



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

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**WORKSHOP ON THE ROLE OF THE CARIBBEAN COMMUNITY IN PURSUING  
THE AIMS OF THE OTTAWA CONVENTION**

**29-30 June 2006  
Port of Spain**

**Co-Chairs' Summary**

**I. Introduction**

The *Workshop on the role of the Caribbean Community in pursuing the aims of the Ottawa Convention* was held from the 29<sup>th</sup> to 30<sup>th</sup> of June 2006 at the Hilton Trinidad and Conference Centre. The workshop was convened by the Ministry of Foreign Affairs of the Republic of Trinidad and Tobago with the support of the Implementation Support Unit (ISU) of the Geneva International Centre for Humanitarian Demining (GICHD) and with assistance provided by Canada. Presiding over the workshop were its Co-Chairs, Ms. Susan Gordan, Director of the Multilateral Relations Division of the Ministry of Foreign Affairs of Trinidad and Tobago, and, Major Claude Bridgewater of the Trinidad and Tobago Defence Force.

The purpose of the *Workshop on the role of the Caribbean Community in pursuing the aims of the Ottawa Convention* was to make progress in overcoming specific challenges Caribbean Community States face in implementing and participating in the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention). It was intended to serve as a means to identify practical, common-sense and cost-effective ways to ensure that these States can fulfil their obligations and participate in the work of the Convention to the extent that they desire.

All Member States of the CARICOM were invited to the workshop, with representatives from the following participating: Haiti, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago. Supporting the workshop were experts from the following organizations: the CARICOM Secretariat, the Implementation Support Unit of the GICHD, the International Committee of the Red Cross and the Organization of American States. Also taking part in the event were representatives of the State that sponsored the workshop, Canada, and of the State designated to serve as the Convention's Presidency in 2006-2007, Australia.

**II. Opening statements**

Opening statements were delivered by Mr. Neville Bissember Jr, Assistance Legal Counsel of the CARICOM Secretariat, His Excellency Mr. Howard Strauss, High Commissioner of Canada to Trinidad and Tobago, and, Ms. Susan Gordan, Director of the Multilateral Relations Division of the Ministry of Foreign Affairs of Trinidad and Tobago. Opening remarks highlighted the importance of universal acceptance of the Convention and its full implementation as the necessary solution to eradicating the devastating effects of anti-personnel mines. It was noted that with the recent ratification of the Convention by Haiti, all Member States of the CARICOM are now parties to the Convention. While recognizing that these States for the most part are not faced with challenges of clearing vast tracks of mined areas or destroying large numbers of stockpiled mines, unique challenges remain in both implementing the Convention and participating in it. In order to overcome these challenges, attention was drawn to the cooperation and assistance provisions of the Convention.

### **III. An overview of implementation and participation challenges**

The scene was set for the workshop by Mr. Kerry Brinkert, Manager of the AP Mine Ban Convention Implementation Support Unit at the Geneva International Centre for Humanitarian Demining. Mr. Brinkert provided an overview of the Convention's core aims – universalizing the Convention's prohibitions, destroying stockpiled anti-personnel mines, clearing mined areas and assisting the victims – as well as other important matters that help ensure progress towards the fulfillment of the Convention's promise of ending, for all people for all time, the suffering caused by anti-personnel mines.

Mr. Brinkert reported in particular that: 151 States have now ratified or acceded to the Convention and 44 have still not done so; 137 States Parties now no longer hold stocks of anti-personnel mines and 14 States Parties are still in the process of destroying their stockpiles; 6 States Parties have fulfilled their mine clearance obligations and 45 are still the process of doing so; and, 24 States Parties have reported the responsibility for significant numbers of mine victims. Mr. Brinkert also highlighted the relevance of the Convention to the Caribbean Community. This led to the suggestion that the States of the region may wish to consider certain logical objectives, including the following:

1. Universalization: An appreciation that the universalization is a two-sided coin – interest shown in convincing a State to join should be maintained once it has ratified / acceded.
2. Ensuring a mine-free future: Enhanced awareness of the Convention, its obligations and the importance of complying with them.
3. Legislation: Advances made in establishing national implementing legislation and in taking other measures as relevant.
4. Initial transparency: 100% compliance with Guyana submitting its report as soon as possible and with Haiti doing so by 28 January 2007.
5. Ongoing transparency: 100% compliance.
6. Stockpile destruction: Identification of assistance possibly needed by Guyana in destroying stockpiled anti-personnel mines.
7. Mine clearance: Suriname's report on completion becomes a model for others.
8. Participation in the Convention: Identification of ways for participation by the region's States Parties in the broader work of the Convention.

### **IV. Good practices in establishing national implementing legislation**

The Co-Chairs recalled that in accordance with Article 9 of the Convention States Parties are required to “take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.” Mr. Anton Camen of the International Committee of the Red Cross made a presentation on this matter, highlighting the main elements of good national implementing legislation.

Mr. Camen explained why national implementing legislation is necessary, noting that it is an explicit treaty obligation, that it gives effect to the Convention domestically, that it ensures execution of the Convention and that it helps avoid loopholes. He noted that in most cases legislation should take into account the Convention's definitions, the totality of the acts prohibited by the Convention, enforcement, the destruction of stockpiled mines and the clearance of mined areas, the exceptions which permit States Parties to retain a minimum number of mines necessary for certain purposes that are consistent with the Convention's humanitarian purpose, the Convention's transparency reporting obligations, the facilitation of fact finding missions, and the administration of the legislation.

Ms. Nalini Persad-Salick of the Ministry of the Attorney General of Trinidad and Tobago made a presentation on Trinidad and Tobago's experience in establishing national implementing legislation. Ms. Persad-Salick highlighted that Trinidad and Tobago acted soon after it ratified the Convention to establish legislation in accordance with Article 9 with the main aims being to incorporate a definition of the relevant crime, procedural elements with respect to jurisdiction and exceptions, search and seizure elements, fact-finding missions, information gathering and powers of the Minister. She noted that the *Anti-Personnel Mines Act, 2000* received Presidential proclamation on November 11, 2000. Ms. Persad-

Salick also mentioned that Trinidad and Tobago has critiqued its own legislation, noting that it may be important to include legislative provisions that would provide compensation to victims.

In discussion that followed these presentations, participating States Parties suggested that one of the lessons from the experience of Trinidad and Tobago may be the value of acting quickly after the ratification procedure had been completed in order to not lose institutional memory which may be important the process of establishing legislation. In addition, it was highlighted that for those States Parties that have not yet established legislation, assistance is available, particularly that which could be provided by legal experts of the ICRC. In addition, it was highlighted that model legislation exists, including a CARICOM model and a Commonwealth model. As well, some participating States Parties indicated that they will re-examine efforts to fulfill their obligations under Article 9 of the Convention.

## **V. Practical means to comply with transparency reporting obligations**

The Co-Chairs recalled that transparency and the exchange of information are significant matters that help assure progress in the achievement of the Convention's core aims. Mr. Kerry Brinkert of the Implementation Support Unit of the GICHD made a presentation on this matter. He explained what States Parties are required to report and why transparency reporting is important, noting that initial and annual transparency reporting are legal obligations, that reporting clarifies for which States Parties key obligations are relevant, that annual reporting demonstrates individual States Parties' ongoing seriousness to the aims and objectives of the Convention and that aggregate annual reporting is an indicator of the overall health of the Convention.

Mr. Brinkert also provided some suggestions on how Caribbean Community States could fulfill their reporting obligations, suggesting that those two States Parties in the region that have not yet provided an initial report should use the standardized reporting format, in large part to clarify their status with respect to stockpiled anti-personnel mines and mined areas. For other States Parties in the region, it was suggested that reports could be prepared quickly and easily using a one-page short format. It was also suggested that the CARICOM Secretariat could play a role by reminding its Member States of their obligations. In this regard, a concrete recommendation that was made was that the ISU could provide to the CARICOM Secretariat the annual reminder notice distributed by the Convention's President, which the CARICOM Secretariat could in turn distribute to relevant officials in the capitals of CARICOM Member States.

In discussion that followed, Suriname confirmed that it had submitted its annual Article 7 as required in 2006. In addition, other participating States Parties indicated appreciation for how the short reporting form could help them in fulfilling their reporting obligations.

## **VI. Fulfilling obligations through quadrilateral cooperation**

The Co-Chairs noted that in addition to transparency and the exchange of information, and, legislative measures to enforce compliance, implementation of the Convention would not be possible without effective cooperation and assistance. They recalled that under Article 6 of the Convention, States Parties have a right to request and receive assistance, where feasible and to the extent possible, and, that States Parties in a position to do so are obliged to provide assistance for various aspects of implementation.

It was further recalled that Article 6 of the Convention states that assistance can be provided through a variety of means, with one significant means being through regional organizations. In this regard, it was noted that in the Western Hemisphere – including in the Caribbean – the Organization of American States (OAS) has played an instrumental role in supporting States Parties to the Convention in fulfilling their obligations. Mine Action Specialist Juan Carlos Ruan of the OAS highlighted an important cooperation effort led by the OAS in the region – *quadrilateral cooperation* in the context of the effort to assist Suriname in complying with its mine clearance obligations.

While *quadrilateral cooperation* suggests the participation of four types of actors – a State Party requiring assistance, a contributor, a donor and a regional organization, Mr. Ruan noted the effort to assist Suriname actually involved the OAS working with eight partners with Suriname itself and organizations

within Suriname playing vital roles in the demining effort in Suriname. Ms. Nicole Hew A Kee of the Ministry of Foreign Affairs of Suriname added to Mr. Ruan's presentation by detailing the steps taken toward the fulfillment by Suriname of its Article 5 mine clearance obligations, including by conducting demining in accordance with international standards.

In response to these presentations, it was noted that quadrilateral or multi-partner cooperation could be used to overcome other implementation challenges in the region and elsewhere and that Suriname's experience could be used a good model for others in terms of reporting completion of Article 5 obligations.

## **VII. Towards a mine-free Caribbean**

The Co-Chairs recalled that Article 4 of the Convention obliges each State Party to "destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party." Mr. Kerry Brinkert of the Implementation Support Unit of the GICHD made a presentation on this matter, noting that together 13 States Parties to the Convention in the Western Hemisphere had destroyed more than 1.3 million stockpiled mines.

Mr. Brinkert also noted that while stockpile destruction has not been relevant for many States Parties in the Caribbean, it has been or is for some. In particular, he noted that two States Parties in the Caribbean have not yet provided an initial transparency report in which the opportunity is afforded to them to clarify their status with respect to stockpiled anti-personnel mines.

In discussion that followed, one participating States Party emphasized that should a CARICOM State continue to need to fulfill its stockpile destruction obligations, the matter should be approached in the context of a spirit of cooperation and by emphasizing the availability of assistance. In this regard, it was emphasized that if a State Party in the Caribbean Community requires assistance in the destruction of stockpiles, actors such as the OAS exist to facilitate cooperation.

## **VIII. An overview of current issues in the life of the Convention**

Mr. Kerry Brinkert of the Implementation Support Unit of the GICHD briefed workshop participants on current issues in the life of the Convention, noting in particular that the States Parties find themselves in the second five-year phase of implementation following the Convention's entry into force on March 1, 1999. He highlighted that the *Nairobi Action Plan 2005-2009*, which was adopted by the States Parties at their First Review Conference on 3 December 2004 in the Kenyan capital, provides the States Parties with a comprehensive framework for the period 2005-2009 for achieving major progress towards ending, for all people, for all time, the suffering caused by anti-personnel mines.

Mr. Brinkert noted that 2005-2006 is the second year in the application of the Nairobi Action Plan and that the intention of the Australian President-Designate of the September 18-22, 2006 Seventh Meeting of the States Parties (7MSP) is to present to that meeting a draft *Geneva Progress Report*, which is intended to record progress made during the period 2005-2006. He also informed the workshop that an important discussion currently underway in the context of the Convention concerns a process to assist the States Parties in dealing with requests of extensions on 10-year mine clearance deadlines. He indicated that the States Parties may be asked to consider taking decisions on such a process at the 7MSP.

In discussion that followed, one participating States Party asked what would happen if a State Party that required an extension did not request one. In response, it was suggested that this is one of several difficult questions that the States Parties need to address and that the States Parties in the Caribbean potentially could contribute to finding practical solutions to such issues.

## **IX. Practical ways to overcoming implementation and participation challenges**

The Co-Chairs initiated a discussion on concrete, practical and cost-effective ways that the States Parties in the Caribbean can overcome implementation and participation challenges on a sustainable basis. They did so first by calling upon the experts from the various organizations attending the workshop to make brief remarks regarding assistance that they can provide.

The CARICOM Secretariat emphasized the explicit mention of the role of regional organizations in the Convention's Article 6 cooperation and assistance provisions. It was noted that in this regard the CARICOM Secretariat could assist with information sharing particularly as it concerns transparency reporting, coordination including that which concerns national implementing legislation, and ensuring that there is no duplication in assistance efforts.

The OAS indicated that it can do a lot with a little money but was concerned that total contributions had declined in recent years as needs had increased. With respect to support to the States Parties in the Caribbean, the OAS indicated that it could play a role in Washington, particularly concerning transparency reporting.

The ICRC highlighted that it can support States at the international, region and national levels with national implementing legislation. It noted that this support can take the form of promotion, training and advisory services, including by providing assistance in drafting. The ICRC emphasized that its support implies partnership in that the full engagement of the State being assisted is required.

The ISU highlighted how the States Parties in the region can make best use of the Convention's implementation support machinery. It was suggested that States Parties in the Caribbean could directly make use of the information and advisory services provided by the ISU and that the ISU could also serve to reinforce efforts of the CARICOM Secretariat in supporting its Member States. In addition, it was suggested that an appeal could be made to the Sponsorship Programme's Donors' Group for an expert from the Caribbean Community to participate in meetings in Geneva with an appeal likely to be successful if the Donors' Group could be assured that the expert would be able to provide updates on behalf of the entire region.

## **IX. Lessons from the Ottawa Convention for other instruments of international humanitarian law**

The Co-Chairs noted that the workshop potentially could be about more than simply what it can do to assist in overcoming challenges faced in implementing the Ottawa Convention. In particular, it was suggested that overcoming challenges in the context of the Ottawa Convention may be applicable to overcoming implementation and participation challenges with respect to other issue areas.

## **X. Closing remarks**

The Co-Chairs closed the workshop concluding that the event indeed had succeeded in raising awareness of the matter of anti-personnel mines within the Caribbean Community and had served as a practical demonstration of how, once small States had acceded to an international instrument they were not overlooked or forgotten in the implementation process.

The Co-Chairs reiterated that while obligations like destroying stockpiled mines and clearing mined areas may have been relevant for few States Parties in the region, implementation challenges still remained and that solutions to these challenges discussed at the workshop could be of use to the States Parties to the Convention in the Caribbean.