



## **Advancing the Ottawa Convention in Northern and Eastern Europe: the Vilnius Seminar**

**8-9 June 2004**

### **Chair's Summary**

#### **I. Introduction**

*The Vilnius Seminar – Advancing the Ottawa Convention in Northern and Eastern Europe* was held 8-9 June 2004 in the Lithuanian capital. The meeting was convened by H.E. Mr. Antanas Valionis, Minister of Foreign Affairs of Lithuania and was held thanks to support provided by Canada, Germany, the Netherlands and the Lithuanian Ministry of Foreign Affairs. The Vilnius Seminar was chaired by Mr. Evaldas Ignatavičius, Undersecretary of the Ministry of Foreign Affairs of Lithuania, with the support of the following Co-Chairs: Mr. Jacques Forster of the International Committee of the Red Cross, Lieutenant Colonel (retired) John MacBride of Canada, Ambassador Friedrich Gröning of Germany, Ambassador Carlo Trezza of Italy, Ambassador Steffen Kongstad of Norway and Ambassador Chris Sanders of the Netherlands.

The purpose of *the Vilnius Seminar* was to discuss all facets of Convention relevant to the States of Northern and Eastern Europe, particularly taking stock of progress made and challenges that remain in the pursuit of the Convention's aims in light of the Convention's upcoming First Review Conference, which will be held 29 November to 3 December 2004 in Nairobi.

Representatives of the following States participated in the Vilnius Seminar: Austria, Belarus, Belgium, Canada, Denmark, Estonia, Finland, Germany, Italy, Latvia, Lithuania, the Netherlands, Norway, Poland, the Russian Federation, Sweden, Thailand, Ukraine and the United Kingdom. Representatives of the following organizations participated in this event: the European Commission (EC), the Geneva International Centre for Humanitarian Demining (GICHD), the International Campaign to Ban Landmines (ICBL), the International Committee of the Red Cross (ICRC), the International Trust Fund for Mine Action and Mine Victims Assistance (ITF), the North Atlantic Treaty Organization (NATO), the United Nations Department for Disarmament Affairs (UNDDA) and the United Nations Mine Action Service (UNMAS).

*The Vilnius Seminar* was preceded on 7 June 2004 by a destruction ceremony at the Pabrade range of last 340 antipersonnel mines held by Lithuania. Lithuania now has completed implementation of its obligations under Article 4 of the Convention and had done so more than three years in advance of its legally binding deadline to do so.

#### **II. Opening of the seminar**

*The Vilnius Seminar* was opened with remarks made by H.E. Mr. Antanas Valionis, Minister of Foreign Affairs of Lithuania, Mr. Jacques Forster, Vice-President of the ICRC, Ambassador Chaiyong Sajipanon of Thailand on behalf of the President of the Fifth Meeting of the States Parties (5MSP), and Mr. Cornelio Sommaruga, President of the Council of the Foundation of the GICHD. These speakers noted with satisfaction the leadership of Lithuania as demonstrated by being the first State in the region to join the Convention and through its efforts to advance implementation of it, commended Estonia for having recently acceded to the Convention and emphasised the value of regional efforts like *the Vilnius Seminar* in advancing the core aims of the Convention.

#### **III. The humanitarian crisis and the international response: the origins and main elements of the Ottawa Convention**

Through presentations made by the ICRC and by Mr. Kerry Brinkert, Manager of the Convention's Implementation Support Unit at the GICHD, an overview of the Convention and its implementation mechanisms was provided. It was highlighted that the Convention is a comprehensive response to the suffering caused by antipersonnel mines in that it seeks to both prevent future suffering and to address existing humanitarian problems caused by antipersonnel mines.

Ambassador Chaiyong of Thailand, provided an overview of the status of the Convention in the context of his update on progress in meeting the goals contained in the 5MSP President's Action Programme. It was noted that 142 States have now joined the Convention, that 50 States Parties have reported mined areas with 2 of them having indicated that they have completed clearance of all such areas, that almost 31.5 million stockpiled mines have been destroyed by the States Parties and that the States Parties have made dramatic efforts to support the care, rehabilitation and reintegration of landmine survivors.

#### **IV. Fulfilling security responsibilities without antipersonnel mines**

Presentations made by Lieutenant Colonel (Retired) John MacBride of Canada and Brigadier General (Retired) Paddy Blagden of the United Kingdom detailed how the humanitarian impact of anti-personnel mines greatly outweighs their marginal military utility and emphasized that States can indeed fulfil national security responsibilities without anti-personnel mines. Lieutenant Colonel Charles Holman of the United Kingdom illustrated these points through an overview of steps taken by the United Kingdom to carry out military operations without antipersonnel mines.

In discussion that followed, one State not party to the Convention – Finland – outlined options being considered regarding how Finland may or may not be able to update its defensive capability without antipersonnel mines. It was also noted by other participants that national security is but one factor that current States Parties have taken into consideration when they have made the decision to join the Convention.

#### **V. Exchanging information and promoting transparency**

Mr. Paul Huynen, the Coordinator of the informal *Article 7 Contact Group* noted that the 5MSP encouraged all States parties to place a renewed emphasis on ensuring reports prepared in accordance with Article 7 were submitted as required in advance of the First Review Conference. He highlighted that the exchange of information has been essential to the implementation of the Convention and that a number of actors are available to assist States Parties in complying with the Convention. In addition, he called for all States Parties that have not yet done so to submit an initial report in accordance with Article 7, paragraph 1, encouraging Belarus & Estonia to provide reports as soon as possible. He emphasized the importance of providing annual reports in accordance with Article 7, paragraph 2. In addition, he called upon States not parties to indicate de facto compliance in part by providing a voluntary report, as Lithuania did prior to its acceptance of the Convention and as Latvia and Poland have done.

Ms. Agnes Marcaillou of the UNDDA noted that transparency is the basis of building confidence between parties, which in turn provides a stepping stone to effective cooperation. She highlighted that the concept of confidence building was born in this region – in Finland – more than thirty years ago. In addition, she highlighted that through the application of the UN Mine Action Strategy 2001-2005, the United Nations is supporting mine action and hence peace and security in more than 30 countries, and, on behalf of the United Nations system called upon all States in the region that have not yet done so to join the Convention.

Two States parties – Belarus and Lithuania – used the opportunity of the discussion on transparency to provide further clarity on steps taken to implement the Convention. In addition, five States not parties – Finland, Latvia, Poland, the Russian Federation and Ukraine – provided updates on their views concerning the Convention. Two of these States – Latvia and Ukraine – indicated that they either are in de facto compliance with the Convention or are taking steps to remove all barriers to ratification. Two others – Finland and Poland – indicated that antipersonnel mine review processes are underway.

#### **VI. Preventing and suppressing prohibited acts**

Mr. Robert Young of the ICRC provided an overview of legal, administrative and other measures that States Parties must take in accordance with Article 9, noting that this Article of the Convention exists to ensure compliance and accountability. He emphasised that all States Parties have an obligation to take such measures regardless of the type of legal system. He encouraged States Parties, in advance of the Review Conference, to systematically review their measures to date. Mr. Roland Haupt of Germany complemented this presentation by drawing upon the German experience.

They noted that while significant latitude is left as to the type and form of legal measures a State Party will impose, on whom, and to which degree, States Parties are under a treaty obligation (i) to submit their existing legal order to a test proving that (a) individual criminal responsibility is imposed and exceptions permitted

under the Ottawa Convention are duly reflected in domestic legislation and (b) adjacent legal fields, such as legislation on civil, penal and administrative procedures, export control regulations or applicable military law, are coherently supporting the suppression of prohibited activities and their prevention, and, (ii) as the case and the outcome of the test may be, to implement legislation.

States Parties submitting their existing legal order to this compatibility test may, for instance, wish (i) to assume extraterritorial jurisdiction, (ii) to conciliate the possible infringements on constitutional rights which may derive from the application of certain provisions of the Convention—such as the search of private property authorized on the ground of Article 8 on fact-finding missions or the authority of the groups accompanying these missions in recipient States Parties—with their municipal legal traditions, (iii) to adopt enactment on reporting obligations or legal waivers of data integrity, (iv) to introduce secondary implementation procedures such as commander's guides, permit procedures or escort manuals.

In addition, Mr. Gražvydas Jasutis of Lithuania presented the Lithuanian experience, highlighting in particular how Lithuania has addressed the matter of non-use of antipersonnel mines in military operations with States not parties to the Convention. Several other States Parties – including Belarus, Canada, Germany, Italy and the Netherlands – contributed to discussion that followed, indicating various legal or other measures taken in accordance with Article 9 or commenting on how they have dealt with the matter of non-use of antipersonnel mines in military operations with States not parties.

## **VII. Destroying stockpiled antipersonnel mines**

Ambassador Carlo Trezza of Italy, who also serves as Co-Chair of the Convention's Standing Committee on Stockpile Destruction, noted that if the Convention is a success story, then stockpile destruction is a success story within this success story. While outlining impressive progress that has been made, he emphasised that many challenges remain, particularly with approximately 9 million antipersonnel mines held by the newest States Parties and awaiting destruction. Mr. Michael D. Miggins of NATO delivered a presentation on means made available by NATO to help overcome some of the challenges faced, noting in particular how Partnership for Peace Trust Funds have become a particularly useful tool. In discussion that followed, one State party – Belarus – and two States not parties – the Russian Federation and Ukraine – highlighted their progress in, or means being developed to, destroy stockpiled mines.

## **VIII. International assistance and cooperation in mine action**

Ambassador Steffen Kongstad of Norway – the State Party that coordinates the informal Resource Mobilisation Contact Group – provided an overview of the status of cooperation and assistance in the context of pursuing the core aims of the Convention. He noted that over US\$ 2 billion has been generated in recent years for matters consistent with the pursuit of the aims, with a significant part of this total amount provided by the mine-affected States Parties themselves. He cautioned that, with global attention to landmine issue having peaked some time ago and with other humanitarian issues competing for scarce resources, the impressive level of resources mobilised by the international community will not last. He then advised that there is a pressing need for States Parties in a position to do so to mainstream mine action in broader humanitarian and development programming, and for mine-affected States Parties where relevant to incorporate mine action into national development plans and / or poverty reduction strategies. He also noted the value of ongoing non-governmental advocacy efforts, an increased emphasis on efficiency and cost effectiveness in mine action, increased coordination at the field level, and continued communication by mine-affected States Parties of their problems, plans, progress and priorities for assistance.

Mr. Gustavo Laurie of UNMAS stated that the Convention provides the best framework possible for mine action and that it has inspired the UN Mine Action Policy and advocacy strategy. Mr. Laurie reviewed the breadths of UN support to mine action around the world, highlighted the UN's role in cooperation and assistance in Article 6, and noted the importance of the UN Mine Action Portfolio for resource mobilisation. In addition, Mr. Michael Graham of the EC highlighted the commitment of the EC and European Union (EU) member States to support the pursuit of the aims of the Convention, principally by supporting mine affected countries in their efforts to resolve their landmine problems. He emphasised the important coordination role played by the EC, especially given the recent enlargement of the EU, the opportunities for synergies and the ongoing challenges faced in addressing the global landmine problem. He noted that the EC is in process of finalising its 2005-2007 mine action strategy and expressed the hope that the strategy could be completed in time to communicate it to the First Review Conference.

In discussion that followed, Sweden highlighted its integrated approach to supporting mine / UXO-affected countries and Lithuania reiterated its firm commitment to become a contributor to mine action. Other participants proposed that States Parties could look at pragmatic and flexible approaches to supporting mine action, that mine action funding from humanitarian assistance budgets will continue to play an important role, and that there are a variety of avenues through which assistance can be provided.

## **IX. The road to the Review Conference**

The importance of *the Vilnius Seminar* in serving as an informal means for States in Northern and Eastern Europe to prepare for the Convention's First Review Conference – *the Nairobi Summit on a Mine-Free World* – was underscored by Austrian Ambassador Wolfgang Petritsch, the President-Designate of the Nairobi Summit. It was noted that the States Parties have placed an emphasis on being forward-looking and action-oriented at the *Nairobi Summit*. The International Campaign to Ban Landmines (ICBL) also shared its expectations for the *Nairobi Summit*, expressing the hope that by the time of the *Nairobi Summit* 150 States will have joined the Convention, that armed non-state actors will have accepted the Convention's standards, that understandings will have been reached on the interpretation of various articles of the Convention, and that significant progress will have been made in stockpile destruction, victim assistance and mine clearance.

## **X. The Convention on Certain Conventional Weapons**

Ms. Kathleen Lawand of the ICRC provided an overview of the Convention on Certain Conventional Weapons (CCW). In addition, Ambassador Chris Sanders of the Netherlands described the newly established Protocol V to the CCW on explosive remnants of war. In related discussions, Sweden noted that Protocol V fills a gap in international humanitarian law and that it had become the first State to ratify the Protocol, and, Lithuania and the United Kingdom indicated that they are moving forward to ratify protocol.

## **XI. Chair's conclusions**

The Chair, Mr. Evaldas Ignatavičius, Undersecretary of the Ministry of Foreign Affairs of Lithuania, closed *the Vilnius Seminar* by thanking all participants, expressing special gratitude to his Co-Chairs for their support. He noted that *the Vilnius Seminar* had lived up to its promise as a vibrant forum for States in Northern and Eastern Europe to discuss progress made and challenges that remain in pursuing the aims of the Convention. He drew the following conclusions from the discussions that had taken place during the seminar:

- Significant progress has been made to date in destroying stockpiled antipersonnel mines, clearing mined and UXO contaminated areas, assisting the victims, and pursuing universal acceptance of the Convention. However, much more needs to be done. States in Northern and Eastern Europe can play a significant role in overcoming ongoing challenges, by contributing to mine action, by ratifying or acceding to the Convention and by implementing this important humanitarian instrument, in part by acting quickly to destroy stockpiled mines.
- Stockpile destruction is a particularly important areas of implementation for States in Northern and Eastern Europe, particularly given the challenges posed by the destruction of PFM-1 mines. Financing the destruction of these and other mines is a matter that all donors should consider. In addition States not parties should consider proceeding with stockpile destruction.
- States in Northern and Eastern Europe which have not yet joined the Convention should take due note of the experience of the States Parties in fulfilling national security responsibilities without antipersonnel mines.
- States parties – and even some States not parties – particularly in Northern and Eastern Europe – have been leaders in acting upon the Convention's imperative to be transparent in implementation in accordance with Article 7. They should continue to do so and encourage others to do the same, particularly in advance of the Convention's First Review Conference.
- The need to undertake national implementation measures in accordance with Article 9 is an important area for follow-up. In advance of the Nairobi Summit, States parties should examine the full range of legal and other measures that can and should be taken in accordance with this Article, making full use of the assistance offered by the ICRC and examples provided by States Parties.

- Cooperation and assistance to fulfil the Convention's aims is a two-way street. While States in Northern and Eastern Europe in a position to do so are encouraged to examine how they can renew commitments to provide assistance, those requiring assistance must increasingly make national financial and other commitments to assume full ownership over their landmine problems. Efforts should continue to implement the United Nations Mine Action Strategy 2001-2005 and to further develop and implement the European Union's 2005-2007 strategy.
- In addition to pursuing universal acceptance and full implementation of the Ottawa Convention, States should proceed with ratification of the Protocol V to the CCW and continue to participate actively in ongoing discussions in the CCW to address the humanitarian impact of certain conventional weapons which may be excessively injurious or have indiscriminate effects. It is encouraging that many States have indicated a desire that Protocol V enter into force as soon as possible – a matter that is extremely relevant for a region in which many countries face serious challenges associated with unexploded ordnance.
- *The Vilnius Seminar* was significant in preparing for the Nairobi Summit and it highlighted the importance of the Summit in drawing world attention to the landmine problem, the progress that has been made in addressing it and the actions that must be taken to overcome ongoing challenges. *The Vilnius Seminar* has provided an important regional contribution to the Nairobi Summit on the part of States in Northern and Eastern Europe.

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