance reporting is conspicuously missing in treaty obligations. In order to give victim assistance proper attention, States Parties should report on their activities in this regard. The ICBL welcomes the new Form J for voluntary Article 7 reporting, and urges governments to utilize this Form, especially for reporting on victim assistance matters. The ICBL Working Group has prepared Form J reporting guidelines.

SUBMISSION DATES FOR INITIAL AND ANNUAL REPORTS

**LATE INITIAL
REPORTS**

Initial Report

28 August 1999

Bahamas
Djibouti
Equatorial Guinea
Grenada
Malawi
Mali
Mauritius
Namibia
Samoa
San Marino
Trinidad and Tobago
Turkmenistan

28 September 1999

Guinea
Panama
Qatar

28 October 1999

Monaco
Paraguay

28 December 1999

Barbados
El Salvador
Solomon Islands

28 February 2000

Costa Rica
Dominica
Niger
Uganda

29 March 2000

St. Lucia
Venezuela

29 April 2000

Chad
Iceland

29 May 2000

Luxembourg

28 August 2000

Madagascar

28 September 2000

Tajikistan

28 November 2000

Liberia

28 January 2001

Albania
Philippines

28 February 2001

Botswana
Togo

**PENDING DUE DATES
FOR INITIAL REPORTS**

Initial Report

30 May 2001

Cote D'Ivoire
Dominican Republic
Ghana
Rwanda
Seychelles

30 June 2001

Mauritania

31 July 2001

Nauru

28 August 2001

Bangladesh
Colombia
Gabon
Kiribati
Maldives
Moldova

28 October 2001

Romania
Tanzania

28 December 2001

Kenya

27 January 2002

Zambia

30 March 2002

Sierra Leone

**LATE ANNUAL REPORTS
DUE 30 APRIL 2000¹**

Andorra
Belize
Bolivia
Bosnia and Herzegovina
Burkina Faso
Fiji
Holy See
Honduras
Macedonia, FYR
Mozambique
New Zealand
Niue
St. Kitts and Nevis
Senegal
Spain
Swaziland
Zimbabwe

**ANNUAL REPORTS DUE 30
APRIL 2001²**

Antigua and Barbuda
Argentina
Australia
Austria
Belgium
Benin
Brazil
Cambodia
Croatia
Czech Republic
Denmark
France
Guatemala
Hungary
Ireland
Italy
Jamaica
Japan
Jordan
Lesotho
Liechtenstein
Malaysia
Mexico
Nicaragua
Norway
Peru
Portugal
St. Lucia
South Africa
Sweden
Tunisia
United Kingdom
Yemen

¹ This list does not include States Parties who have not submitted their initial report.

² This list does not include States Parties who have not submitted either their initial report or annual report due 30 April 2000.