

# **DRAFT REVIEW OF THE OPERATION AND STATUS OF THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTIPERSONNEL MINES AND ON THEIR DESTRUCTION: 2005-2009**

## **Part I**

**Submitted by the President-Designate of the Second Review Conference**

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### **Introduction**

1. The very purpose of the Convention is to put an end to the suffering and casualties caused by anti-personnel mines. The preamble to the Convention emphasises that the path towards the fulfilment of this humanitarian promise is undertaken through the pursuit of both humanitarian and disarmament actions, particularly: ensuring universal adherence to the Convention's comprehensive prohibitions; destroying existing stockpiled anti-personnel mines; clearing mined areas; and, assisting the victims. The Convention also foresees that certain matters are essential for achieving progress in these areas, including: cooperation and assistance; transparency and the exchange of information; measures to prevent and suppress prohibited activities, and to facilitate compliance; and, implementation support.

2. Since the States Parties adopted their first comprehensive review of the operation and status of the Convention on 3 December 2004 at the Convention's First Review Conference (the Nairobi Summit on a Mine-Free World), tremendous additional progress has been made toward the fulfilment of the Convention's purpose. While progress continues to be made and while the Convention and the practices developed to guide implementation at the national and international levels have served as models for addressing the humanitarian problems caused by other conventional weapons, challenges remain. This review is intended to record the progress made by the States Parties since the Nairobi Summit, document efforts undertaken to apply the Nairobi Action Plan and the results of these actions, note decisions, conclusions and recommendations made by the States Parties since the Nairobi Summit to facilitate and enhance implementation of the provisions of the Convention and reflect increased understanding of effective means to implement the Convention. In addition, this review contains conclusions related to challenges that remain in fulfilling the obligations under the Convention.

### **Summary of achievements and challenges**

#### *Universalising the Convention:*

3. The States Parties have "(emphasised) the desirability of attracting the adherence of all States to this Convention."<sup>1</sup> Since the Nairobi Summit, universalization efforts have continued unabated. An additional 13 States have now joined the Convention and the Convention's norms are being applied by States not parties and in some cases also by other actors. There are now 156 States Parties to the Convention. Moreover, most States not parties are adhering to the Convention's norms, with new use and production of anti-personnel mines rare and with transfers of mines virtually non-existent. However, attracting further adherents to the Convention has grown more difficult in recent years implying that future efforts to promote acceptance of the Convention and its norms will require intensive effort at as high a level as possible.

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<sup>1</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. Preamble.

#### *Destroying stockpiled anti-personnel mines:*

4. The destruction of stockpiled anti-personnel mines remains one of the Convention's great successes. More than 80 percent of the world's States no longer stockpile anti-personnel mines and the States Parties together have destroyed more than 42.3 million mines. While implementation of the obligation to destroy all stockpiled anti-personnel mines as soon as possible remains a great achievement, the matter of stockpile destruction also persists as one of the Convention's most complex remaining challenges. Since the Nairobi Summit, four States Parties have missed their deadlines for the destruction of stockpiled anti-personnel mines. Three of these States Parties remain non-compliant. In addition, one other State Party has indicated that it too will miss its upcoming deadline. Non-compliance with the obligation to destroy stockpiled anti-personnel mines is a grave concern for the States Parties.

#### *Clearing mined areas:*

5. Compliance with the obligation to destroy all emplaced anti-personnel mines has been of heightened importance for the States Parties, particularly given that the first deadlines for implementing the Convention's Article 5 mine clearance deadlines occurred in 2009. Progress has been made with States Parties having cleared or otherwise released vast areas that had been or were suspected of being dangerous. There are now 13 States Parties that have fulfilled their obligation to destroy or ensure the destruction of all anti-personnel mines in mined areas with 40 States Parties continuing to carry out this work. While 9 States Parties have completed implementation since the Nairobi Summit, 19 other States Parties have made use of, for the first time, the provisions of the Convention that permit requests for extensions on deadlines for the completion of Article 5 implementation. At the Nairobi Summit it was agreed that meeting these deadlines would be "the most significant challenge to be addressed in the coming five years". The fact that large numbers of States Parties requested extensions on their deadlines for completing the destruction of emplaced anti-personnel mines suggests that there has been only minimal success in overcoming this challenge. An increased intensity of efforts will therefore be required in the years ahead to ensure that the Convention achieves its objectives on the ground.

#### *Assisting the victims:*

6. The States Parties have made significant advances in applying understandings adopted at the Nairobi Summit regarding what the aim of victim assistance is and how it should be pursued. In addition, they have strengthened their understanding of victim assistance within the broader contexts of disability, healthcare, social services, rehabilitation, reintegration, employment, development, human rights and gender equality. The States Parties have applied a strategic approach to advance the well being and guarantee the rights of landmine survivors. The focus of efforts has been on and in the 26 States Parties that have reported a responsibility for the well being of significant numbers of survivors, while not forgetting that all States Parties in a position to do so have an obligation to assist in the care, rehabilitation and reintegration of mine victims. Significant progress has been made in pursuing a more strategic approach to victim assistance, particularly by many of these 26 States Parties. Victim assistance is now treated with greater precision in a manner similar to how the States Parties pursue their aims of destroying all stockpiled or emplaced anti-personnel mines. This has been done so in part by ensuring that victim assistance is no longer an abstraction but rather is now concrete and measurable. However, precisely because of the greater seriousness given to victim assistance, the challenges that remain are clearer and appear more daunting thus signalling that further intensity of effort will be required after the Second Review Conference. This intensity is especially required to achieve tangible results in meeting the needs and guaranteeing the rights of mine victims on an equal basis with others.

#### *Cooperation and assistance:*

7. At the Nairobi Summit, the States Parties remarked that “while individual States Parties are responsible for implementing the Convention’s obligations in areas (under) their jurisdiction or control, (the Convention’s) cooperation and assistance provisions afford the essential framework within which those responsibilities can be fulfilled and shared goals can be advanced.”<sup>2</sup> Since the Nairobi Summit, the need for partnerships to achieve the aims of the Convention has become more important than ever. The States Parties have come to recognise that strong national ownership is essential for ensuring that cooperation can flourish and have developed a stronger understanding of what national ownership means. In addition, it has become abundantly clear that those in a position to do so must continue to fulfil their obligations to provide assistance in support of national efforts. Ensuring that sufficient resources exist and seeing that available resources meet well expressed needs by States Parties demonstrating strong ownership over their implementation efforts may be the most significant challenges facing the States Parties during the period 2010 to 2014.

*Transparency:*

8. At the Nairobi Summit, the States Parties declared that “transparency and the open exchange of information have been essential pillars on which the Convention’s practices, procedures and tradition of partnership have been built, through both formal means and informal means.”<sup>3</sup> Since the Nairobi Summit, transparency in all forms has indeed been essential for achieving the Convention’s core aims. The States Parties have demonstrated this in part by further enhancing means for fulfilling their transparency reporting obligations and developing new means to volunteer additional information. However, the annual transparency reporting rate has fallen below the level attained during the year of Nairobi Summit. Renewed attention will need to be given to the ongoing fulfilment of transparency obligations. In addition, following the Second Review Conference, effective informal exchanges of information will be equally crucial.

*Measures to ensure compliance:*

9. At and since the Nairobi Summit, the States Parties have recalled that primary responsibility for ensuring compliance rests with each State Party and Article 9 of the Convention accordingly requires each party to take all legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress prohibited activities. In addition, the States Parties have remained aware that the Convention contains a variety of collective means to facilitate and clarify questions related to compliance in accordance with Article 8. While there has been some progress since the Nairobi Summit in implementing Article 9, over 40 percent of the States Parties have not yet reported that they have legislation in place to give effect to the Convention. In addition since the Nairobi Summit, States Parties have acted in accordance with their obligation “to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.”<sup>4</sup> An ongoing commitment to do so will help ensure the ongoing health of the Convention beyond the Second Review Conference.

*Implementation support:*

10. Since the Nairobi Summit, the States Parties have been well served by a diverse and flexible set of implementation support mechanisms. These include mechanisms contained in the text of the Convention itself (i.e., Meetings of the States Parties), mechanisms that exist pursuant to decisions of the States

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<sup>2</sup> Nairobi Action Plan, Paragraph 6.

<sup>3</sup> Nairobi Action Plan, Paragraph 7.

<sup>4</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. Article 8, paragraph 1.

Parties (i.e., the Intersessional Work Programme, the Coordinating Committee and the Implementation Support Unit), and mechanisms that have emerged on an informal and voluntary basis (i.e., Contact Groups and the Sponsorship Programme). Successful implementation support can in large part be attributed to the application of principles that the States Parties have considered central since their First Meeting of the States Parties: continuity, coherence, flexibility, partnership, openness, transparency and a clear sense of purpose. While continuing to apply these principles, the challenge for the States Parties following the Second Review Conference will be to continue to be pragmatic and flexible in adjusting implementation mechanisms in accordance with evolving needs and realities.

## **I. Universalizing the Convention**

11. On 3 December 2004, at the close of the Nairobi Summit, 143 States had ratified or had acceded to the Convention. This included 124 of the 133 States that signed the Convention during the period when the Convention was open for signature (i.e., between 3 December 1997 and entry into force on 1 March 1999). As of 3 December 2004, the Convention had entered into force for all 143 of the States that had ratified or acceded to the Convention.

12. Since the Nairobi Summit, an additional 13 States have ratified or have acceded / succeeded to the Convention: Bhutan, Brunei Darussalam, the Cook Islands, Ethiopia, Haiti, Indonesia, Iraq, Kuwait, Latvia, Montenegro, Palau, Ukraine and Vanuatu. These 13 States include 7 of the 9 Convention signatories that had not yet ratified the Convention by the time of the close of the Nairobi Summit. There are now 156 States – 80 percent of all States – that have ratified or have acceded to the Convention. The Convention has entered into force for all 156 of these States. A list of the States Parties, their ratification / accession / succession dates and the dates of entry into force can be found in Annex I.

13. Progress has been made in reinforcing the norms established by the Convention. Production of anti-personnel mines is now rare. At one time more than 50 States produced anti-personnel mines. Thirty-four (34) of these States are now parties to the Convention, thereby having agreed to be bound by the Convention's prohibition of the production of anti-personnel mines: Albania, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Iraq, Italy, Japan, the Netherlands, Norway, Peru, Portugal, Romania, Serbia, South Africa, Spain, Sweden, Switzerland, Turkey, Uganda, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe.<sup>5</sup> In addition, according to the International Campaign to Ban Landmines (ICBL) three States not parties (Finland, Israel and Poland) have ceased production of anti-personnel mines and at least three other States not parties (Egypt, the United States of America and Vietnam) have not produced anti-personnel mines for several years.

14. Licit trade in anti-personnel mines remains non-existent. By having joined the Convention, 156 of the world's States have accepted a legally-binding prohibition on transfers of anti-personnel mines. Even for most States not parties this has become the accepted norm, with many of these States having put in place moratoria or bans on transfers of the weapon, including, according to the ICBL, China, Cuba, Egypt, Finland, the Republic of Korea, India, Israel, Kazakhstan, Pakistan, Poland, the Russian Federation, Singapore, the United States of America and Vietnam. Any trade likely is limited to a very low level of illicit trafficking.

15. Whereas prior to the adoption of the Convention the use of anti-personnel mines was widespread, there are now few countries within which new use occurs. Not only does the Convention's prohibition on the use of anti-personnel mines bind its 156 parties, but the Convention's norm of no-use also has enjoyed

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<sup>5</sup> The current versions of the names of States are used even though production of antipersonnel mines took place while some States possessed different names.

widespread acceptance by States not parties. Several States not parties may still perceive that they derive utility from previously emplaced anti-personnel mines. However, since the Nairobi Summit new use of anti-personnel mines was recorded on the part of only three (3) States not parties (Myanmar, Nepal and the Russian Federation). Moreover, the use of anti-personnel mines remains stigmatized – as evidenced both by the rarity of new use and by statements made by many States not parties attesting to their agreement with the goals of the Convention, and their intentions to eventually join. An overview of the status of the acceptance of the Convention’s norms by the States not parties can be found in Annex II, Table 1.

16. One measure of States’ acceptance of the Convention’s norms is through support expressed for an annual United Nations General Assembly (UNGA) resolution on the implementation of the Convention. In 2004, 14 of the States that in 2009 remain not parties to the Convention voted in favour of this resolution, which in part reaffirms the determination of the UNGA “to put an end to the suffering and casualties caused by anti-personnel mines”, welcomes the entry into force of the Convention and notes “with satisfaction the work undertaken to implement the Convention.” On the basis of the most recent vote cast by States not parties on this resolution, there are now 20 that are in favour of the norms expressed in this resolution. This includes 6 States not parties (Azerbaijan, China, Kazakhstan, the Lao People’s Democratic Republic, the Marshall Islands and the Federated States of Micronesia) which, in 2004, had still not expressed support for this resolution. The voting record of States not parties on the annual UNGA resolution on the implementation of the Convention can be found in Annex II, Table 2.

17. At the Nairobi Summit, the States Parties, in recognising that “universal adherence of the Convention will be an important object of cooperation among States Parties” during the period 2005 to 2009, adopted a number of important commitments.<sup>6</sup> These included that “all States Parties will call on those States that have not yet done so to accede to the Convention as soon as possible” and that “all States Parties will persistently encourage those signatories to the Convention that have not yet done so to ratify it as soon as possible.”<sup>7</sup> These and other commitments contained in the Nairobi Action Plan 2005-2009 provide the impetus for concerted action on universalisation since the Nairobi Summit.

18. An important development in the effort to promote universalisation of the Convention and its norms has been leadership on universalisation exhibited by Presidents of Meetings of the States Parties. The Presidents of the Seventh, Eighth and Ninth Meetings of the States Parties visited or ensured that visits were undertaken to the capitals of several States not parties. Pursuant to the Nairobi Action Plan, many of these visits targeted the few remaining signatories that have not yet ratified the Convention and States not parties “that continue to use, produce, or possess large stockpiles of anti-personnel mines, or otherwise warrant special concern for humanitarian reasons.”<sup>8</sup>

19. The States Parties have carried out a number of actions further to the commitment they made in the Nairobi Action Plan to “actively promote adherence to the Convention in all relevant fora, including the UN Security Council, the UN General Assembly, assemblies of regional organisations and relevant disarmament bodies.”<sup>9</sup> As noted, the States Parties have pursued on an annual basis acceptance of a UNGA resolution in support of the Convention. Since the First Review Conference the process of advancing this resolution has been streamlined with, each year, the immediate past, present and designated presidencies of Meetings of the States Parties taking responsibility for leading this resolution. The Council of the European Union, on 23 June 2008, adopted a “Joint Action” in support of the universalisation and implementation of the Convention. The General Assembly of the Organization of

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<sup>6</sup> Nairobi Action Plan, Paragraph 2.

<sup>7</sup> Nairobi Action Plan, Actions #1 and #2.

<sup>8</sup> Nairobi Action Plan, Action #3.

<sup>9</sup> Nairobi Action Plan, Action #6.

American States (OAS) has continued to annually call for a mine-free Western Hemisphere and has called on its member States to join the Convention. The North Atlantic Treaty Organisation (NATO), through its Euro-Atlantic Partnership Council (EAPC), has regularly kept EAPC participating States abreast of developments that concern the Convention. In addition, the presidencies of Meetings of the States Parties, along with other States Parties, annually on the occasion of the anniversary of the Convention's entry into force, have promoted adherence to the Convention in the Conference on Disarmament.

20. Examples abound of States Parties “(seizing) every appropriate opportunity to promote adherence to the Convention in bilateral contacts, military to military dialogue, peace processes, national parliaments, and the media.”<sup>10</sup> Ongoing bilateral efforts on the part of States Parties to promote the Convention, either through special purpose or regular bilateral contact with States not parties, have been particularly important. One State Party has sponsored universalisation workshops at least annually and has conducted one or more bilateral universalisation activity each year since the Nairobi Summit. Another State Party has regularly demarched States not parties in advance of Meetings of the States Parties. Still another State Party has placed emphasis and energy into promoting universal acceptance amongst the Member States of the Pacific Islands Forum. In carrying out their universalisation efforts, States Parties have made use of the Convention's Implementation Support Unit (ISU) to support their universalisation efforts, including by calling upon the ISU to assist States not parties in overcoming remaining barriers to ratification or accession.

21. The States Parties have acted on their commitment to “encourage and support involvement and active cooperation in these universalisation efforts by all relevant partners.”<sup>11</sup> Cooperation between the Coordinator of the informal Universalisation Contact Group, the ICBL, the International Committee of the Red Cross (ICRC) and other States Parties has intensified. Members of the Universalisation Contact Group, which has been coordinated by Canada, have developed a number of particularly useful methodologies to advance universalisation which have met with some success. These include research papers to support military-to-military dialogue, a template programme for regional workshops, the offer of technical assistance in overcoming implementation challenges and the use of in-country universalization coordination mechanisms.

22. The States Parties have benefited greatly in the pursuit of universalisation from the ongoing persistence of the ICBL in promoting ratification of and accession to the Convention. Since the Nairobi Summit, the ICBL has carried out 26 universalization missions. It has convened workshops on the Convention in Egypt and Lebanon. In addition, the ICBL's country campaigns in Azerbaijan, Egypt, Finland, Georgia, India, Lebanon, Mongolia, Nepal, Pakistan, Poland, Somalia, Sri Lanka, Syria, the United States of America and Vietnam have staged major national events. The role of the ICRC in universalization efforts has been equally appreciated. Through its regional legal advisors and delegations worldwide, the ICRC has distributed information about the Convention, including ratification kits, and provided legal advice to States considering ratification or accession. The ICRC has also organised several national and regional events to promote the Convention, including sub-regional meetings in 2007 that focused on universalisation in the Persian Gulf and in North Africa. In addition, the ICRC has undertaken a range of bilateral visits and interventions with States not parties.

23. The United Nations (UN) has continued to play a role in universalisation. The UN Secretary-General, on the eve of the tenth anniversary of the Convention's entry into force, “strongly (urged) all States that have not yet done so to accede, as soon as possible, to the Convention.” In addition, the UN, notably members of its Inter-Agency Coordination Group, have issued numerous similar statements. As well, the UN has remarked that its assistance in mine action to States not parties has facilitated the

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<sup>10</sup> Nairobi Action Plan, Action #5.

<sup>11</sup> Nairobi Action Plan, Action #8.

accession by some to the Convention.

24. The States Parties have continued “promoting universal observance of the Convention’s norms, by condemning, and taking appropriate steps to end the use, stockpiling, production and transfer of anti-personnel mines by armed non-State actors.”<sup>12</sup> States Parties and the UN have expressed their support to the Geneva Call for its work to engage armed non-State actors and to promote their adherence to the Convention’s norms. Since the Nairobi Summit, the Geneva Call obtained twelve new signatures of its “Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action.” Also since the Nairobi Summit, States Parties expressed the view that, when engagement by non-governmental organisations of armed non-State actors is considered, vigilance is required to prevent those organizations which carry out terrorist acts, or promote them, from exploiting the Ottawa Process for their own goals. With respect to one previous signing, one State Party noted with concern that the Geneva Call proceeded in a manner not consistent with paragraph 17 of the Sixth Meeting of the States Parties’ 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.”

25. Since the Nairobi Summit, the Philippines Campaign to Ban Landmines launched the “Rebel Group Declaration of Adherence to International Humanitarian Law on Landmines.” Four (4) armed non-State actors have signed the “Rebel Group Declaration.”

26. While advancement toward universal acceptance of the Convention and its norms has been impressive, challenges remain. As noted, several States not parties may still perceive that they derive utility from previously emplaced anti-personnel mines and new use of anti-personnel mines has been recorded, since the Nairobi Summit, on the part of only three (3) States not parties (Myanmar, Nepal and the Russian Federation). In addition, as long as States not parties possess stockpiled anti-personnel mines and have not indicated an intention to destroy them, it must be assumed that they remain ready to make new use of these mines.

27. The States Parties have recorded new use of anti-personnel mines by armed non-State actors in 13 States (Afghanistan, Burundi, Colombia, Guinea Bissau, India, Iraq, Lebanon, Myanmar, Nepal, Pakistan, the Russian Federation, Somalia and Sri Lanka). Also with respect to armed non-State actors, the States Parties have recorded that some key armed non-State actors have been reluctant to renounce the use of anti-personnel mines and challenges persist in mobilising the resources necessary to implement the “Deed of Commitment” and in monitoring it.

28. Two (2) of the Convention’s 133 signatories have not yet ratified, accepted or approved the Convention: the Marshall Islands and Poland, notwithstanding that, in accordance with Article 18 of the 1969 Vienna Convention on the Law of Treaties, these signatories are obliged to refrain from acts which would defeat the object and purpose of the Convention. While 131 of the Convention’s signatories proceeded apace to ratify the Convention, more than a decade has now passed since the Marshall Islands and Poland signed the Convention without having deposited an instrument of ratification.

29. While there has been an increase in the number of States not parties that have expressed acceptance of the Convention’s norms, in one instance there has been regression. Nepal, which in 2005 voted in

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<sup>12</sup> Nairobi Action Plan, Action #7.

favour of the UNGA resolution on the implementation of the Convention, more recently has chosen to abstain when a vote on this matter has been called.

30. The most prevalent barrier to universal acceptance of the Convention remains a persistent view on the part of many States not parties that a perceived marginal military utility derived from anti-personnel mines is not outweighed by the grave humanitarian consequences of their use. More intensive efforts likely are needed, with new tools, to overcome outdated thinking about the utility of anti-personnel mines.

31. For some States that remain outside of the Convention, the matter of accession has been linked to issues unrelated to the Convention. In some instances, State not parties that have professed a degree of support for the Convention's norms have indicated that they will not proceed with accession unless a political or military adversary does the same. In at least one instance, a State not party has tied accession to the Convention to the resolution of a sovereignty question. Finally, some States with no objections to the Convention remain outside it simply because ratification or accession to it is one of many competing priorities for scarce administrative resources.

32. The progress reports of successive Meetings of the States Parties have noted the desire to ensure regional acceptance of the Convention in Europe. In particular, States Parties have encouraged Finland and Poland to soon join the Convention so that, as a region, Europe might become fully compliant. Finland, which previously had indicated its intent to join the Convention in 2006, has since the Nairobi Summit maintained that it will accede to the Convention in 2012. Poland has indicated that it will ratify the Convention in 2012.

33. Since the Nairobi Summit, it has become clear that there has been a dire need for States Parties, at the ministerial level or higher, to engage States not parties. It has been noted that such efforts should complement more States Parties intensifying engagement of States not parties at the officials' level and further non-governmental advocacy.

## **II. Destroying Stockpiled Anti-Personnel Mines**

34. At the close of the Nairobi Summit, the destruction of anti-personnel mines in accordance with Article 4 is an obligation that had been, would have been or was relevant for 78 States Parties, including 69 States Parties that had reported, in accordance with Article 7, that they held stockpiled anti-personnel mines when the Convention entered into force for them and 9 States Parties that had reported that they had destroyed their stockpiled anti-personnel mines prior to entry into force. As of 3 December 2004, all States Parties whose deadlines for destruction had occurred by that time reported completion of their stockpile destruction programmes. In total, 126 States Parties no longer held stockpiled anti-personnel mines and together the States Parties had destroyed more than 37 million landmines. By 3 December 2004, the number of States Parties for which the obligation to destroy stockpiled anti-personnel mines remained relevant had been narrowed to include the following 16: Afghanistan, Algeria, Angola, Bangladesh, Belarus, Burundi, Cyprus, the Democratic Republic of the Congo, Greece, Guinea Bissau, Guyana, Mauritania, Serbia, Sudan, Turkey and Uruguay.

35. Since the Nairobi Summit, 13 of the 16 States Parties mentioned above have reported that they have completed the destruction of stockpiled anti-personnel mines in accordance with Article 4: Afghanistan, Algeria, Angola, Bangladesh, Burundi, Cyprus, the Democratic Republic of the Congo, Guinea Bissau, Guyana, Mauritania, Serbia, Sudan and Uruguay.<sup>13</sup> The number of stockpiled anti-

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<sup>13</sup> At the close of the Nairobi Summit, stockpile destruction remained relevant for Uruguay because it had not yet reported the completion of implementation of Article 4 of the Convention. In June 2005, Uruguay informed the

personnel mines destroyed by each is contained in Annex III, Table 1. Of these States Parties, it was noted that although Afghanistan was unable to fulfil its obligations by its 1 March 2007 deadline, Afghanistan continued its efforts and on 11 October 2007 announced that the physical verification to confirm that stockpiled anti-personnel mines no longer existed had been concluded, thus ensuring compliance by Afghanistan with its Article 4 obligations.

36. Since the close of the Nairobi Summit, the Convention entered into force for Bhutan, Brunei Darussalam, the Cook Islands, Ethiopia, Haiti, Indonesia, Iraq, Kuwait, Latvia, Montenegro, Palau, Ukraine and Vanuatu. Of these 13 States Parties, five (5) have reported stockpiled anti-personnel mines requiring destruction: Ethiopia, Indonesia, Kuwait, Latvia, and Ukraine. Of these five (5) States Parties, four (4) have reported that they have completed the destruction of stockpiled anti-personnel mines in accordance with Article 4: Ethiopia, Indonesia, Kuwait and Latvia.

37. At the close of the Nairobi Summit, eight (8) States Parties had not yet provided an initial report in accordance with Article 7: Cape Verde, Equatorial Guinea, Estonia, Gambia, Guyana, Papua New Guinea, Saint Lucia and Sao Tome and Principe. Since that time, Estonia, Guyana, Papua New Guinea and Saint Lucia and Sao Tome and Principe each provided an initial transparency report as required confirming that no stocks were held. One State Party, Cape Verde, indicated in its initial transparency report that stockpiled anti-personnel mines had been held and destroyed, although destruction took place after Cape Verde's four-year deadline. In addition, of the States Parties for which the Convention entered into force since the Nairobi Summit, the following eight (8) provided an initial report in accordance with Article 7 confirming that no stocks were held: Bhutan, Brunei Darussalam, the Cook Islands, Haiti, Iraq, Montenegro, Palau and Vanuatu. Two (2) States Parties – Equatorial Guinea and Gambia – have not yet provided initial transparency information, as required, on matters that concern stockpiles and their destruction.

38. There are now four (4) States Parties for which the obligation to destroy stockpiled anti-personnel mines remains relevant – Belarus, Greece, Turkey and Ukraine – with three of these States Parties having been non-compliant with respect to their stockpile destruction obligation since 1 March 2008. As noted, two (2) additional States Parties – Equatorial Guinea and Gambia – have not yet formally confirmed the presence or absence of stockpiled anti-personnel mines, although information from other sources indicates that these States Parties do not hold stocks. Hence, 152 States Parties now no longer hold stocks of anti-personnel mines, either because they never did or because they have completed their destruction programmes. Together the States Parties have reported the destruction of more than 42.3 million mines.

39. As noted, the destruction of stockpiled anti-personnel mines persists as one of the Convention's most complex remaining challenges. Since 1 March 2008, Belarus, Greece and Turkey have not concluded implementation of their Article 4 obligations within the prescribed time frame for the reasons outlined below. In addition, Ukraine has indicated that it will be unable to comply with its obligation to destroy its stockpiled anti-personnel mines by its 1 June 2010 deadline. The States Parties have remarked that the failure by Belarus, Greece and Turkey, which together had at the time of their deadlines almost eight million stockpiled anti-personnel mines, to comply with their obligations by their deadlines represents a matter of serious concern. While updates provided by Belarus, Greece and Turkey have been welcomed, States Parties have called upon these States to rectify the situation as soon as possible and to continue to be transparent about progress until they have completed destruction. They have also expressed concern with respect to the looming matter of non-compliance on the part of Ukraine. (See Annex III, Table 2 for a list of the number of mines that remain to be destroyed by each State Party.)

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Standing Committee on Stockpile Destruction that it had in fact completed its stockpile destruction programme in September 2004.

40. The Convention entered into force for Belarus on 1 March 2004 meaning that it had a deadline of 1 March 2008 to complete the destruction of its stockpiled anti-personnel mines.

- i. Shortly after its accession to the Convention, Belarus informed the Fifth Meeting of the States Parties that it held more than 4 million anti-personnel mines, 3.6 million of which were PFM mines. In addition, Belarus highlighted the challenges involved in destroying the PFM type mines due to the lack of ecologically safe destruction technologies for PFM mines and the lack of financial resources. Belarus appealed for international assistance. In its initial Article 7 report submitted on 23 June 2004, Belarus reported a total of 3,988,057 stockpiled anti-personnel mines, 3,374,864 of which were PFM type mines. On 15 June 2005, Belarus reported to the Standing Committee on Stockpile Destruction that it faced a problem with the destruction of PFM type mines which cannot be destroyed by regular methods and also indicated that it was convinced that destruction of PFM type mines could only be accomplished through joint efforts.
- ii. From 2005 to 2009, Belarus provided annual updated information in Article 7 reports on the status of its stockpiled anti-personnel mines. Of the original 3,988,057 mines in stock, Belarus indicated that 110,766 MON-type mines and 200,847 OMZ-72 type mines were transformed to be used in a command-detonated mode, 720 PMN-2 were destroyed and 6,030 mines were retained for purposes permitted under Article 3. In addition, 2,880 PFM-1 mines were destroyed in 2005, leaving a total of 3,371,984 PFM-1 mines to be destroyed. On 11 May 2006, Belarus informed the Standing Committee on Stockpile Destruction, that the Ministry of Defence of Belarus and NATO Maintenance and Supply Agency signed a contract in February 2006 on the destruction of anti-personnel mines of types other than PFM, which included 294,775 PMN, PMN-2 POM and POMZ-2. Financial assistance for this project was provided by Canada and Lithuania through a NATO Trust Fund. By the end of 2006, the destruction of these mines was complete and reported by Belarus in its Article 7 reports and at the June 2008 meeting of the Standing Committee on Stockpile Destruction.
- iii. Since the completion of the destruction of non-PFM mines in 2006, the information provided by Belarus in its annual reports submitted in accordance with Article 7 indicates that the stockpile of PFM mines has remained unchanged and stands at 3,371,984. On 11 May 2006, at the Standing Committee on Stockpile Destruction, Belarus indicated that it continued to experience difficulties relating to the destruction of the remaining 3,371,984 PFM mines and that it had signed a “statement of endorsement” to accept technical assistance from the European Commission for the destruction of these mines and that an international tender for the destruction of mines would be carried out with a view to commence implementation of the project by 1 January 2007. On 21 September 2006, Belarus informed the Seventh Meeting of the States Parties that the international tender had been launched by the European Commission and would be finalised by October 2006.
- iv. At the 23 April 2007 meeting of the Standing Committee on Stockpile Destruction, Belarus indicated that the tender had been cancelled as an adequate consortium with the technical capacity to destroy the PFM mines could not be identified. Belarus further indicated that it would be unlikely that it would be able to meet its 1 March 2008 destruction deadline. Belarus and the European Commission reaffirmed their commitment to settle the problem of PFM-1 mine disposal and expressed hope that a second tender could be held in 2007. In July 2007, the European Commission earmarked €4.0 million and prepared new terms of reference and an arrangement in the form of an exchange of letters.
- v. At the Eighth Meeting of the States Parties, Belarus reported that it was undertaking, with the European Commission, the preparatory measures to announce a new tender to select a contractor and a destruction technology. On 18 February 2008, Belarus informed States Parties in writing of

its failure to fulfil its stockpile destruction obligations by the deadline. On 11 April 2008, Belarus participated actively in consultations convened by the Co-Chairs of the Standing Committee on Stockpile Destruction on ways to overcome the challenge of destroying PFM type mines. On 2 June 2008, Belarus informed the Standing Committee on Stockpile Destruction that it had approved a new draft financial agreement, proposed by the European Commission and that on 22 January 2008, the given document entered into force. Belarus further indicated that it was still waiting for the submission by the European Commission of the draft terms of reference and that it was not in a position to indicate any timelines for the implementation of the project.

- vi. On 2 June 2008, Belarus noted at the Standing Committee on Stockpile Destruction that the destruction of PFM type mines “is considered a unique problem within the Convention” and that it had “repeatedly stated” that it had “no possibilities to accomplish the destruction of the stockpiled PFM mines without the assistance of the international community.” Belarus further indicated that it had been unable to fulfil its obligation under Article 4 of the Convention by the deadline of 1 March 2008 due to the failure of the European Commission project on the destruction of PFM mines. Belarus expressed its desire to accelerate efforts necessary to satisfy the European Commission administrative procedures so that destruction could proceed soon.
  - vii. On 26 November 2008, Belarus informed the Ninth Meeting of the States Parties that work was underway to agree on additional documents proposed by the European Commission, including a draft Technical Design Assignment. Belarus also stated that the administrative procedures to implement the financial agreement and the new project remained complicated and that not only do they not guarantee successful implementation of the project but make it difficult to indicate a start and completion date. Belarus also pointed out that the lack of international assistance did not allow Belarus to fulfil its Article 4 obligations.
  - viii. On 25 May 2009, Belarus informed the Standing Committee on Stockpile Destruction that the terms and conditions of the implementation of the PFM-1 mines destruction joint programme were identified and a schedule for the preparatory stage of the phase of the project had been agreed upon. Belarus indicated that an evaluation mission by the European Commission was envisaged for June 2009 to determine a place for the destruction facility and once the final version of the agreement would be approved, the European Commission intended to announce a tender to select a contractor to implement the project. On 3 September 2009, Belarus informed the Second Preparatory Meeting in advance of the Second Review Conference that the evaluation visit of the European Commission to the proposed destruction site was successful, that the tender was launched in July 2009, that the terms of reference exchange of letters were signed by both Belarus and the European Commission and that the commencement of the project was planned for January 2010.
41. The Convention entered into force for Greece on 1 March 2004 meaning that it had a deadline of 1 March 2008 to complete the destruction of its stockpiled anti-personnel mines.
- i. On 23 June 2004, Greece submitted its initial transparency report in accordance with Article 7, paragraph 1, reporting a stockpile of 1,566,532 anti-personnel mines and that Greece “will honour its obligations” and will destroy its mines “within the time frames” in the Convention. On 30 April 2005 Greece reported that a stockpile of 1,566,532 anti-personnel mines remained, that an international tender for the destruction of the mines would take place “in the near future” and that “it is estimated that the stockpile of anti-personnel mines will be completely destroyed within the time limits provided by the Convention.” No additional information was provided by Greece in its 2006 submission provided to the depositary in accordance with Article 7, paragraph 2. On 30 April 2007 Greece reported that a stockpile of 1,566,532 anti-personnel mines remained and that

“the stockpiled mines will be possibly transferred to a third country for destruction by the deadline of March 2008.” On 19 November 2007, Greece informed the Eighth Meeting of the States Parties that it had “contracted a specialised private company to destroy the totality of the stockpiled mines.”

- ii. On 1 March 2008, Greece’s deadline for the destruction of its stockpiled anti-personnel mines passed. On 30 April 2008, Greece reported that as of 31 December 2007 a stockpile of 1,566,532 anti-personnel mines remained. This implied that, two months prior to Greece’s deadline for the destruction of stockpiled anti-personnel mines, no mines had been destroyed. On 2 June 2008, Greece informed the Standing Committee on Stockpile Destruction that it had failed to meet its 1 March 2008 deadline. On 30 July 2008, Greece informed the President of the Eighth Meeting of the States Parties that the destruction procedure would be completed no later than 28 May 2009.
- iii. On 26 November 2008, Greece informed the Ninth Meeting of the States Parties that adjustments to its national legislation had caused the stockpile destruction delay. On 30 April 2009, Greece reported that as of 31 December 2008 a stockpile of 1,566,532 anti-personnel mines remained. This implied that, 10 months following Greece’s deadline for the destruction of stockpiled anti-personnel mines, no mines had been destroyed. In addition, Greece reported that “in the present phase (presumably the phase since the period covered by the report), 24,868 anti-personnel mines had been destroyed and that the destruction procedure “is estimated to be fulfilled by the end of October 2009.” On 25 May 2009, Greece informed the Standing Committee on Stockpile Destruction that the total number of mines to be destroyed was 1,586,159, that 225,962 mines had been transferred to Bulgaria and were destroyed and that the transfer and destruction of all stockpiled mines “will be completed by the end of 2009.”

42. The Convention entered into force for Turkey on 1 March 2004 meaning that it had a deadline of 1 March 2008 to complete the destruction of its stockpiled anti-personnel mines.

- i. On 1 October 2004, Turkey submitted its initial transparency report in accordance with Article 7, paragraph 1, reporting a stockpile of 2,973,481 anti-personnel mines and that a mine destruction facility was being built to undertake the destruction of the mines. On 30 April 2005, Turkey reported that as of 31 December 2004 a stockpile of 2,973,481 anti-personnel mines remained. On 29 November 2005, Turkey informed the Sixth Meeting of the States Parties that the destruction facility was scheduled for completion in 2006. On 30 April 2006, Turkey reported that as of 31 December 2005 a stockpile of 2,979,165 anti-personnel mines remained and that the destruction of stockpiled anti-personnel mines had not yet commenced. On 11 May 2006, Turkey informed the Standing Committee on Stockpile Destruction that efforts were underway to ensure the destruction facility would be fully operational by July 2007. On 23 April 2007, Turkey reported that as of 31 December 2006 a stockpile of 2,866,818 remained with 18,236 M18 type mines having been removed from its previous total due to their “special technical features” and with 94,111 stockpiled anti-personnel mines destroyed.
- ii. On 19 November 2007, Turkey informed the Eighth Meeting of the States Parties that its munitions destruction facility had been inaugurated on 8 November 2007 and that “unless unforeseen technical difficulties occur due to the operation of (the facility), (Turkey hopes) to be able to fulfil (its) obligation under Article 4, using if necessary other available methods.” On 28 February 2008, on the eve of its 1 March 2008 deadline for the destruction of stockpiled anti-personnel mines, Turkey, through a note verbale addressed to the presidency of the Eighth Meeting of the States Parties, informed all States Parties that “it is difficult to make an estimate on when the destruction of all stockpiled anti-personnel mines could be accomplished” and that means, other than the destruction of mines at its munitions destruction facility had been

disregarded “bearing in mind their negative impact on the environment, as well as the risk they pose for human life.” In April 2008, Turkey reported that, as of 31 December 2007, 2,616,770 stockpiled anti-personnel mines remained and that 250,048 stockpiled mines had been destroyed in 2007.

- iii. On 2 June 2008, Turkey informed the Standing Committee on Stockpile Destruction that, as of 30 May 2008, 2,587,249 stockpiled anti-personnel mines remained and that the fuses of all anti-personnel mines had been removed and destroyed, rendering these mines unusable. On 26 November 2008, Turkey informed the Ninth Meeting of the States Parties that, as of 20 November 2008, 1,824,833 stockpiled anti-personnel mines remained and that it hoped that in 2010 it will have completed stockpile destruction. In April 2009, Turkey reported that, as of 31 December 2008, 1,702,982 stockpiled anti-personnel mines remained and that 918,788 stockpiled mines had been destroyed in 2008. On 25 May 2009, Turkey informed the Standing Committee on Stockpile Destruction that more than 1.6 million anti-personnel mines had been destroyed, that 1,325,409 stockpiled anti-personnel mines remained to be destroyed and that it hoped that it will have completed stockpile destruction “at the possible earliest stage in 2010.”

43. The Convention entered into force for Ukraine on 1 June 2006 meaning that it has a deadline of 1 June 2010 to complete the destruction of its stockpiled anti-personnel mines.

- i. Prior to ratifying the Convention, Ukraine, on 31 January 2002, informed the Standing Committee on Stockpile Destruction that it possessed 6.35 million anti-personnel mines and that it had entered into agreements with NAMSA to undertake the destruction of 400,000 PMN type mines.<sup>14</sup> On 19 September 2003, Ukraine informed the Fifth Meeting of the States Parties that the PMN mines had been destroyed in accordance with the agreement with NAMSA and with the financial support of Canada, the Netherlands, Poland and Hungary.
- ii. On 12 February 2004, Ukraine informed the Standing Committee on Stockpile Destruction that almost 6 million PFM type mines remained in its stockpiles and that their destruction would be the main problem Ukraine would have to solve pursuant to the Convention’s obligations. On 24 June 2004, Ukraine reiterated to the Standing Committee on Stockpile Destruction that although all PMN mines had now been destroyed the destruction of PFM-type anti-personnel mines “remained the major challenge”. Ukraine made an appeal for “international assistance for an efficient, cost-effective and environmentally safe destruction of PFM type mines” and indicated that “with EC financial support and under EC control” the first phases of PFM trials in Ukraine had been successfully completed by summer 2003 and noted that second phases will be finished by autumn 2004 ready to “start destruction by Spring 2005”. Ukraine also reaffirmed its intention to become a State Party in the foreseeable future and highlighted that it was waiting for an official guarantee from donors regarding technical and financial support for the destruction. Also on 24 June 2004, the European Commission informed the Standing Committee that it would commit €4.0 million to assist Ukraine in destroying its stockpile of 6 million PFM mines. It further indicated that this commitment would provide a concrete guarantee to Ukraine that the European Commission would support the destruction of their entire stockpile and the EC also specified that should this amount not be enough it would be ready to increase funds available to complete the job. The EC also highlighted that its assistance would be conditional on Ukraine’s prior ratification of the Convention. On 27 December 2005, Ukraine ratified the Convention.
- iii. On 12 December 2006, Ukraine submitted its initial transparency report in accordance with

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<sup>14</sup> In contrast to PFM type mines, which are technically challenging to destroy, PMN type mines can be destroyed through less expensive and less technically intensive means.

Article 7, paragraph 1, reporting a stockpile of 6,405,800 anti-personnel mines, 5,950,684 of which were PFM mines. On 21 September 2006, Ukraine informed the Seventh Meeting of the States Parties that it was “very close to complete the preparation process and it is expected that the first practical PFM destruction will take place in the nearest future”. In addition, Ukraine noted that the successful negotiations with the European Commission were instrumental to Ukraine’s ratification of the Convention. In its Article 7 report submitted in 2007, Ukraine reported that a stockpile of 6,304,907 anti-personnel mines remained. On 23 April 2007, Ukraine informed the Standing Committee on Stockpile Destruction that Ukraine is “open for cooperation with the international community in order to resolve this problem” of destroying the 6,304,907 anti-personnel mines that remained. On 20 April 2008, Ukraine reported that a stockpile of 6,454,003 anti-personnel mines remained.

- iv. On 27 November 2008, Ukraine informed the Ninth Meeting of the States Parties that due to the “unexpected withdrawal” of assistance by the European Commission it may no longer be in a position to comply with its Article 4 obligation and that “timely fulfilment of Ukraine’s obligations under Article 4 of the Ottawa Convention appeared under threat”. The European Commission subsequently informed the Ninth Meeting of the States Parties that, based on the termination of the contract by the contractor, cooperation had been suspended due to a decision by the Ukrainian Ministry of Defence to change the “preselected destruction sites, without obtaining prior consent by the European Commission, and without ensuring that the site possessed the necessary site-specific licenses for the destruction of ammunition and without confirming such use with its owner.”
- v. In a letter from the President of the European Commission to the Prime Minister of Ukraine on 10 October 2008, the European Commission warmly welcomed a decree by the President of Ukraine to start its national programme for stockpile destruction and reiterated its commitment to assist Ukraine in this field. In addition, the letter stated that any activities in this area would need to be considered in the context of the European Neighbourhood Partnership Instrument (ENPI). The European Commission further indicated that since stockpile destruction was not identified as a priority in the ENPI National Programme 2007-2010, a stand-alone stockpile destruction project would not be possible and that any assistance “needed to be in the form of support to capacity building under the general technical assistance envelope in the annual ENPI programme for Ukraine.”
- vi. On 20 April 2009, in its Article 7 report, Ukraine reported that a stockpile of 6,453,859 anti-personnel mines remained. On 25 May 2009, Ukraine informed the Standing Committee on Stockpile Destruction that it possessed 149,096 POM-2 mines and 5,950,372 PFM-1 mines and that it planned to destroy 1,500,000 mines in 2009 and 600,000 in 2010. Ukraine indicated that “the lack of financial resources undermines the plan”. Ukraine expressed that the gap between existing national resources and what is required to complete the work necessary to ensure compliance with the Convention is the greatest difficulty that it faces in the destruction of its stockpiled anti-personnel mines.
- vii. In June 2009, the European Commission launched an experts’ mission to assess available destruction facilities and to determine the type of assistance. The final report of the experts’ mission confirmed that Ukraine has the technical know-how to destroy its stockpiled PFM type mines, although significant investment in technology and equipment is needed in order for Ukraine to comply with Article 4.
- viii. On 16 June, the United Nations Mine Action Service (UNMAS) received a request for assistance from Ukraine related to the destruction of its stockpiled anti-personnel mines. UNMAS and

Ukraine are currently discussing modalities for the provision of expert support.

44. At the Nairobi Summit, the States Parties noted the technical challenges associated with the safe and environmentally sound destruction of PFM1-type anti-personnel mines and that this was a matter relevant to Belarus and Ukraine. While, as noted at the Nairobi Summit, appropriate destruction technologies have been identified, the complexity of destruction combined with the limited number of entities capable of destroying these mines, the vast numbers of these mines held by Belarus and Ukraine, the inadvisability of transferring these mines for destruction and the high cost of destruction has resulted in a compelling implementation challenge for both States Parties.

45. Both Belarus and Ukraine have sought assistance in accordance with Article 6, paragraph 1 of the Convention and further to the agreement made at the Nairobi Summit that “States Parties in a position to do so will act upon their obligations under Article 6, paragraph 5 (of the Convention) to promptly assist States Parties with clearly demonstrated needs for external support.”<sup>15</sup> This implies that the matter of ensuring compliance on the part of Belarus and Ukraine is the business of all States Parties. The States Parties have welcomed the role played by the European Commission in offering assistance but have equally remarked that arriving at a fruitful conclusion on matters concerning cooperation and assistance remains a challenge. In this context, the States Parties have recalled that Article 6, paragraph 8 states “each State Party giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programs.”

46. The Co-Chairs of the Standing Committee on Stockpile Destruction have sought to address the matter of non-compliance by Belarus, Greece and Turkey and endeavour to prevent future instances of non-compliance, including by Ukraine. The Co-Chairs’ efforts have included engaging relevant States Parties in informal consultations, facilitating dialogue between Belarus and Ukraine, respectively, and the European Commission, and encouraging a high degree of transparency. In addition, the Co-Chairs submitted recommendations to the Ninth Meeting of the States Parties as a means to give due attention to cases of non-compliance and to prevent future instances of non-compliance. The recommendations, the implementation of which was encouraged by the Ninth Meeting of the States Parties, are as follows:

- i. States Parties in the process of implementing Article 4 should communicate to other States Parties, through annual transparency reports, at every meeting of the Standing Committee on Stockpile Destruction and at every Meeting of the States Parties, plans to implement Article 4, successively reporting increasing progress that is being made towards the fulfillment of Article 4 obligations.
- ii. States Parties should engage by means at their disposal, for example diplomatic contacts, notes verbales, etc., to encourage and facilitate, where appropriate, the destruction of stockpiles by States Parties that still must fulfil Article 4 obligations. They should be concerned and preventative measures should be taken if, one year after entry into force, a State Party that must implement Article 4 does not have a plan to do so and if, two years after entry into force, no progress in the destruction of stockpiled mines has been reported.
- iii. In order to prevent or address compliance issues, the Co-Chairs of the Standing Committee on Stockpile Destruction should hold informal consultations with concerned States Parties, donors and relevant experts. Consultations as a preventative measure should be undertaken well in advance of deadlines to achieve their intended impact.
- iv. Non-compliant States Parties should act in a committed and transparent way, immediately

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<sup>15</sup> Nairobi Action Plan, Action #13.

communicating, preferably in a form of a *note verbale* addressed to all States Parties, the reasons, which should be extraordinary, for failing to comply and providing a plan to ensure compliance as soon as possible, including an expected completion date. They should commit national resources to fulfil their obligations and, if relevant, actively pursue assistance.

47. At the Nairobi Summit, the States Parties agreed that “all States Parties will, when previously unknown stockpiles are discovered after stockpile destruction deadlines have passed, report such discoveries in accordance with their obligations under Article 7, take advantage of informal means to share such information and destroy these mines as a matter of urgent priority.” This matter has remained important to the States Parties since the Nairobi Summit. To facilitate transparency on this matter, the Eighth Meeting of the States Parties adopted amendments to the Article 7 reporting format. In addition, Co-Chairs of the Standing Committee on Stockpile Destruction have provided a forum for the informal exchange of information on previously unknown stockpiles.

48. With respect to previously unknown stockpiles discovered after stockpile destruction deadlines have passed, the following information has been reported by States Parties since the Nairobi Summit, Afghanistan reported the destruction of 62,498 anti-personnel mines in 2008. At the Eighth Meeting of the States Parties in November 2007, Bangladesh stated that “with regards to mines recovered after the destruction deadline, as soon as such mines are recovered, they are taken to the nearest destruction site and immediately destroyed, maintaining necessary safety measures. These mines are never listed in the inventory of the retained stockpiles for training purposes of the Bangladesh Army.” In April 2007, Bosnia and Herzegovina reported that its armed forces discovered 15,269 stockpiled MRUD anti-personnel mines in several locations. Bosnia and Herzegovina destroyed 14,073 of these mines, retaining 150 for purposes permitted under Article 3 of the Convention, transferring 396 mines to EUFOR for permitted purposes and donating 20 mines to the Ministry of Defence of Germany.

49. In its transparency report submitted in 2008, Bulgaria reported that it had destroyed 12 anti-personnel mines that “were omitted by accident in previous inventory checks.” In its transparency report submitted in April 2009, Burundi reported that it was in the process over recovering a cache of 41 type TS 50 anti-personnel mines. In its transparency report submitted in 2009, Cambodia reported that from 2004 to 2007, 98,132 previously unknown stockpiled anti-personnel mines were destroyed. In 2007 at the Eighth Meeting of the States Parties, Chad indicated that since its stockpile destruction deadline passed in November 2003, 1,169 anti-personnel mines were discovered by operators in abandoned depots and destroyed. In its transparency report dated 3 April 2009, the Republic of Congo reported that 4,000 mines found in an abandoned warehouse were destroyed on 3 April 2009 and that another 508 anti-personnel mines would be destroyed very soon. At the 25 May 2009 meeting of the Standing Committee on Stockpile Destruction, Niger reported that it had seized 1,772 anti-personnel mines from armed non-State actors and destroyed these mines in August 2008.

50. In its initial transparency report submitted in 2008, Iraq reported that while it did not own or possess stockpiled anti-personnel mines, the matter will be further investigated and if stockpiled anti-personnel mines are identified, they will be reported and appropriate plans will be developed for their destruction. In its transparency report submitted in 2008, Uganda reported that 120 Type 72 mines were destroyed “as part of the massive munition destruction exercise totalling 270 tonnes conducted by the UPDF in coordination with the National Focal Point for Small Arms and Light Weapons and with the support of the UNDP and SaferAfrica.”

51. Another technical issue highlighted since the Nairobi Summit that is related to the destruction of stockpiled artillery delivered anti-personnel mines (ADAM). The States Parties have noted the potential complexity associated with the destruction of these mine types, which contain or may contain depleted uranium and that steps should be taken to enhance understanding associated with the destruction of

ADAM. Greece and Turkey have reported that they possess ADAM which they must destroy.

### **III. CLEARING MINED AREAS**

52. At the close of the Nairobi Summit, 50 States Parties had reported areas under their jurisdiction or control that contain, or are suspected to contain, anti-personnel mines and hence had been or were required to fulfil the obligations contained in Article 5 of the Convention: Afghanistan, Albania, Algeria, Angola, Argentina, Bosnia and Herzegovina, Bulgaria, Burundi, Cambodia, Chad, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, the Democratic Republic of the Congo, Denmark, Djibouti, Ecuador, Eritrea, France, Greece, Guatemala, Guinea Bissau, Honduras, Jordan, Malawi, Mauritania, Mozambique, Nicaragua, Niger, Peru, Rwanda, Senegal, Serbia, Sudan, Suriname, Swaziland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, the United Kingdom of Great Britain and Northern Ireland, Venezuela, Yemen, Zambia, and Zimbabwe. Of these, 4 States Parties – Bulgaria, Costa Rica, Djibouti and Honduras – had indicated that they had completed implementation of Article 5.

53. Since the Nairobi Summit, the following has transpired:

- i. The Convention entered into force for four States Parties that have reported areas under their jurisdiction or control that contain, or are suspected to contain, anti-personnel mines: Bhutan, Ethiopia, Iraq and Vanuatu.
- ii. Of the States Parties for which the Convention entered into force prior to the Nairobi Summit, one – Nigeria – has since the Nairobi Summit reported areas under their jurisdiction or control that contain, or are suspected to contain, anti-personnel mines.
- iii. Niger indicated that the presence of anti-personnel mines was no longer suspected on its territory based on a careful examination of all reported mines-related accidents of the 1990-2000 conflict and of the more recent conflict started in February 2007 and that these accidents were only due to anti-vehicles mines.
- iv. In 2008, Vanuatu reported that it does not consider that there are areas under its jurisdiction or control that contain or are suspected to contain anti-personnel mines and that this information supersedes the information in its initial transparency report submitted in 2006.
- v. [Nine (9)] States Parties reported the completion of their Article 5 obligations: Albania, France, Guatemala, the former Yugoslav Republic of Macedonia, Malawi, Suriname, Swaziland, Tunisia and [Zambia].

54. Given what has transpired since the Nairobi Summit, in total there are 53 States Parties that have reported that they have been or are required to fulfil the obligation contained in Article 5, paragraph 1 of the Convention. Of these, 13 States Parties have now reported that they have fulfilled their obligation to destroy or ensure the destruction of all anti-personnel mines in mined areas. There are now 40 that must still fulfil this obligation.

55. In addition to progress in terms of the number of States Parties that have reported completion of their Article 5 obligations, progress has been made by many of the 40 States Parties that remain in the process of fulfilling Article 5 obligations. Whereas in 2004 in Afghanistan approximately 788.7 square kilometres were known or suspected to be contaminated, today there are approximately 234 square kilometres known to contain mines and 394 square kilometres suspected to contain mines. At the Sixth Meeting of the States Parties, Algeria had reported that 5,676 hectares remained to be addressed. As of 31 March 2009, 361.2 hectares had been cleared and handed over to civilian authorities. In Angola, a

Landmine Impact Survey identified over 980 million square metres of suspected hazardous areas. In June 2008, Angola reported that this had been reduced to approximately 895 million square metres. In Bosnia and Herzegovina, the amount of area suspected to contain mines has been reduced from approximately 2,000 square kilometres in 2004 to approximately 1,573 square kilometres today. In May 2009, Burundi reported that only 2 of 234 original suspected hazardous areas had been cleared and that 58 additional areas had been identified.

56. In Cambodia, the amount of area suspected to contain mines has been reduced from approximately 4,466 square kilometres in 2004 to approximately 3,800 square kilometres today. Whereas in 2004 in Chad there were 1,081 square kilometres suspected to contain mines today there are 678 square kilometres of suspected area. In Chile there are now 164 minefields remaining to be cleared in contrast to 208 minefields that existed in 2004. As of May 2009, Colombia had cleared minefields laid around 22 of 34 military bases and had made a commitment to clear all such areas by 1 March 2011. Whereas in 2004 in Croatia there were 1,350 square kilometres suspected to contain mines, there is now approximately 950 square kilometres of affected land. Cyprus has reported that there are now only 10 minefields under its jurisdiction or control that remain to be cleared in contrast to 23 minefields that existed in 2004. In Denmark, 2.55 square kilometres of land containing or suspected to contain mines that was reported in 2004 has now been reduced to approximately 1.25 square kilometres.

57. Whereas in 2004 in Ecuador there were 128 mined areas, there are now 76 mined areas that remain to be cleared. In 2009, Eritrea reported that of 752 original areas of concern, 702 remained pending technical survey. At the Ninth Meeting of the States Parties, Ethiopia reported that it had cleared more than 43 million square metres and had released another 660.16 square kilometres through other means. In Greece, only two minefields out of an original total of 57 remain to be cleared. Whereas at the Nairobi Summit Guinea Bissau reported 17 suspected minefields, there are now 12 minefields with a total area of approximately 2.2 million square metres that remain of concern. Whereas Jordan's original clearance challenge measured approximately 60 square kilometres, now less than 10 square kilometres remain to be cleared. In 2006 Mauritania had reported 88 square kilometres that were suspected to contain mines. In May 2009, Mauritania reported that 15 square kilometres remained affected by the presence or suspected presence of mines. Whereas at the Nairobi Summit it was recorded that Mozambique still had to contend with over 130 million square metres of suspected hazardous areas, in May 2009 Mozambique reported that this had been reduced to approximately 10 million square metres.

58. Whereas Nicaragua at one time had to contend with 1,005 demining "targets", in May 2009 Nicaragua reported that only 10 targets remained. In its Article 5 extension request, Peru recorded that its remaining challenge as concerns mined areas along its border with Ecuador had been reduced from 69 areas totalling 491,015 square metres to 35 areas totalling 192,061 square metres. Whereas in 2004 it was estimated that there were approximately 6 million square metres of areas suspected to contain mines in Serbia, in May 2009 Serbia reported that 973,420 square kilometres remain. In May 2009 Sudan reported that 1,665 dangerous areas remain, down from a previous estimate of 4,475 areas. Whereas Tajikistan's original challenge totalled over 50 million square metres, as of December 2008 14,849,631 square metres remained. Whereas in 2004 in Thailand there was over 2,500 square kilometres suspected to contain mines, there are now approximately 550 square kilometres of suspected hazardous areas. Between 2005 and 2009, Turkey reported having destroyed over 100,000 emplaced anti-personnel mines. After General Mine Action Assessments (GMAAs) were carried out in Uganda, Uganda's original total of 427 suspected hazardous areas was reduced to two such areas. In its extension considered in 2008, Yemen indicated that of 1,088 areas totalling 923,332,281 square metres that were of concern to Yemen, 631 areas totalling 710,103,911 square metres have been released.

59. On the basis of information provided by States Parties, since entry into force no mined areas that Argentina, Congo, the United Kingdom of Great Britain and Northern Ireland and Venezuela have

reported under their jurisdiction or control have been cleared of anti-personnel mines or otherwise determined to be not dangerous due to the presence or suspected presence of anti-personnel mines.

60. Through information provided by States Parties in the process of implementing Article 5, particularly on the part of States Parties that have submitted detailed requests for extensions on Article 5 deadlines, it is possible to conclude that efforts to clear mined areas in the context of fulfilling Convention obligations has yielded impressive socio-economic benefits. In its extension request submitted in 2009, Cambodia remarked that 16 years of demining have achieved extensive socio-economic benefits allowing poor and rural communities access to services and markets, land for resettlement and agriculture, irrigation and road infrastructure, and access to services by people living with disability including mine victims. Demining activities have also enabled the construction of schools, community centres, health centres, and access to sources of water. Moreover, casualty numbers have fallen substantially. In Croatia, the number of victims decreased every year as a result of the demining of priorities related to the return of displaced persons, good marking and the mine risk education programme. The clearance of roads, bridges and railway lines allowed for the reconstruction of existing infrastructure facilities such as the electro-distribution network, the water supply systems, the oil pipeline and telecommunication facilities.

61. In its extension request considered in 2008, Jordan indicated that the benefits of mine action in the country are almost immediate due to a combination of scarcity of natural resources, high population growth rates and robust foreign private sector. Illustrations of the macro socio-economic catalytic role that mine clearance has played can be seen in various areas which include infrastructure (for example construction of a dam which will once completed be the main sources of fresh water in Jordan), development projects (housing) as well as agriculture (reestablishment of farms in the Jordan Valley) and tourism (development of the Baptism Site). In Mozambique it was projected in 2001 that over 580,000 people and 318 communities were affected by anti-personnel mines and explosive hazards in the provinces of Cabo Delgado, Niassa, Nampula and Zambézia. By 2007, completion of implementation of Article 5 of the Convention in these provinces meant that there were no longer people or communities affected by such hazards in these parts of Mozambique. States Parties have also indicated that completing implementation of Article 5 will yield significant benefits. For example, in its extension request submitted in 2008, Yemen reported that some of the remaining mined areas are in Yemen's Hadramout governorate where there is a great potential for oil exploration and therefore that completing implementation will remove a barrier to this important development initiative and help reduce Yemen's dependence on imported oil.

62. The States Parties have repeatedly 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." In this context, the States Parties have further recalled that the term "mined area" is defined in Article 2 of the Convention as "an area which is dangerous due to the presence or suspected presence of mines." The implementation of Article 5 requires that States Parties render all such areas no longer dangerous due to the presence or suspected presence of anti-personnel mines. The States Parties have recognised that this is indeed possible as has been demonstrated by State practice and given the advances made in the field of humanitarian demining, complete with the guidance to complete implementation of Article 5 that is provided through the UN's International Mine Action Standards.

63. The States Parties have noted that Article 5 compliance 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. Anti-personnel mines, and the clearance of them, have and / or could have a humanitarian impact, an impact on development, an impact on the disarmament goal of the Convention and an impact on solidifying peace and building confidence. The States Parties have further recorded that

while terms like “mine-free,” “impact-free,” and “mine-safe” are sometimes used, such terms do not exist in the text of the Convention and are not synonymous with Convention obligations.

64. To assist States Parties in reporting completion of the implementation of Article 5, the Seventh Meeting of the States Parties adopted a “voluntary declaration of completion of Article 5 obligations.” This declaration, which recognises that even after best efforts have been made to complete implementation of Article 5 previously unknown mined areas may be discovered and must be reported and cleared as soon as possible, has been used by France, the former Yugoslav Republic of Macedonia, Malawi and Swaziland. Each of these States Parties used the voluntary declaration as a starting point to providing clarity regarding Article 5 implementation, noting the precise areas containing or suspected to contain anti-personnel mines that had been dealt with and the methods and means used to achieve completion.

65. Since the Nairobi Summit, States Parties have begun to make use of the provisions in Article 5, paragraphs 3-5, that permit a State Party, should it believe that it will be unable to destroy or ensure the destruction of all anti-personnel mines in mined areas that it has reported not later than ten (10) years after the entry into force for the State Party, to submit a request for an extension of this 10-year deadline. The States Parties have been aided in doing so through decisions taken at the Seventh Meeting of the States Parties to establish “a process for the preparation, submission and consideration of requests for extensions of Article 5 deadlines.”

66. The States Parties’ Article 5 extensions process calls for requesting States Parties to submit their requests to the presidency no fewer than nine months prior to the Meeting of the States Parties or Review Conference at which a decision on the request would be sought, to append their national demining plans and to request, if necessary, the assistance of the ISU in preparing requests. Once requests have been submitted, the presidency is to inform the States Parties and make requests openly available. The President, the Co-Chairs and the Co-Rapporteurs are then tasked with jointly preparing an analysis of each request and cooperating fully with requesting States Parties to clarify issues and identify needs. In preparing each analysis, the President, the Co-Chairs and the Co-Rapporteurs, in close consultation with the requesting State Party, should, where appropriate, draw on expert mine clearance, legal and diplomatic advice, using the ISU to provide support. All States Parties are encouraged to provide additional, earmarked funds to the ISU Trust Fund to cover the costs related to the Article 5 extensions process.

67. Subsequently, at the Eighth Meeting of the States Parties, the States Parties adopted a voluntary template to facilitate preparation and assessment of extension requests and the Implementation Support Unit has provided to requesting States Parties a suggested outline for organising the content provided in Article 5 extension requests. (See Annex IV.) Most States Parties that have submitted requests have made use of this suggested outline and many have made pragmatic use of the voluntary template, adapting it to meet particular national circumstances. All States Parties that have submitted a request or may need to in the near future have been made aware of the assistance available from the ISU. Many requesting States Parties have made intensive use of this assistance. The ISU has also worked in close collaboration with the UNDP in some instances to support States Parties in preparing extension requests.

68. The process for the preparation, submission and consideration of requests for extensions of Article 5 deadlines has led to the establishment of an orderly and predictable calendar for submitting, analysing and considering requests for extensions of Article 5 deadlines. It is implied that a State Party that believes it will be unable to destroy or ensure the destruction of all anti-personnel mines in mined areas that it has reported by its deadline should submit its request in advance of the last Meeting of the States Parties or Review Conference prior to its deadline. In 2008, 15 States Parties with deadlines in 2009 submitted requests for extensions of Article 5 deadlines: Bosnia and Herzegovina, Chad, Croatia, Denmark,

Ecuador, Jordan, Mozambique, Nicaragua, Peru, Senegal, Thailand, the United Kingdom of Great Britain and Northern Ireland, Venezuela, Yemen and Zimbabwe. These requests were considered at the Ninth Meeting of the States Parties.

69. One (1) State Party with a deadline in 2009 submitted a request in 2009: Uganda. As late as 27 May 2009, Uganda had informed the States Parties that it would fulfil its obligations by its 1 August 2009 deadline. On 2 July 2009, Uganda wrote to the President of the Ninth Meeting of the States Parties to indicate that on the basis of an evaluation of new information, Uganda would not be able to comply by its deadline and that it would submit a request for an extension in August 2009. As of 1 August 2009 [and until its request was considered by the States Parties at the Second Review Conference], Uganda was noncompliant with Article 5 of the Convention. In addition in 2009, three (3) States Parties with deadlines in 2010 submitted requests for extensions of Article 5 deadlines: Argentina, Cambodia and Tajikistan. [Along with the request submitted by Uganda, these requests were considered at the Second Review Conference.]

70. The timing of meetings in recent years has suggested that States Parties submitting requests for extensions of Article 5 deadlines should do so by 31 March of each year. Many have not adhered to this deadline. This was noted as a challenge in a report submitted by the President of the Eighth Meeting of the States Parties.<sup>16</sup> In this report, which was warmly welcomed by the Ninth Meeting of the States Parties, the President recommended that requesting States Parties adhere to the March submission date or otherwise inform the President of circumstances that may prevent timely submission. This and other recommendations were embraced by the Ninth Meeting of the States Parties.

71. In keeping with the decisions of the Seventh Meeting of the States Parties, the Presidents of the Eighth and the Ninth Meetings of the States Parties have informed all States Parties of the requests for extensions of Article 5 deadlines that have been submitted and have made requests, revised requests and additional information furnished by requesting States Parties publicly available on the Convention's web site, [www.apminebanconvention.org](http://www.apminebanconvention.org). In addition, these Presidents have further kept the States Parties abreast of the application of the Article 5 extensions process by reporting to meetings of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies and issuing other written updates as required.

72. A major achievement of the President of the Eighth Meeting of the States Parties, the Co-Chairs and the Co-Rapporteurs in analysing requests for the first time in 2008 was to develop working methods for the analysis effort. The complete set of working methods was documented in the report submitted to the Ninth Meeting of the States Parties by the President of the Eighth Meeting of the States Parties. Some of the highlights of these methods, which were applied in a uniform manner in 2009, are as follows:

- i. The Co-Chairs of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, with the support of their Co-Rapporteurs, have enhanced the efficiency of the process by making initial determination of the completeness of requests and have immediately sought to obtain additional information that may be necessary for a complete analysis.
- ii. It has been understood that expertise to assist in the analysis process could be obtained from a variety of sources and a variety of forms. The expertise of the ICBL, ICRC and UNDP has been called upon given the broad scope of these organisations' expertise. Expert input on demining and other techniques to release suspected hazardous areas has been called for and provided by the Geneva International Centre for Humanitarian Demining (GICHD) and the Coordinator of

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<sup>16</sup> Document # APLC/MSP.9/2008/WP.35.

the informal Resource Utilisation Contact Group. The views of the ICRC on legal matters have been sought. In addition, input from the leading humanitarian demining operators active in requesting States Parties has been requested and provided.

- iii. It has been concluded that with respect to conflicts of interest, the President would ask members of the analysing group to excuse themselves from the analysis of their own requests or the analysis of a request with which they have a conflict of interest, such as a territorial or sovereignty dispute with the requesting State Party.
- iv. The analysing group developed tools based on the provisions of Article 5, paragraph 4 of the Convention and relevant decisions of Meetings of the States Parties. These tools served the analysing group members to structure their input, and ensured that each request was treated in a uniform manner according to the same principles, taking into account its own particular characteristics.
- v. Those leading the effort to analyse requests have done so from the point of view that the analysis process should be a cooperative one ultimately leading, in many circumstances, to improved revised requests being submitted and to the possibility for decisions to be taken in an orderly manner at Meetings of the States Parties and Review Conferences. The Presidents who have chaired the group of States Parties mandated with analysing requests have engaged in a dialogue with requesting States Parties, writing to seek additional clarifications of various matters, offering advice on ways to improve requests and inviting representatives of all requesting States Parties to an informal discussion with the analysing group.
- vi. Those leading the effort to analyse requests have sought to conclude their work eight to ten weeks prior to the Meetings of the States Parties or Review Conferences when requests would be formally considered. Requesting States Parties have been asked to submit, also eight to ten weeks prior to such meetings, a final two to five page executive summary of their requests containing an overview of information necessary for an informed decision to be taken, with these executive summaries translated and with detailed requests made available in their original languages.
- vii. It has been concluded that the analysing group should aim for consensus in all aspects of the analysis process. In 2008, the analysing group adopted the analyses on requests submitted by consensus. It has been further understood that, should there be differences of views regarding analyses, a variety of methods for taking decisions on analyses and / or for incorporating differing points of view of analysis exist. While the analyses produced by the group in 2008 may not have been as rigorous as some members desired, ultimately the final products were agreed to by all participating members of the analysing group, thus ensuring that views contained in the analyses represent the points of view of a wide diversity of States Parties from all regions.

73. As noted, in 2008, 15 States Parties with deadlines in 2009 submitted requests for extensions of Article 5 deadlines with these requests considered at the Ninth Meeting of the States Parties. In addition to granting these requests, the States Parties took decisions related to each request, in many instances recording common understandings and concerns. These additional decisions, combined with the commitments made by States Parties in their requests, including annual projections of progress to be made during extension periods, have become important means for the States Parties to measure progress in the implementation of Article 5 by these States Parties. This was demonstrated for the first time at the 27-28 May 2009 meeting of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies when each of the 15 States Parties that was granted a request in 2008 was requested

to provide an update relative to these projections, understandings and concerns. Most of these States Parties complied with this request.

74. In three instances, decisions taken in 2008 on Article 5 extension requests highlighted the value of States Parties requesting only the period of time necessary to gather and assess data on landmine contamination and other relevant information with a view to develop a meaningful forward looking plan based on this information. These decisions – on requests submitted by Chad, Denmark and Zimbabwe – recorded that while it may be unfortunate that after almost ten years since entry into force a State Party is unable to specify how remaining work will be carried out, it is positive that the States Parties in question, within their respective extension periods, will garner an understanding of the true remaining extent of the challenge and develop plans accordingly that precisely project the amount of time that will be required to complete Article 5 implementation.

75. In two instances (i.e., the United Kingdom and Venezuela), decisions taken in 2008 on Article 5 extension requests noted that no demining had taken place since entry into force. In one instance (i.e., Senegal), decisions noted that it is unfortunate that after almost ten years since entry into force a State Party is only beginning to obtain clarity regarding the challenge it faces and has demined very little. In four instances (i.e., Ecuador, Peru, Senegal and Venezuela), decisions taken noted that if certain conditions permit the States Parties in question could proceed with Article 5 implementation faster than that suggested by the amount of time requested. In one instance (i.e., the United Kingdom), decisions taken included a time bound commitment on the part of the State Party in question to provide a detailed explanation of how demining is proceeding and the implications for further demining in order to meet the State Party's obligations.

76. In several instances (e.g., Bosnia and Herzegovina, Croatia, Ecuador, Thailand and Yemen) decisions taken in 2008 on Article 5 extension requests noted that success in implementation during the requested extension period was contingent upon increased funds provided by a variety of sources, including internal sources. In addition, in several instances (e.g., Bosnia and Herzegovina, Croatia, Jordan and Senegal), decisions noted the value of additional clarity being provided on matters such as the size and locations of mined areas that remain to be addressed and in the terminology used to describe various areas. As well, in some instances (e.g., Bosnia and Herzegovina, Croatia and Senegal), decisions noted the importance of developing, applying, further applying or increasing the performance of various methodological approaches to releasing areas suspected to contain mines.

77. The extension request process has resulted in the most comprehensive information ever prepared on the state of implementation by several requesting States Parties. In addition, some requesting States Parties have seized on the opportunity presented through an extension request to reinvigorate national and international interest in their national demining programmes, in large part by demonstrating national ownership and that implementation is possible in a relatively short period of time. The States Parties have embraced the recommendation that States Parties that will need to submit a request at a future date equally seize on the opportunities presented by the extension request process to clearly communicate the state of national implementation and to reinvigorate interest in a collective effort to complete implementation of Article 5.

78. As noted, 40 States Parties have reported that they still must complete implementation of their obligation to destroy or ensure the destruction of all anti-personnel mines in mined areas: Afghanistan, Algeria, Angola, Argentina, Bhutan, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Chile, Colombia, Congo, Croatia, Cyprus, the Democratic Republic of the Congo, Denmark, Ecuador, Eritrea, Ethiopia, Greece, Guinea Bissau, Iraq, Jordan, Mauritania, Mozambique, Nicaragua, Nigeria, Peru, Rwanda, Senegal, Serbia, Sudan, Tajikistan, Thailand, Turkey, Uganda, the United Kingdom of Great Britain and Northern Ireland, Venezuela, Yemen and Zimbabwe. (See Annex VI) An important measure

of the ongoing vibrancy of the Convention will relate to the intensification and acceleration of efforts on the part of these States Parties to implement Article 5 in the period following the Second Review Conference.

79. One of the first challenges faced by many States Parties that must still complete implementation of Article 5 is to undertake or complete the task, described in Article 5, paragraph 2, and as reiterated in the Nairobi Action Plan to “make every effort to identify all areas under (a State Party’s) jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced.”<sup>17</sup> As noted in Annex V, several States Parties, including some for which the Convention entered into force several years ago, have not yet provided clarity pursuant to their obligation under Article 7, paragraph 1(c), to report on “the location of all mined areas that contain or are suspect to contain, anti-personnel mines.” It is reasonable to expect that all relevant States Parties could overcome this challenge prior to a Tenth Meeting of the States Parties.

80. The implementation of Article 5 by many States Parties, particularly as evidenced in the Article 5 extension requests submitted by some, has demonstrated complex challenges associated with identifying the exact boundaries of mined areas. This has been particularly the case for some States Parties that have relied on a Landmine Impact Survey report as a baseline for understanding the approximate size and location of areas suspected to contain anti-personnel mines. In many instances, these and other efforts have resulted in an imprecise identification and significant overestimation of the size of mined areas and have led to inappropriate allocations of time and resources.

81. Based on several years of field-based efforts that were brought to the attention of the States Parties, beginning at the Seventh Meeting of the States Parties, the States Parties have come to understand that large areas have been targeted for manual or mechanical mine clearance which ultimately resulted in no mines or other explosive hazards being found. Given advances in identifying mined areas, it is now understood 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 efficient manner. Those States Parties that must still complete implementation of Article 5 are now greatly aided by understanding the limitations of Landmine Impact Surveys and by applying recommendations embraced by the States Parties on applying all available methods to achieve the full, efficient and expedient implementation of Article 5.<sup>18</sup>

82. The States Parties understand that three main actions can be undertaken to release from consideration for Article 5 implementation land that has been identified and reported as “mined areas” as defined by the Convention:

- i. Land may be released through non-technical means, such as systematic community liaison and field based data gathering that involves women, men, girls and boys of communities concerned, and improved procedures for cross-referencing data and updating databases.
- ii. Land may be released through technical survey, that is, through a detailed topographical and technical investigation of an area to more precisely identify a smaller area requiring clearance, thus enabling the release of the balance of the area investigated.
- iii. Land may be released through clearance, that is, physically and systematically processing an area manually or with machines to a specified depth in accordance with existing best practices to ensure the removal and destruction of all mines and other explosive hazards.

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<sup>17</sup> Nairobi Action Plan, Action #18.

<sup>18</sup> Document # APLC/MSP.9/2008/WP.2.

83. The States Parties have noted that land released through non-technical means, when undertaken in accordance with high quality national policies and standards that incorporate various key principles (including community involvement), is not a short-cut to implementing Article 5.1 but rather is a means to more expediently release, with confidence, areas at one time deemed to be “mined areas”.

84. Since the States Parties endorsed recommendations in 2008 on applying all available methods to achieve the full, efficient and expedient implementation of Article 5, three new International Mine Action Standards have been developed to facilitate the understanding of and application of these methods.

85. The Article 5 extensions process has demonstrated the inadequacies of the management of information for mine action on the part of several States Parties that are in the process of implementing Article 5. The States Parties, through the recommendations they embraced at the Ninth Meeting of the States Parties, have called for all States Parties implementing Article 5 to ensure that best practices for the management of mine action information are adhered to in order that, if they should at a later date need to request an extension, all necessary information is available to serve as a factual basis for a national demining plan and a time period to be requested. Moreover, high quality information is necessary in order to prepare a compelling declaration of completion. Recent improvements to the management and application of the Information Management System for Mine Action (IMSMA) should assist States Parties to better manage their information needs.

86. The implementation of Article 5 by some States Parties, particularly as evidenced in the Article 5 extension requests submitted by some, has demonstrated that a slow pace of work has persisted in some instances. Some States Parties have expressed the view that the number of Article 5 requests submitted itself is inconsistent with the obligation under the Convention to destroy all anti-personnel mines in mined areas as soon as possible. Others have expressed that States Parties requesting extensions should present realistic plans for the extension period. As well, some States Parties shared the view that each request should be analysed on its own merits taking into account the characteristics and conditions particular to each requesting State Party.

87. The implementation of Article 5 by some States Parties, particularly as evidenced in the Article 5 extension requests submitted by some, has again highlighted the value that States Parties derive from the UN’s International Mine Action Standards (IMAS). Since the Nairobi Summit, the IMAS have continued to be developed and widely accepted. IMAS are a requirement for all mine clearance work contracted by the United Nations and serve as a guide to national authorities. Of the States Parties that submitted requests for extensions of Article 5 deadlines submitted in 2008 and 2009, 15 indicated that they have carried out mine clearance and related activities using standards that have been based on the IMAS. In addition, the national standards developed by seven (7) States Parties have been made available at [www.mineactionstandards.org](http://www.mineactionstandards.org).

88. The States Parties have recalled that Article 5 implementation, particularly along borders, has an important relationship to the obligation contained in Article 1 of the Convention to never under any circumstances use anti-personnel mines. In this context, the States Parties have noted the need to proceed with Article 5 implementation along borders and in other areas to avoid the semblance of violating Article 1. The States Parties have also noted the importance, where a border dispute exists over land that is considered a “mined area”, to do the maximum to coordinate work with the relevant State, be it a State Party or a State not party, in such a way that clearance can proceed even where the border is not delineated or demarcated.

89. The States Parties have stressed that women, girls, boys and men are differently affected by landmines. In particular it has been noted that the implementation of Article 5, where relevant, should target and result in benefits for all members of society by diversity mainstreaming in mine action. Some

mine action operators now have solid experience in including both women and men in mine clearance, which has been a strengthening of such action. Inclusion of a gender perspective, for example through full participation of all groups in a community in consultations on mine clearance, will also enhance mine action by rendering it more efficient and effective. Challenges remain in fully implementing this approach, but culture and tradition do not constitute the main obstacles to doing so. It is rather a lack of knowledge and will that constitute the real barriers.

90. States Parties are required to report on “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.” In reports submitted in accordance with Article 7, the following INSERT NUMBER States Parties have provided information since the Nairobi Summit related to such measures having been taken: INSERT LIST.

91. The States Parties agreed in the Nairobi Action Plan that “States Parties that have reported mined areas under their jurisdiction or control, where they have not yet done so, will do their utmost to significantly reduce risks to populations and hence reduce the number of new mine victims (...)” and to “ensure that mine risk education programmes are made available in all communities at risk (...)”<sup>19</sup> Since the Nairobi Summit, several States Parties have made progress in ensuring that risk has been reduced to their populations, as evidenced through information on casualties furnished by States Parties. (See Annex VII.) In addition, the States Parties have come to understand that mine risk education (MRE) is part of a broader spectrum of risk reduction activities.

92. The States Parties have noted that the traditional view of MRE, as a one-way mass communication of information, though still relevant and beneficial in emergency situations and in isolated incidents where community awareness is assessed as negligible, is no longer considered the best approach on its own in most situations. It is now generally accepted that MRE is most effective when it is carried out as an integral part of mine action and not in isolation from other mine action disciplines. It has become clear that MRE activities provide important support to efforts concerning mine clearance and victim assistance through the collection of information which supports mine action strategic thinking, planning and priority setting. For instance, data collection, assessments and analysis should be incorporated into ongoing programme planning, priority-setting, implementation and the selection of tools and methodologies. In addition, MRE should be tailored to the context and needs of individual contexts.

93. The States Parties have recognised that MRE is most useful when delivered as part of general risk reduction and risk education efforts with sustained community participation and two-way communication being essential. It is understood that in order to ensure the most effective approach, a general assessment of the risk faced by a community should be undertaken to identify whether traditional MRE is required, scarce resources could best be allocated to other risk reduction activities, MRE can be delivered in conjunction with other risk reduction activities and to ensure that the diverse risk reduction needs of any given community are taken into account, and, that approaches are adapted to different audiences through appropriate messages, techniques and mediums that take age and gender as well as social, economic, political and geographical factors into consideration.

94. The States Parties agreed in the Nairobi Action Plan that they will “strengthen efforts to enable mine-affected States Parties to participate in the fullest possible exchange of equipment, material and scientific and technological information (...) and “share information on – and further develop and advance – mine clearance techniques, technologies and procedures (...)”<sup>20</sup> Since the Nairobi Summit, this exchange has been facilitated in part by the International Test and Evaluation Programme (ITEP), which has continued to provide a platform for information sharing and the testing of demining machines

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<sup>19</sup> Nairobi Action Plan, Actions #20 and #21.

<sup>20</sup> Nairobi Action Plan, Action #25.

and other equipment. In addition, UNMAS and the GICHD also convened two mine action technologies workshops. Using these forums, experts have promoted improvements in the reliability and performance of demining machines and metal detectors and highlighted the manner in which the Global Position System (GPS) and Geographic Information Systems (GIS) are greatly increasing the effectiveness and efficiency of survey and post clearance documentation and noted that a number of dual sensors with enhanced detection capability are now available.

95. Since the Nairobi Summit, procedures for mechanical demining operations have improved. It is, for example, now generally accepted that, when carrying out technical survey with a demining machine that has been internationally and locally tested and has a record of good performance, the requirement for manual follow-up can be reduced or eliminated when there is no evidence of mines during the mechanical intervention. There is increasing recognition that the use of machines for technical survey can significantly speed up the process of releasing land. It is now generally accepted that there should be a multi-layered approach taken with respect to mechanical assets. For example, the value has been noted of mechanical demining platforms having a dual capacity so that either a flail or tiller can be used. As well, metal debris and fragmentation in areas where a demining machine is working can be removed by attaching a magnet to the machine. This not only removes metal that would slow down manual follow-up with metal detectors, but it also collects evidence of mines and other explosive remnants of war when the machine is used in a technical survey role.

96. The training methods and techniques for mine detection dogs have become increasingly streamlined since the Nairobi Summit. Research discredited prior beliefs concerning the endurance of dogs as well as their inability to work effectively in certain environments. In addition, advances have been made in remote explosive scent tracing (REST) with these advances including a dramatic decrease in false positive indications.

97. The States Parties have come to see that the lessons derived from fulfilling Article 5 obligations are applicable in addressing related challenges associated with other explosive remnants of war. In many instances, the organisational structures, the capacities that have been built and the standards that have been established largely as a result of the need to implement Article 5 are also being applied to address weapons contamination more broadly. States Parties such as Albania and Zambia that have worked tirelessly to complete implementation of Article 5 as soon as possible can benefit from these gains. However, they will also require ongoing support in the spirit of the Convention to ensure a sustainable approach dealing with unexploded ordnance (UXO). In a similar vein, Palau, which has not had the requirement of destroying emplaced anti-personnel mines, is benefiting from assistance derived from its participation in the work of the Convention in the destruction of UXO on its territory.

#### **IV. ASSISTING THE VICTIMS<sup>21</sup>**

98. Unlike the clear task and definitive deadlines for stockpile destruction and mine clearance, the Convention's victim assistance obligation is less specific. However, the States Parties have not seen this as an obstacle, but seized upon it as an opportunity to take action. In doing so the States Parties, particularly through the work of the Standing Committee on Victim Assistance and Socio-Economic Reintegration since the Nairobi Summit, have made great advances in formally elaborating understandings regarding what the aim of victim assistance is and how it should be pursued.

99. At the Nairobi Summit, the States Parties adopted a definition of a "landmine victim" that includes individuals, families and communities – those who either individually or collectively have suffered

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<sup>21</sup> The more empowering term "survivor" is also used in this document when referring specifically to individuals who have survived a landmine explosion.

physical or psychological injury, economic loss or substantial impairment of their fundamental rights through acts or omissions related to mine utilisation. While logically the emphasis of the States Parties' efforts have been on addressing the rights and needs of those directly impacted by mines, the States Parties have come to recognise that it may be necessary to seek to address to a greater extent the needs of families, for example, in the area of psychological support, economic reintegration / inclusion, and support for the education of children, as the impact on the family of those killed or injured should also be taken into account.

100. At the Nairobi Summit, the States Parties formally agreed on a set of understandings that provided the basis for States Parties to act strategically on victim assistance in the period 2005-2009. Since 2005, through the work of the Standing Committee on Victim Assistance and Socio-Economic Reintegration, States Parties have strengthened their understanding of the place of victim assistance within the broader context of disability, healthcare, social services, rehabilitation, reintegration, employment, development, human rights and gender equality, recognising that victim assistance efforts should promote the development of services, infrastructure, and policies to address the rights and needs of all women, men, boys and girls with disabilities, regardless of the cause of the disability. Since the First Review Conference, there has been a concerted effort to apply these understandings.

101. At the Nairobi Summit, it was agreed that all States Parties in a position to do so have an obligation to assist mine victims. In addition, it was agreed that this responsibility is most relevant for the States Parties that are ultimately responsible for significant numbers – hundreds, thousands or tens of thousands – of landmine survivors. There are 26 States Parties that have reported a responsibility for significant numbers of survivors: Afghanistan, Albania, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Croatia, the Democratic Republic of the Congo, El Salvador, Eritrea, Ethiopia, Guinea Bissau, Iraq, Jordan, Mozambique, Nicaragua, Peru, Senegal, Serbia, Sudan, Tajikistan, Thailand, Uganda and Yemen. The challenges faced by many of these States Parties in fulfilling their responsibilities are profound. Therefore, while not forgetting the responsibilities to landmine survivors wherever they may be, it was agreed that a greater emphasis must be placed on the fulfilment of the responsibilities by these States Parties and on providing assistance to them where necessary. This focus has provided a useful framework for the work on victim assistance within the context of the Convention and has contributed to the introduction of implementation processes for victim assistance at the national level in several of these States Parties. The States Parties have come to recognise both the value of focusing attention and support where the needs are greatest and that some States Parties may now be in a position to share their experiences with others in relation to addressing the rights and needs of mine victims while at the same time implementing their own plan of action.

102. While important understandings and principles were adopted at the Nairobi Summit and while the States Parties established a focus on where the challenge was the greatest and hence where there was the greatest potential for progress, the States Parties still lacked a clear understanding of what could be or should be achieved as concerns victim assistance by a certain point in time. By not knowing what needed to be done by certain key milestone dates like the Convention's Second Review Conference in 2009, the States Parties were setting themselves up for disappointment because there was no clear understanding of what it means to have fulfilled their promise to mine victims and no clear objectives to measure progress against.

103. In 2005, Co-Chairs of the Standing Committee on Victim Assistance and Socio-Economic Reintegration initiated an effort to promote concrete progress in meeting the needs of landmine victims before the Second Review Conference. The Co-Chairs developed a foundation tool – a questionnaire – in consultation with key stakeholders, including Handicap International (HI), the Landmine Survivors Network, the World Rehabilitation Fund (WRF), the World Health Organisation (WHO), the ICRC and the ICBL. This questionnaire was inspired by the Strategic Framework for Planning Integrated Victim

Assistance Programmes, which was developed by Switzerland in 1999, and was based on the Guidelines for the Socio-Economic Reintegration of Landmine Survivors, which was produced by the WRF and the UNDP in 2003. The main aim of this questionnaire was to encourage the relevant States Parties in question to establish SMART – specific, measurable, achievable, relevant and time-bound – objectives to improve/change the current situation for mine survivors and other persons with disabilities in their country by the time of the Second Review Conference.

104. In 2005, the Sixth Meeting of the States Parties' Zagreb Progress Report summarised the responses to the questionnaire made by 22 States Parties responsible for significant numbers of landmine survivors. These responses provided a more solid basis for developing a road map regarding what needed to be done between 2005 and the Second Review Conference to achieve the aims of the Nairobi Action Plan in relation to victim assistance. However, the States Parties acknowledged that the questionnaire was not an end-product but rather an initial step in a long-term planning and implementation process.

105. The States Parties have come to understand that real and sustainable progress rests with sovereign States articulating in their own voices their challenges and plans to overcome them. All Co-Chairs of the Standing Committee on Victim Assistance and Socio-Economic Reintegration since the Nairobi Summit have ensured continuity by building on the achievements of one another and basing their efforts on the logic that the ultimate responsibility of meeting the rights and needs of landmine survivors within a particular State rests with that State. No external actor can define for it what can or should be achieved by when and how in meeting the needs of these survivors. However, States Parties recognise that others may have the ability to assist in understanding challenges and in developing and monitoring the effectiveness and implementation of plans and programmes.

106. Since the Nairobi Summit, the States Parties have come to better understand that the situation for every State is different and that specific priorities for achieving the aims of the Convention in relation to victim assistance should be determined by individual States Parties based on their very diverse circumstances and unique characteristics. However, the States Parties have come to understand that there is one feature that is relevant for all States Parties. The States Parties have come to recognise that victim assistance is a process that involves an age- and gender-sensitive, rights based, and holistic approach in which each component – emergency and continuing medical care, physical rehabilitation, psychological support, and social and economic reintegration / inclusion – is essential and requires specific objectives to ensure high quality standards, availability and accessibility of services to promote the ultimate aim of full and effective participation and inclusion. The States Parties understand that such an approach can only be achieved through collaboration and coordination between all relevant ministries and actors in the disability sector, including mine survivors and other persons with disabilities.

107. The States Parties have recognised that the best way to assure progress in achieving the victim assistance aims of the Convention is to work intensively, on a national basis with relevant States Parties in order to reinforce national ownership and ensure the long-term sustainability of victim assistance efforts. Therefore, the primary focus of the work of the Co-Chairs has been to assist national authorities responsible for healthcare, rehabilitation, social services, employment, or disability issues more generally in the process of setting their own specific and measurable objectives and developing and implementing plans of action. When plans for the disability sector already exist, the focus has been on ensuring that mine survivors have access to the services and benefits enshrined within those plans and that the relevant ministries are aware of their States' obligations under the Convention.

108. On the basis of earmarked funding provided by Australia, Austria, Belgium, New Zealand, Norway and Switzerland, the ISU has been able to offer inter-ministerial process support to all relevant States Parties and has undertaken intensive process support visits to Afghanistan, Albania, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Croatia, the Democratic Republic of the Congo, El

Salvador, Ethiopia, Guinea Bissau, Jordan, Mozambique, Nicaragua, Peru, Senegal, Serbia, Sudan, Tajikistan, Thailand, Uganda, and Yemen. Process support aims to advance the State's inter-ministerial efforts to establish better objectives and develop and/or implement good plans. The aims are an improved capacity on the part of the State Party to set its own specific objectives, to develop and implement plans of action and to improve institutional frameworks to address disability issues, in order to ultimately achieve a tangible improvement in services available to landmine victims and other persons with disabilities.

109. Since the Nairobi Summit, progress has been made as most relevant States Parties have engaged, to some extent, in the process of developing SMART objectives and / or a national plan of action to meet the aims of the Nairobi Action Plan in relation to victim assistance. For the first time clear objectives have been established and national plans developed in some relevant States Parties and the aim of assisting landmine survivors is being taken into account in broader disability and human rights approaches. Furthermore, since the Sixth Meeting of the States Parties in November 2005, at least 12 relevant States Parties revised their objectives to be more specific, measurable, achievable, relevant, and time-bound – SMARTer: Afghanistan, Albania, Angola, Cambodia, Croatia, Democratic Republic of the Congo, El Salvador, Nicaragua, Serbia, Sudan, Tajikistan, and Uganda. At least 11 relevant States Parties have developed, or have initiated an inter-ministerial process to develop and / or implement, a comprehensive plan of action to meet their objectives: Afghanistan, Albania, Angola, Bosnia and Herzegovina, Cambodia, Chad, El Salvador, Sudan, Tajikistan, Thailand, and Uganda. Furthermore, at least six relevant States Parties have reported progress in the achievement of specific objectives: Afghanistan, Albania, Serbia, Sudan, Tajikistan, and Yemen.

110. Appropriate experts from relevant State entities are now participating in the work of the Convention. Since 2007, the Co-Chairs have organised programmes for these victim assistance experts that have run parallel to the meetings of the Standing Committees and the Meetings of the States Parties. These programmes have made the best possible use of the time dedicated by health, rehabilitation and social services professionals by stimulating discussion and increasing the knowledge of the expert participants on key components of victim assistance and the disability issue more generally. Particular emphasis has been given to the place of victim assistance in the broader contexts of disability, healthcare, social services, and development. In addition to the health, rehabilitation, social services and disability rights professionals from the relevant States Parties, the programme also benefits from the active participation of mine survivors and other experts from international and non-governmental organisations. The parallel programme for victim assistance experts has provided a forum in which the experts can share experiences, priorities and challenges in addressing the rights and needs of landmine victims and other persons with disabilities and provides a clearer picture of the reality on the ground in many affected States Parties. As part of the parallel programmes, expert presenters discussed good practice and new developments in areas such as emergency medical care, physical rehabilitation, psychological and social support including peer support, economic empowerment, community-based rehabilitation, data collection, inclusive development, disability sector coordination mechanisms, and the UN Convention on the Rights of Persons with Disabilities.

111. Significant progress has been made in several instances to foster inter-ministerial interaction at the national level. Some relevant States Parties have convened inter-ministerial workshops that have brought together all relevant actors to discuss and consolidate improvements on objectives and the development and implementation of action plans. Since 2005, workshops or seminars to discuss victim assistance in the context of the Convention and / or to develop a plan of action to meet the aims of the Nairobi Action Plan have been convened in at least 14 relevant States Parties: Afghanistan, Albania, Angola, Bosnia and Herzegovina, Cambodia, Colombia, El Salvador, Ethiopia, Nicaragua, Senegal, Sudan, Tajikistan, Thailand, and Uganda. Furthermore, since 2006, at least five relevant States Parties have convened follow-up workshops to review progress in implementing its plan of action and have developed, or are in

the process of developing, revised objectives and plans of action: Afghanistan, Albania, El Salvador, Sudan, and Tajikistan.

112. Progress has been made in achieving the victim assistance aim of the Convention. The States Parties recognise that the most identifiable gains have been process-related and the real promise of the Convention is to make a difference on the ground, in the lives of survivors, the families of those killed or injured, and their communities. However, without the full involvement of the appropriate governmental actors and without the application of coherent and realistic strategies, the potential for meaningful, measurable or sustainable difference in the lives of mine victims would be limited.

113. The principles adopted by the States Parties at the Nairobi Summit remain valid, namely the non-discrimination of victims, national ownership, and an integrated and comprehensive approach, including one that incorporates a gender perspective, involves the participation of all relevant government agencies, survivors, service providers, non-governmental organisations and others in a position to assist and one that is transparent, efficient and sustainable. While these principles continue to provide a solid foundation, the profile of some principles needs to be raised and some understandings need to be applied with greater vigour in order to achieve additional progress toward the full and effective participation and inclusion of mine survivors, including men, women, boys and girls, in the social, cultural, economic and political life of their communities.

114. The work to implement the Convention has resulted in an increased understanding that addressing the rights and needs of landmine victims is a long-term commitment that will require the coordinated efforts of relevant States Parties, international agencies, non-governmental organisations, the donor community and survivors themselves. The States Parties have come to recognise the importance of the inclusion and active participation of mine victims and other persons with disabilities in the development, implementation and monitoring of policies, plans, and programmes.

115. Since the Nairobi Summit, the States Parties have increased their understanding that victim assistance should be integrated into development plans and poverty reduction strategies. The concept of *inclusive development* has been highlighted as an appropriate mechanism to ensure that landmine victims and other persons with disabilities have access to the same opportunities in life — for healthcare, social services, a life-sustaining income, education and participation in the community — as every other sector of a society. However, the States Parties also understand the value of a “twin-track approach” and that while integrating victim assistance into development programmes is important it may also be necessary to provide specialised services to ensure that mine survivors are empowered to participate on an equal basis with others. The States Parties have come to recognise that development efforts that benefit mine victims and other persons with disabilities will in turn contribute to achieving their country’s development objectives, including the UN’s Millennium Development Goals, through their full participation in social, economic and political spheres. The States Parties in a position to assist have come to recognise the importance of development cooperation that is inclusive of and accessible to persons with disabilities, including mine survivors.

116. Since the Nairobi Summit, the States Parties have strengthened their understanding that a broad gender and diversity perspective is necessary in all victim assistance efforts to address the rights and needs of women, men, girls and boys with disabilities. The gender dimension of victim assistance will vary according to the local context in terms of how mine accidents affect various groups of people, which must also be taken into consideration in victim assistance efforts. Furthermore, the circumstances and experience of all persons in vulnerable situations in mine-affected communities, including internally displaced persons, the elderly, people living in extreme poverty and other marginalised groups, should also be considered in victim assistance efforts.

117. It remains valid that victim assistance does not require the development of new fields or disciplines but rather calls for ensuring that existing healthcare and social service systems, rehabilitation programmes and legislative and policy frameworks are adequate to meet the needs of all citizens — including landmine victims. However, the States Parties acknowledge that greater priority should be accorded to health, rehabilitation and social services systems in areas where landmine victims are prevalent to ensure accessibility to appropriate services. In particular, the States Parties acknowledge that greater efforts are needed to build capacities to provide appropriate emergency medical care to enhance the prospects of landmine victims surviving an accident.

118. At the Nairobi Summit, the States Parties agreed that “victim assistance” included work in six areas: data collection to understand the extent of the challenges faced; emergency and continuing medical care; physical rehabilitation; psychological support and social reintegration; economic reintegration; and, the establishment, enforcement and implementation of relevant laws and public policies. These six defined components have worked well to provide a framework for action. However, the States Parties have increased their understanding of the importance and cross-cutting nature of psychological support, including peer support, and the need to raise the profile of this component to assist mine survivors and the families of those killed or injured to overcome the psychological trauma of a landmine explosion and promote their social well-being. The States Parties continue to recognise the value of income generation and the economic empowerment of mine survivors to promote self-sufficiency and independence.

119. Since the Nairobi Summit, the States Parties have come to understand that the issue of accessibility is about enabling landmine survivors to live independently and participate fully in all aspects of life, by ensuring equal access to the physical environment, services, communications and information, and identifying and eliminating obstacles and barriers to accessibility. The States Parties recognise the need to ensure that victim assistance efforts take into account the social and human rights of women, men, girls and boys with disabilities including the removal of physical, social, cultural, economic, political, geographic and other barriers.

120. Since 2005, the States Parties have come to recognise the concept of community-based rehabilitation (CBR) as an appropriate mechanism in some States Parties to strengthen, and improve access to, services for mine survivors. The States Parties have come to understand CBR to be a strategy within general community development for enhancing the quality of life of persons with disabilities, including landmine survivors, and their families by improving service delivery for rehabilitation, equalisation of opportunities, poverty reduction and social inclusion of persons with disabilities. CBR is being implemented in many of the relevant States Parties through the combined efforts of persons with disabilities themselves, their families, organisations and communities, and the relevant governmental and non-governmental health, education, vocational, social and other services. It was noted that in December 2009, new CBR guidelines will be launched by the WHO.

121. Since 2005, the States Parties have increased their understanding of the concept of inclusive education as a means of ensuring that children and adults with disabilities have access to quality education at all levels including primary school, secondary and tertiary education, vocational training and adult education. The States Parties recognise that all persons have a right to education regardless of their individual difficulties or characteristics. The States Parties have also come to recognise the importance of promoting inclusive education as part of national education plans, policies and practice, and the need to support families as necessary to facilitate access to education for survivors and/or the children of those killed or injured in a landmine explosion.

122. Since the Nairobi Summit, the States Parties have a much clearer understanding of the challenges faced in addressing the rights and needs of landmine victims and other persons with disabilities. In particular, the States Parties recognise the need to address the persistent challenge of translating increased

understanding on victim assistance into tangible improvements in the quality of daily life of mine victims on the ground. However, the States Parties equally recognise that achieving progress in this area is complicated by the broader set of complex challenges that face most developing countries. What is important is to ensure that measurable progress is made toward overcoming these challenges. The main challenges include: disability rights often not seen as a priority by policy makers; weak capacity to address disability issues at all levels; limited or lack of inclusion of persons with disabilities in decision making processes; limited disability-related data for planning purposes; services not meeting the needs in terms of both quantity and quality; limited or lack of accessibility to services and opportunities in rural areas; weak State structures and hence weak bureaucratic, human resource, technical and financial capacity to develop, implement and monitor objectives, national plans, and legislation in a transparent manner; inadequate resources to build government capacity to provide services in rural areas; lack of sustainability of national ownership, interest and will when faced with other competing priorities; and, inadequate long-term international cooperation and assistance in both the provision of financial resources and technical support and in linking of resources to identified needs.

123. The States Parties continue to recognise that many of the relevant States Parties remain dependent on international agencies, non-governmental organisations and other services providers for the delivery of appropriate services. Since the Nairobi Summit, the UN Mine Action Team and others have increasingly integrated their victim assistance efforts within the broader contexts of disability, healthcare, social services, rehabilitation, reintegration, employment, development, human rights and gender equality, and they have sought to strengthen national capacities in these areas. Strengthening collaboration and cooperation between all relevant actors will be essential if measurable progress in improving the quality of daily life for mine victims is to be achieved.

124. A major achievement of the States Parties is that their efforts have resulted in victim assistance in the context of the Convention having become measurable. Relevant States Parties have responded to the request of the Co-Chairs to provide a detailed update on the status of victim assistance in their country. These reports have been collated into a document entitled *Status of Victim Assistance in the Context of the AP Mine Ban Convention in 26 States Parties: 2005 – 2009* [INSERT DOCUMENT NUMBER]. They provide a body of evidence with regard to how the understandings on victim assistance agreed to at the Nairobi Summit have been converted from words on paper and into action. This demonstrates that progress has been made even though the States Parties recognise that significant challenges in each area of victim assistance of course remain to ensure the full and effective participation of mine survivors and the families of those killed and injured in the social, cultural, economic and political life of their communities.

#### *Understanding the extent of the challenges faced*

125. At the Nairobi Summit, it was agreed that relevant States Parties would “develop or enhance national mine victim data collection capacities (...)”<sup>22</sup> The following year, in 2005, accurate and up-to-date disaggregated data on the number of new landmine casualties was available in INSERT NUMBER relevant States Parties. None of the relevant States Parties were able to provide comprehensive information on the total number of survivors and their specific needs. There was no reported capacity to integrate mine casualty data into the health information system and/or injury surveillance system and no reported effective coordination/referral mechanism. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that a comprehensive mine casualty data collection mechanism has been established and is functioning. In INSERT NUMBER relevant States Parties there is some capacity to collect information on mine casualties but it is not comprehensive and/or systematic, and INSERT NUMBER report that a capacity is being developed to collect information on mine casualties. In

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<sup>22</sup> Nairobi Action Plan, Action #34.

INSERT NUMBER relevant States Parties, there continues to be no reported capacity to collect information on mine casualties.

126. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that mine casualty data is integrated into the national health information system and / or injury surveillance system, INSERT NUMBER report that there is some capacity to integrate mine casualty data into the health information system and / or injury surveillance system, and INSERT NUMBER had reported that such a capacity is being developed to integrate mine casualty data into the health information system and/or injury surveillance system. Only INSERT NUMBER relevant States Parties have reported no change or improvement in capacity to integrate mine casualty data into broader mechanisms.

127. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that comprehensive information is available on the numbers and location of mine survivors to support the needs of programme planners and resource mobilisation. In INSERT NUMBER relevant States Parties there is some information available on the numbers, sex, age, and location of mine survivors and in INSERT NUMBER relevant States Parties the capacity to provide comprehensive information is being developed. In INSERT NUMBER relevant States Parties there continues to be no reported capacity to provide comprehensive information.

128. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that an effective coordination / referral mechanism is in place to improve access to services. In INSERT NUMBER there is a limited coordination / referral mechanism and in INSERT NUMBER the capacity is being developed to implement an effective coordination / referral mechanism. In INSERT NUMBER relevant States Parties there continues to be no reported coordination / referral mechanism.

129. Based on the information provided by relevant States Parties, at least INSERT NUMBER have achieved some degree of progress in improving their capacity to understand the extent of the challenges faced in addressing the rights and needs of landmine victims. There is a significantly clearer picture of the magnitude of the challenge as measured, at least, by a credible accounting of the number of survivors in some of the 26 relevant States Parties. However, despite advances made in data collection tools and methodologies,<sup>23</sup> and in information systems, many relevant States Parties still know little about the specific needs of survivors and the assistance received or needed. Some of the best data collection exercises continue to be performed by actors other than States Parties themselves, with national ownership over this matter not yet achieved. The challenge for many States Parties during the period 2010 to 2014 will be to enhance their disability data collection capacities, including on mine victims, integrating such systems into existing health information systems and ensuring full access to disaggregated information in order to support the needs of programme planners and resource mobilisation.

#### *Emergency and continuing medical care*

130. At the Nairobi Summit, it was agreed that relevant States Parties would “establish and enhance healthcare services needed to respond to immediate and ongoing medical needs of mine victims (...) and that the provision of appropriate emergency and continuing medical care, or the lack of it, has a profound impact on the immediate and long-term recovery of mine victims..”<sup>24</sup>

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<sup>23</sup> Guidance documents available since the Nairobi Summit include: the WHO’s *Guidelines for Conducting Community Surveys on Injuries and Violence*; Handicap International’s *Conducting Survey on Disability: A Comprehensive Toolkit - National Disability Survey in Afghanistan*; and the Mine Action Information Centre’s *Landmine casualty data: best practices guidebook*.

<sup>24</sup> Nairobi Action Plan, Action #29

131. In 2005, in INSERT NUMBER relevant States Parties there was no reported information or services to provide emergency medical care to mine casualties in affected areas was reported to be chronically underdeveloped. By the Second Review Conference, INSERT NUMBER relevant States Parties report that comprehensive services to provide emergency medical care to mine casualties are available in affected areas, INSERT NUMBER report that some level of service to provide emergency medical care is available but there are gaps in services, and INSERT NUMBER report that there is an infrastructure to provide emergency medical care, but that it is experiencing serious disruption and/or shortages or is otherwise weak. Only INSERT NUMBER relevant States Parties report no change/improvement in services for emergency medical care.

132. In 2004, a profound challenge that many relevant States Parties faced was the need to ensure that healthcare workers in affected areas were trained in emergency first-aid to respond effectively to landmine and other traumatic injuries. The States Parties have increased their understanding of the benefits of training lay-people in mine-affected communities to lower mortality rates by providing care as soon as possible after accidents. Training first responders at the village and community level increases accessibility to services by bringing the services closer to the people. Such training of first responders is being provided in at least INSERT NUMBER relevant States Parties by NGOs such as Emergency, Trauma Care Foundation (TMC), ICRC, national Red Cross and Red Crescent Societies, and World Health Organisation.

133. In 2005, INSERT NUMBER relevant States Parties reported that there was no known training for first responders and other trauma specialists in the country or that training was available but was inadequate to meet the needs. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that appropriate training for first responders and other trauma specialists is available, INSERT NUMBER reported that training for first responders and other trauma specialists is available but its effectiveness is limited by a lack of resources, and INSERT NUMBER reported that training for first responders and other trauma specialists is available but is inadequate to meet the needs. Only INSERT NUMBER relevant States Parties report no change/improvement in available training.

134. Trauma care provided by well-trained personnel in well-equipped facilities which are located in close proximity to those who may need to access such services is a challenge for many relevant States Parties. Training is also a challenge for many States Parties with respect to trauma surgeons, nurses and other specialists. In 2005, INSERT NUMBER relevant States Parties provided no information or reported that services to provide trauma care in close proximity to affected areas was chronically underdeveloped. By Second Review Conference, INSERT NUMBER relevant States Parties had reported that comprehensive trauma care services, in well-equipped facilities, are located in close proximity to affected areas, INSERT NUMBER reported that some level of services is available but there are gaps in services, and INSERT NUMBER reported that there is an infrastructure to provide services, but it is experiencing serious disruption and/or shortages or is otherwise weak. Only INSERT NUMBER States Parties report no change/improvement in services or no capacity. Training of trauma surgeons and nurses in district hospitals is available through programmes implemented by the World Health Organisation, the ICRC, and NGOs such as Emergency and TMC in at least INSERT NUMBER relevant States Parties. New guidance documents have been developed to assist States Parties in meeting the challenge of providing appropriate trauma care services.<sup>25</sup>

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<sup>25</sup> See for example the WHO's programme for *Integrated Management on Emergency Essential Surgical Care - E-learning tool kit*, 2007, the WHO's *Guidelines for Essential Trauma Care*; WHO's *Essential Trauma Care Project: Checklists for Surveys of Trauma Care Capabilities*; WHO's *Prehospital Trauma Care Systems*; ICRC's *First Aid in armed conflicts and other situations of violence*; ICRC's *Hospitals for war-wounded: a practical guide for setting*

135. Many States Parties continue to face the ongoing challenge of ensuring that medical facilities can provide an adequate level of care with the staff, equipment, supplies and medicines necessary to meet basic standards. Moreover, some States Parties face problems related to the proximity of services to affected areas and difficulties in transporting to these facilities those who require care. In 2005, INSERT NUMBER relevant States Parties provided no information or reported that healthcare facilities in affected areas were chronically under-developed. By the Second Review Conference, INSERT NUMBER relevant States Parties report that healthcare facilities in affected areas have the staff, equipment, supplies and medicines necessary to meet basic standards, INSERT NUMBER report that healthcare facilities have staff, equipment, supplies and medicines but are limited by a lack of resources, and INSERT NUMBER report that healthcare facilities have some staff, equipment, supplies and medicines but are inadequate to meet basic needs. Only INSERT NUMBER relevant States Parties report no change/improvement or no capacity to provide an adequate level of healthcare.

136. Based on the information provided by relevant States Parties, at least INSERT NUMBER have achieved some degree of progress in improving their capacity to provide emergency and continuing medical care to meet the needs of landmine victims. Since the Nairobi Summit, some progress has been made in the training of trauma surgeons, nurses and those providing emergency first-aid, including lay people. Nevertheless, many relevant States Parties continue to report a lack of trained staff, medicines, equipment and infrastructure to adequately respond to landmine and other traumatic injuries. Moreover, while new guidelines have been developed to assist States Parties, a challenge remains in applying these guidelines. The challenge for States Parties in the period 2010-2014 will continue to be to: ensure that healthcare workers and lay people in affected areas are trained in emergency first-aid to respond effectively to landmine and other traumatic injuries; increase training opportunities for trauma surgeons, nurses and other specialists; ensure that women and girls have equal access to emergency and continuing medical care, including in sex-segregated areas, as appropriate; and to ensure that medical facilities in affected areas can provide an adequate level of care with the staff, equipment, supplies and medicines necessary to meet basic standards.

### *Physical rehabilitation*

137. At the Nairobi Summit, it was agreed that relevant States Parties would “increase national physical rehabilitation capacity to ensure effective provision of physical rehabilitation services (...)” and it was recognised that physical rehabilitation and prosthetic/orthotic services are preconditions to the full recovery and reintegration of landmine survivors and to promote the physical well-being of persons with limb loss, abdominal, chest and spinal injuries, and sight or hearing impairment.<sup>26</sup> Since the Nairobi Summit, the States Parties have come to better understand the need to expand access and ensure the sustainability of national physical rehabilitation capacities. In 2005, in INSERT NUMBER relevant States Parties no information was available on services or physical rehabilitation services for persons with disabilities were reported to be underdeveloped and the needs were not being met. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that comprehensive physical rehabilitation services, including prosthetic production and repairs, with well-trained personnel in well-equipped facilities, are available and accessible to persons with disabilities, including mine survivors, INSERT NUMBER reported that comprehensive services are available but there are gaps in services and service accessibility and INSERT NUMBER report that there is a physical rehabilitation infrastructure, but it is experiencing serious disruption and/or shortages or is otherwise weak. In INSERT NUMBER

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*up and running a surgical hospital in an area of armed conflict; and IFRC's Improving Health Care in the Community.*

<sup>26</sup> Nairobi Action Plan, Action #30

relevant States Parties physical rehabilitation services for persons with disabilities continues to be underdeveloped.

138. In 2004, a profound challenge that many relevant States Parties faced was the need to increase numbers of trained rehabilitation specialists including doctors, nurses, physiotherapists and orthopaedic technicians. In 2005, in INSERT NUMBER relevant States Parties, there was no known training for rehabilitation specialists in the country. By Second Review Conference, INSERT NUMBER relevant States Parties report that appropriate training for rehabilitation specialists is available, INSERT NUMBER report that training is available but its effectiveness is limited by a lack of resources, and INSERT NUMBER report that training is available but is inadequate to meet the needs. In INSERT NUMBER relevant States Parties there continues to be no known training for rehabilitation specialists. Such training of physical rehabilitation specialists, including prosthetic and orthotic technicians and physiotherapists, is available through programmes implemented by the ICRC, and NGOs such as HI and TMC in at least INSERT NUMBER relevant States Parties.

139. The States Parties recognise the need to engage all relevant ministries as well as national, regional and international health and rehabilitation organisations in the development of plans for the rehabilitation sector to ensure long-term sustainability and effective coordination in advancing the quality of care and increasing the numbers of individuals assisted through physical rehabilitation programmes. In 2005, in INSERT NUMBER relevant States Parties there was no known multi-sector rehabilitation plan. By 2009, INSERT NUMBER reported that a multi-sector rehabilitation plan has been developed and implemented, in collaboration with all relevant stakeholders, including persons with disabilities, INSERT NUMBER reported that a plan has been developed but implementation is being limited by a lack of resources, and INSERT NUMBER reported that a multi-sector rehabilitation plan is planned and/or under development. In INSERT NUMBER relevant States Parties there continues to be no reported multi-sector rehabilitation plan.

140. The States Parties have come to better understand the challenges persons with disabilities, including landmine survivors face in accessing physical rehabilitation services, particularly due to the location and cost of accessing available services. The States Parties recognise that it may be necessary to ensure that survivors have access to transportation to services or that services are available in closer proximity to those needing them, for example through mobile prosthetic clinics. In 2005, in INSERT NUMBER relevant States Parties there were no reported programmes or policies to ensure that geography, cost, age, gender or social status did not present barriers to landmine survivors in accessing physical rehabilitation services. By Second Review Conference, INSERT NUMBER relevant States Parties had reported that programmes and/or policies are in place to ensure that geography, cost, age, gender or social status do not present barriers to landmine survivors in accessing physical rehabilitation services, INSERT NUMBER reported programmes/policies have been developed but their effectiveness is limited by a lack of resources, and INSERT NUMBER reported that programmes/policies have been developed but have not been implemented. In only INSERT NUMBER relevant States Parties there continues to be no reported programmes or policies to improve accessibility.

141. Based on the information provided by relevant States Parties, at least INSERT NUMBER have achieved some degree of progress in improving their capacity to provide services for the physical rehabilitation of landmine survivors. Since the Nairobi Summit, progress has been made in the development of new guidelines, in the training of technical staff in prosthetics / orthotics in affected countries and the production of assistive devices.<sup>27</sup> Nevertheless, the needs in this area continue to exceed

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<sup>27</sup> See for example *Prosthetics and Orthotics Project Guide: Supporting P&O Services in Low Income Settings*; and *Prosthetics and Orthotics Programme Guide: Implementing P&O Services in Low-Income Settings*; and WHO's *Guidelines on the provision of Manual Wheelchairs in less resourced settings*.

the level of resources applied to the provision of services. The major challenges for many States Parties during the period 2010-2014 will continue to be to: increase numbers of trained rehabilitation specialists including doctors, nurses, physiotherapists and orthopaedic technicians; increase training opportunities for rehabilitation specialists including doctors, nurses, physiotherapists and orthopaedic technicians; improve access to rehabilitation services for survivors living in remote areas; ensure that women and girls have equal access to physical rehabilitation services, including in sex-segregated areas, as appropriate; and to increase national resources to ensure the long-term sustainability and quality of physical rehabilitation programmes.

#### *Psychological support and social reintegration / inclusion*

142. At the Nairobi Summit, it was agreed that relevant States Parties would “develop capacities to meet the psychological and social support needs of mine victims, (...).”<sup>28</sup> The States Parties continue to understand psychological support and social reintegration/inclusion as being activities that assist mine survivors, and the families of those killed and injured, to overcome the psychological trauma of a landmine explosion and promote social well-being. Appropriate psychological and social support has the potential to make a significant difference in the lives of mine victims. The States Parties have come to understand that psychological support, including peer support, is necessary in the immediate aftermath of the accident and may be needed at different times throughout the lifetime of the survivor.

143. In 2004, a profound challenge that many relevant States Parties faced was the need to increase national and local capacities to provide services. In 2005, in INSERT NUMBER relevant States Parties there were no known psychological and social support services. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that psychological and social support services, with well-trained personnel in well-equipped facilities, are available and accessible to mine victims, INSERT NUMBER reported that services are available and accessible but are limited by a lack of resources, and INSERT NUMBER reported an infrastructure services but it is experiencing serious disruption and/or shortages or is otherwise weak. In INSERT NUMBER relevant States Parties there continues to be no known psychological and social support services.

144. In 2005, in INSERT NUMBER relevant States Parties there were no known culturally appropriate guidelines on good practice in the provision of psychological and social support. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that culturally appropriate guidelines on good practice in the provision of psychological and social support have been developed and implemented, INSERT NUMBER reported that guidelines have been developed but implementation is limited by a lack of resources, and INSERT NUMBER reported that guidelines have been developed but not implemented. In INSERT NUMBER relevant States Parties there continues to be no known culturally appropriate guidelines.

145. In 2005, in INSERT NUMBER relevant States Parties there were no known training for psychiatrists, psychologists and/or social workers in the country. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that appropriate training for psychiatrists, psychologists and/or social workers is available, INSERT NUMBER report that training is available but its effectiveness is limited by a lack of resources, and INSERT NUMBER report that training is available but is inadequate to meet the needs. In INSERT NUMBER relevant States Parties there continues to be no known training available in the country.

146. The States Parties have come to understand that efforts to provide psychological and social support should take full advantage of the fact that mine victims themselves are resources who can act as

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<sup>28</sup> Nairobi Action Plan, Action #31

constructive partners in programmes. In 2005, in INSERT NUMBER relevant States Parties there were no known peer support programmes. By 2009, INSERT NUMBER relevant States Parties report peer support programmes that are available and accessible to mine victims and other persons with disabilities, INSERT NUMBER report that programmes are available but are limited by a lack of resources, and INSERT NUMBER report that programmes have been developed but are experiencing serious disruption and/or shortages or are otherwise weak. In INSERT NUMBER relevant States Parties there continues to be no known peer support programmes.

147. In 2005, in INSERT NUMBER relevant States Parties there was no known inclusive education plan for children with disabilities, including mine survivors. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that an inclusive education plan for children with disabilities has been developed and implemented, in INSERT NUMBER a plan has been developed but implementation is limited by a lack of resources, and in INSERT NUMBER a plan is planned and/or under development. In INSERT NUMBER relevant States Parties there continues to be no known inclusive education plan for children with disabilities.

148. In 2005, in INSERT NUMBER relevant States Parties there were no reported programmes or policies to ensure that geography, cost, age, gender or social status did not present barriers to landmine victims in accessing psychological support and social reintegration services. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that programmes and/or policies are in place to ensure that geography, cost, age, gender or social status do not present barriers to landmine victims in accessing services, INSERT NUMBER report programmes/policies have been developed but their effectiveness is limited by a lack of resources, and INSERT NUMBER report that programmes/policies have been developed but have not been implemented. In only INSERT NUMBER relevant States Parties there continues to be no reported programmes or policies to improve accessibility.

149. Based on the information provided by relevant States Parties, at least INSERT NUMBER have achieved some degree of progress in improving their capacity to provide services for the psychological support and social reintegration to address the rights and needs of landmine survivors and the families of those killed or injured. Since the Nairobi Summit, progress has been made in the development of new guidelines, in the training of technical staff in psychological support and social reintegration/inclusion in affected countries.<sup>29</sup> Nevertheless, this is an area that has not received the attention or resources necessary to adequately address the needs of mine victims. The challenge for States Parties during the period 2010 to 2014 will continue to be to: increase national and local capacities to provide psychological and social support services; increase access to psychological and social support services; increase opportunities for training of psychologists, social workers, peer support workers, and teachers; ensure that women and girls have equal access to psychological and social support services, including in sex-segregated areas, as appropriate; and, increase opportunities for children with disabilities to access education.

#### *Economic reintegration*

150. In the *Nairobi Action Plan* it was agreed that relevant States Parties would “actively support the socio-economic reintegration of mine victims, including providing education and vocational training and developing sustainable economic activities and employment opportunities in mine-affected communities, integrating such efforts in the broader context of economic development, and striving to ensure significant

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<sup>29</sup> See for example the IFRC’s *Psychological Support: Best Practices from Red Cross and Red Crescent Programmes*; the IFRC’s *Community-Based Psychological Support Training Manual*; and Handicap International’s *Fun inclusive! Sports and games as means of rehabilitation, integration and integration for children and young people with disabilities*.

increases of economically reintegrated mine victims.”<sup>30</sup> The States Parties continue to see economic reintegration/inclusion as being assistance programmes that improve the economic status of mine survivors, and the families of those killed or injured, in affected communities through education, economic development of the community infrastructure and the creation of employment opportunities. For many survivors and their families, economic empowerment continues to be their highest priority.

151. In 2005, in INSERT NUMBER relevant States Parties there were no reported programmes and services to promote the economic reintegration of mine survivors and/or their families or programmes and services were chronically underdeveloped. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that landmine survivors and other persons with disabilities and/or their families have access to programmes, training, micro-finance schemes and other activities that promote the economic development of their communities, in INSERT NUMBER there are some programmes and services but there are gaps in services, and in INSERT NUMBER there are programmes and services, but these are experiencing serious disruption and/or lack of resources. In INSERT NUMBER relevant States Parties there continues to be no known programmes and services.

152. In 2005, in INSERT NUMBER relevant States Parties there were no reported programmes or policies to ensure that geography, cost, age, gender or social status did not present barriers to landmine survivors or the families of those killed or injured in accessing economic reintegration programmes. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that programmes and/or policies are in place to ensure that geography, cost, age, gender or social status do not present barriers to landmine survivors in accessing services, INSERT NUMBER report programmes/policies have been developed but their effectiveness is limited by a lack of resources, and INSERT NUMBER report that programmes/policies have been developed but have not been implemented. In only INSERT NUMBER relevant States Parties there continues to be no reported programmes or policies to improve accessibility.

153. Based on the information provided by relevant States Parties, at least INSERT NUMBER have achieved some degree of progress in improving their capacity to provide services for the economic reintegration of landmine survivors and the families of those killed or injured. Since the Nairobi Summit progress has been made in developing new guidelines and in implementing programmes in some affected communities.<sup>31</sup> However, in many relevant States Parties there continues to be few opportunities for mine victims to receive vocational training or to access employment and other income generation activities. The States Parties acknowledge that the economic status of mine victims depends largely upon the political stability and economic situation of the communities in which they live. The States Parties have also come to recognise that enhancing opportunities for the economic reintegration of mine victims not only contributes to their self-reliance and psychosocial well-being but can in turn contribute to community development. The challenge for many States Parties during the period 2010 to 2014 will continue to be to: increase income generation and employment opportunities for mine victims in affected areas; ensure that women and girls have equal access to income generation and employment opportunities; and, ensure that development programmes are inclusive of and accessible to mine victims and other persons with disabilities.

### *Laws and public policies*

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<sup>30</sup> Nairobi Action Plan, Action #32

<sup>31</sup> See for example the ILO's *Skills development through community based rehabilitation: A good practice guide*; the ILO's *The right to decent work of persons with disabilities*; ILO's *Job and work analysis: Guidelines on identifying jobs for persons with disabilities*; ILO's *Achieving Equal Employment Opportunities for People with Disabilities Through Legislation: Guidelines*; and Handicap International's *Good Practices for the Socio-Economic Inclusion of People with Disabilities in Developing Countries: Funding Mechanisms for Self-Employment*.

154. At the Nairobi Summit, it was agreed that relevant States Parties would “ensure that national legal and policy frameworks effectively address the needs and fundamental human rights of mine victims (....) and assuring effective rehabilitation and socioeconomic reintegration services for all persons with disabilities.”<sup>32</sup> The States Parties continue to understand laws and policies as being legislation and actions that promote the rights, accessibility, effective treatment, care, protection and non-discrimination for all citizens with disability, including landmine survivors.<sup>33</sup>

155. In 2005, in INSERT NUMBER relevant States Parties there were no known disability laws or policies. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that national legal and policy frameworks are effectively addressing the needs and fundamental human rights of mine victims and other persons with disabilities, in INSERT NUMBER laws and/or policies exist but are not being fully implemented and/or their effectiveness or comprehensiveness is inadequate, and in INSERT NUMBER laws and/or policies are planned and/or being developed. In only INSERT NUMBER relevant States Parties there continues to be no reported disability laws or policies.

156. In 2005, in INSERT NUMBER relevant States Parties there was no known policy on accessibility to the built environment. By the Second Review Conference, INSERT NUMBER relevant States Parties had reported that a policy on accessibility to the built environment has been developed and implemented, INSERT NUMBER report that a policy has been developed but it is not fully implemented, and INSERT NUMBER report that a policy is planned and/or being developed. In only INSERT NUMBER relevant States Parties there continues to be no reported policy on accessibility.

157. Based on the information provided by relevant States Parties, at least INSERT NUMBER have achieved some degree of progress in improving legislative and policy frameworks to address the rights and needs of persons with disabilities, including landmine survivors. The challenge for many States Parties during the period 2010 to 2014 will continue to be to: further develop and implement plans to address the rights and needs of landmine victims and other persons with disabilities; fully implement the provisions of the legislation; provide pensions that are adequate to maintain a reasonable standard of living; and, improve accessibility to public and private infrastructure, and to services for people living in remote areas.

#### *Other*

158. At the Nairobi Summit, it was agreed to “ensure effective integration of mine victims in the work of the Convention, inter alia, by encouraging States Parties and organisations to include victims on their delegations.”<sup>34</sup> The States Parties continue to recognise the importance and the benefits of the inclusion of landmine survivors and other experts with disability in a substantive way in the work of the Convention at the international level including in Meetings of the States Parties and in the Intersessional Work Programme, but particularly within the home countries of landmine survivors where decisions affecting their wellbeing ultimately are taken. Since the Nairobi Summit, survivors and other experts with disability have participated actively in national workshops to develop plans of action, in regional workshops, and in Meetings of the States Parties and in the Intersessional Work Programme. At least five States Parties – Afghanistan, Croatia, Guinea-Bissau, Jordan and Sudan – have included survivors on their delegations to international meetings.

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<sup>32</sup> Nairobi Action Plan, Action #33

<sup>33</sup> See for example the UN and IPU’s *From Exclusion to Equality: Realizing the rights of persons with disabilities*; and Handicap International’s *Introduction to accessibility: Creating an accessible environment, towards an inclusive society*.

<sup>34</sup> Nairobi Action Plan, Action #38

159. Since the Nairobi Summit, the involvement of relevant victim assistance experts in the work of the Convention has increased further due to the commitment made at the Nairobi Summit to “ensure an effective contribution in all relevant deliberations by health, rehabilitation and social services professionals.”<sup>35</sup> At the June 2005 meetings of the Standing Committee, 5 relevant States Parties included a victim assistance expert in their delegation. More recently, at the Ninth Meeting of the States Parties in November 2008, experts were on the delegations of 21 relevant States Parties.

160. A challenge for the States Parties during the period 2010 to 2014 will be to ensure that efforts to ensure the substantive participation of survivors and other experts does not subside but rather is enhanced.

161. In May 2009, the Co-Chairs of the Standing Committee on Victim Assistance and Economic Reintegration (Belgium and Thailand) convened a victim assistance retreat to bring together victim assistance experts representing States Parties, international agencies, the ICRC, the IFRC, and the ICBL and other non-governmental organisations. Experts included survivors, doctors, disability and human rights experts, representatives of relevant ministries and agencies in affected States Parties, development agencies, and service providers. The retreat was possibly the first time that a fully inclusive and representative group of actors have come together to do some “big picture” thinking on victim assistance. Discussions at the retreat and subsequent parallel programme for victim assistance experts at the May intersessional meetings provided a solid foundation to develop sound strategies for the period 2010 to 2104, based on the lessons learned and priorities identified since the First Review Conference. The Nairobi Action Plan facilitated the development of a strategic framework to enhance victim assistance efforts in the period 2005-2009. To ensure these efforts continue, the Co-Chairs have developed specific guidance on national implementation of the Cartagena Action Plan to promote progress in achieving the victim assistance aims in the period 2010 to 2014. This guidance includes specific actions that relevant States Parties and other stakeholders may wish to undertake to ensure measurable progress in each of the victim assistance-related actions within the Cartagena Action Plan. The guidance is based on discussions at the retreat and parallel programme and other input from service providers.<sup>36</sup>

162. At the Nairobi Summit, it was agreed to “monitor and promote progress in the achievement of victim assistance goals in the 2005-2009 period, affording concerned States Parties the opportunity to present their problems, plans, progress and priorities for assistance.”<sup>37</sup> At the June 2005 standing committee meetings, 18 relevant States Parties provided an update on their victim assistance efforts, 16 relevant States Parties provided an update at the May 2006 meetings, 19 relevant States Parties at the April 2007 meetings, 18 at the June 2008 standing committee meetings, and 19 in May 2009. At the Sixth Meeting of the States Parties, 18 relevant States Parties provided an update, increasing to 23 relevant States Parties at the Seventh Meeting of the States Parties in September 2006, 22 at the Eighth Meeting of the States Parties in November 2007, and 21 at the Ninth Meeting of the States Parties in November 2008.

163. Since the Nairobi Summit, the systematic way in which relevant States Parties have articulated objectives and developed national action plans have provided a basis for more meaningful monitoring of the fulfilment of this aim of the Convention. NGO monitoring now has the potential to be more precise, measuring against clear benchmarks rather than unattainable ideals.<sup>38</sup> In addition, a 2009 report prepared

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<sup>35</sup> Nairobi Action Plan, Action #39

<sup>36</sup> See *Ensuring Progress in Achieving the Victim Assistance Aims of the Cartagena Action Plan 2010-2014*.

<sup>37</sup> Nairobi Action Plan, Action #37

<sup>38</sup> Civil society publications available since the Nairobi Summit which focus on monitoring aspects of the victim assistance issue include: *National Legal Frameworks Relating to Persons with Disabilities in Heavily Mine-Affected Countries*; *Victim Assistance in 2004: Overview of the Situation in 24 States Parties*; *Landmine Victim*

by HI concluded that since 2005 there had been no measurable change in the quality of daily life for the majority of landmine survivors surveyed and called on the States Parties in a position to assist to “increase, or at least maintain, their financial and technical support, and enhance its effectiveness” and on affected States to “increase their ownership, implement measurable actions and include survivors and other persons with disabilities in the activities.”<sup>39</sup>

164. At the Nairobi Summit, the States Parties concluded that “success and lessons learned from the work to implement the Convention have helped inspire further efforts at the international level to protect and promote the rights of persons with disabilities.” In 2004 this was certainly the case with respect to the UN Convention on the Rights of Persons with Disabilities (CRPD). In May 2008, the CRPD entered into force: 109 States Parties to the Anti-Personnel Mine Ban Convention have signed the CRPD, including 17 of the 26 States Parties that have reported a responsibility for significant numbers of landmine survivors. By the Second Review Conference, a total of 59 States Parties to the AP Mine Ban Convention had become parties to the CRPD, including the following 10 of the 26 States Parties reporting responsibility for significant numbers of mine survivors: Croatia, El Salvador, Jordan, Nicaragua, Peru, Serbia, Sudan, Thailand, Uganda and Yemen.

165. The States Parties have come to recognise that new developments and understandings, such as the comprehensive manner in which the CRPD records what is required to promote the full and effective participation and inclusion of mine survivors in the social, cultural, economic and political life of their communities, provide a standard by which to measure victim assistance efforts. The CRPD may provide guidance to all States Parties in meeting their responsibilities to persons with disabilities, including mine survivors, and their families. The CRPD can provide the States Parties with a more systematic, sustainable, gender sensitive and human rights based approach by bringing victim assistance into the broader context of policy and planning for persons with disabilities more generally. The CRPD has linkages to the six components of victim assistance, particularly through the promotion of: health, including emergency and continuing medical care; personal mobility, including physical rehabilitation and assistive devices; psychological support; education, including primary to tertiary education, vocational training, adult education and lifelong learning; work and employment; adequate standard of living and social protection; participation in cultural life, recreation, leisure and sport; inclusion; accessibility; inclusive development; awareness raising; statistics and data collection; and, legislation, policies and planning.

166. In May 2005, the 58th World Health Assembly approved Resolution A58/23 on “Disability, including prevention, management and rehabilitation”. In response to this resolution, the WHO established the Disability and Rehabilitation Team (DAR) within the Department of Injuries and Violence Prevention to enhance the quality of life for persons with disabilities through national, regional and global efforts. The WHO Disability and Rehabilitation Action Plan 2006-2011 outlines the key activities of the DAR, including: the production of a world report on disability and rehabilitation; advocacy to raise awareness about the magnitude and consequences of disability; data collection on disability-related issues; support to national, regional and global efforts to promote health and rehabilitation services for persons with disabilities, including mine survivors, and their families; promoting community-based rehabilitation; promoting the development, production, distribution and servicing of assistive devices/technologies; and, capacity building among health/rehabilitation policy makers and service providers. In early 2010, the World Report on Disability and Rehabilitation will be released. The report aims to provide governments and civil society with a comprehensive description of the importance of disability, rehabilitation and inclusion, an analysis of information collected and recommendations for

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*Assistance in 2005: Overview of the Situation in 24 States Parties; and, Landmine Victim Assistance in 2006: Overview of the Situation in 24 States Parties.*

<sup>39</sup> Handicap International, *Voices from the Ground*, September 2009, pp. 237-238.

action at the national and international level based on the best available scientific evidence. The States Parties recognise that the recommendations contained in the forthcoming World Report may provide additional guidance to meet their obligations under the Convention to address the rights and needs of landmine victims.

167. The Convention's work on victim assistance has also inspired the inclusion of commitments to assist victims of specific weapons in other international humanitarian law instruments. The victim assistance provision in the Convention and the understandings adopted at the Nairobi Summit provided the basis for a comprehensive legal obligation to provide assistance to the victims in the Convention on Cluster Munitions. The Convention, not to mention relevant States Parties to it, also inspired the adoption in 2008 of an action plan for victim assistance in the context of the Convention on Certain Conventional Weapons' (CCW) Protocol V on explosive remnants of war. The States Parties have come to recognise that the framework developed for victim assistance in the context of this Convention is equally applicable to addressing the rights and needs of victims of other explosive remnants of war, including unexploded cluster submunitions, and that the approaches taken by relevant instruments of international humanitarian law are congruent. Given this coherence, the States Parties have come to understand that appropriate steps should be taken to foster synergies when implementing all relevant instruments in relation to victim assistance.

168. In June 2009, the ICRC and Norwegian Red Cross convened a victim assistance workshop with the aim of consolidating views on the experience of pursuing victim assistance in the context of the AP Mine Ban Convention, to identify priorities for the next stage of implementation beyond the Second Review Conference, to inform related victim assistance efforts in the context of other disarmament conventions, and to reinforce linkages with on-going efforts in the area of disability. The outcomes of the workshop included an appeal to the Second Review Conference and recommendations for enhancing victim assistance efforts and promoting coherence with other relevant instruments of international humanitarian and human rights law.

## **V. COOPERATION AND ASSISTANCE**

169. The States Parties have come to recognise that strong national ownership is essential for ensuring that cooperation can flourish. Mine-affected States Parties themselves have remarked that national ownership in the clearance of anti-personnel mines and other explosive hazards implies, *inter alia*, the following five components: (i) high level interest and leadership in fulfilling mine clearance obligations, (ii) a national authority empowered and provided with the human, financial and material capacity to carry out its responsibilities, (iii) a clear understanding of the size, location and quality of the Article 5 implementation challenge or a commitment to promptly acquire such an understanding, (iv) a realistic but not unambitious plan to complete implementation of Article 5 as soon as possible and, (v) a regular significant national financial commitment to the State's own humanitarian demining programme. It has been noted that, while the existence of these components will not guarantee that resources will flow in response to needs, demonstrating national ownership makes it significantly more likely that cooperation will flourish between those with needs and those in a position to provide assistance.

170. Of the 40 States Parties that are in the process of implementing the Convention's Article 5 mine clearance obligations, 33 have indicated at meetings of the Standing Committees or Meetings of the States Parties that, in accordance with Article 5, paragraph 1, they are seeking or have sought assistance from other States Parties. (See Annex VIII, Table 1.) Since the First Review Conference, many States Parties in a position to do so have demonstrated that they have been fulfilling their obligation to provide assistance by highlighting their aggregate contributions to mine action. Indeed, the annual totals of mine action funding have increased since the period prior to the Nairobi Summit. It is possible to account for over US\$ 2.0 billion having been generated over the past five years for matters consistent with the aims of the

Convention. (See Annex VIII, Table 2.) However, a dilemma identified in recent years is that the great deal of support generated in general terms for mine action is not addressing the specific needs of some particular States Parties that require assistance in implementing Article 5 of the Convention. Matching resources with needs in a more effective manner will be a challenge for States Parties following the Second Review Conference.

171. At the Nairobi Summit, the States Parties noted that the Convention makes it clear that assistance may be provided through a variety of means, including, inter alia, the United Nations system, international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their international federation, non-governmental organisations, or on a bilateral basis, or by contributing to the United Nations Voluntary Trust Fund for Assistance in Mine Action (UNVTF), or other regional funds. The United Nations system has continued to play a leading role in assisting States Parties. The UN envisages a world free of anti-personnel mines and supports the Convention as the best means to achieve this goal. It has actively assisted States Parties accordingly, providing support to [INSERT NUMBER] States Parties in fulfilling their obligations since the Nairobi Summit. States Parties have expressed appreciation for this support.

172. Since the Nairobi Summit, annual total contributions to the UNVTF have steadily increased from US\$ 43.8 million in 2004 to US\$ 92.5 in 2008. Sixteen (16) States Parties that were or continue to be in the process of implementing Article 5 of the Convention have benefitted from funds that have flowed through the UNVTF. (See Annex VIII, Table 3.) Since the Nairobi Summit, expenditures from the UNDP's Crisis Prevention and Recovery Trust Fund have exceeded US\$ 20 million each year from 2004 to 2008. Since 2004, 22 States Parties have benefited from expenditures from this fund. (See Annex VIII, Table 4.) In addition, since the Nairobi Summit UNICEF's support to mine action has been valued at nearly US\$ 10 million annually with assistance having been provided to [INSERT NUMBER] States Parties.

173. Since the Nairobi Summit, UN Peacekeeping Assessed Funds have become a significant source of funding for mine action. This is a positive indication that the matter of mine action is now understood as a necessary humanitarian activity in most post-conflict situations, in addition to its relevance to conflict prevention, peacemaking, peacekeeping and peace enforcement activities. Between 2004 and 2008, over US\$ 113 million of UN Peacekeeping Assessed Funds have been applied to mine action. Five States Parties – Burundi, the Democratic Republic of the Congo, Eritrea, Ethiopia and Sudan – have benefited, with over US\$ 70 million of these funds being directed to Sudan alone. While the magnitude of funding suggests that impressive progress is being made, little of this progress is being reported formally or informally by these States Parties. A challenge therefore will be to ensure a sound connection between UN Peacekeeping and national efforts to carry out demining and mine action information management on the part of relevant States Parties taking into account the full spectrum of activities undertaken that are consistent with Article 5 implementation.

174. While global “mine action” funding has remained relatively constant and has been impressive, a small number of States Parties are the beneficiaries of the vast majority of funds generated. For example, two States Parties, Afghanistan and Sudan, which no doubt have needs that are great and require sizeable ongoing funding, account for approximately 70 percent of the funds that have flowed through the UN Voluntary Trust Fund for Assistance in Mine Action between 2004 and 2008. Few of the other 33 States Parties in the process of implementing Article 5 that require outside assistance have been recipients of funds that have flowed from this major funding channel. (See Annex VIII, Table 3.) In addition, while in 2004 it was agreed that it was a “challenge for States Parties in a position to do so ... to ensure that necessary support for some of the first mine-affected States to have joined the Convention does not disappear before Article 5 has been fully implemented,” some States Parties close to completion in implementing Article 5 have found themselves falling short of acquiring relatively small amounts of

funds necessary to complete the task.

175. At the Nairobi Summit the States Parties recorded that a “challenge for both traditional and non-traditional States Parties in a position to do so will be to ensure a renewed commitment to assist others during the period 2005-2009, through means such as dedicated funds to assist in the implementation of the Convention and by mainstreaming support to mine action through broader humanitarian, development, peace-building and peace support programmes.” While this understanding explicitly emphasised the importance of “dedicated funds to assist in the implementation of the Convention”, concern has been expressed about the closure or expiry of some of such dedicated funds. The value of such funding mechanisms has regularly been highlighted particularly given that not all aspects of implementation are linked to development and consequently that not all demining activities can be funded through generalised development budgets.

176. Since the Nairobi Summit, a number of States Parties working in partnership with organisations such as the UNDP and the GICHD have pursued efforts to link mine action and development. This has included promoting the integration of mine action into development assistance programmes, which has occurred in Australia, Canada and Switzerland. In addition, through funding provided by Canada, guidelines have been developed to increase awareness of how anti-personnel mines and other explosive remnants of war block development, strengthen coordination between mine action and development organisations, ensure mine action planning and implementation promotes development and poverty reduction efforts, ensure mine action is aligned with development plans, programmes and budgets, encourage development actors to assist mine-affected communities and integrate mine action in their development programming and assist bilateral and multilateral donors to integrate mine action in their development programming.

177. While good efforts have been undertaken to link mine action and development, it has been noted that among the original reasons put forward by States Parties promoting such a linkage was that it would secure funding for Convention implementation over the long term by placing mine action within a greater budget from which funds could be obtained on a stable and ongoing basis. Concern has been expressed that the focus of discussions on linking mine action and development has shifted from guaranteeing secure and stable funds to a discussion primarily on the complementarities between mine action and development programmes. More effort is required to ensure participation by more development actors at the formal and informal meetings of the Convention. In addition, an effort should be made to assess the degree to which the work to link mine action and development has contributed to secure funding for Convention implementation.

178. At the Nairobi Summit, the States Parties agreed to “act upon their obligation under Article 6 (3) to promptly assist those States Parties with clearly demonstrated needs for external support for the care, rehabilitation and reintegration of mine victims, responding to priorities for assistance as articulated by those States Parties in need and ensuring continuity and sustainability of resource commitments.”<sup>40</sup> Evidence of States Parties acting on this commitment can be found in the form of the more than US\$ 200 million that has been reported since 2004 in support of emergency medical care, physical rehabilitation and other assistance carried out by international service providers such as the ICRC, Handicap International, other non-governmental organisations and relevant UN agencies. The States Parties have commended these organisations for their efforts, particularly as it relates to building national capacities to improve service provision. However, it is of concern to the States Parties that, despite the significant amount of funding invested in victim assistance-related efforts, for many survivors, according to Handicap International, there has been no improvement in the quality of their daily lives since the Nairobi Summit.

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<sup>40</sup> Nairobi Action Plan, Action #36.

179. While it is commendable that such a sizable amount of financial support has been directed to specialised international providers of victim assistance-related activities, national efforts are often underfunded. The States Parties continue to recognise the importance of building and sustaining State capacities to address the rights and needs of landmine victims. The challenge for the States Parties in the period 2010-2014 will be to ensure that those in a position to provide assistance support national efforts in the areas that are priorities for States Parties with a responsibility for significant number of landmine survivors and that victim assistance is on the agenda in bilateral development cooperation discussions between relevant States Parties.

180. At the Nairobi Summit, it was agreed that “the States Parties that have reported mined areas under their jurisdiction or control and those with the greatest numbers of mine victims will ensure that clearing mined areas and assisting victims are identified as priorities, wherever this is relevant, in national, sub-national and sector development plans and programmes, Poverty Reduction Strategy Papers (PRSPs), UN Development Assistance Frameworks, and other appropriate mechanisms (....)” It is now possible to account for the following 15 States Parties in the process of implementing Article 5 and / or responsible for significant numbers of mine survivors that have specifically mentioned mine action and / or action on disability issues as parts of their strategy to reduce poverty: Afghanistan, Albania, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Guinea Bissau, Ethiopia, Mozambique, Nicaragua, Serbia, Tajikistan, Uganda, Yemen and Zambia.

181. At the Nairobi Summit, it was agreed that “all States Parties will use, where relevant, their participation in decision making bodies of relevant organizations to urge the UN and regional organizations and the World Bank and regional development banks and financial institutions to support States Parties requiring assistance in fulfilling the Convention’s obligations, inter alia by calling for the integration of mine action into the UN Consolidated Appeals Process (....)”<sup>41</sup> Since the Nairobi Summit, mine action has been incorporated in Consolidated Appeals Processes for Afghanistan (2009), Angola (2004), Burundi (2005, 2006 and 2007), Chad (2005 and 2008), the Democratic Republic of the Congo (2004 and 2005), Eritrea (2004 and 2005), Iraq and its region (2009), Sudan (2004, 2006 and 2009), Tajikistan (2004) and Uganda (2005, 2006, 2007 and 2009).

182. At the Nairobi Summit, it was agreed that “States Parties in a position to do so will act upon their obligations under Article 6 (5) to promptly assist States Parties with clearly demonstrated needs for external support for stockpile destruction, responding to priorities for assistance as articulated by those States Parties in need.” Since the Nairobi Summit, Belarus and Ukraine have continued to express that they require assistance in destroying stockpiled anti-personnel mines and a few other States Parties have benefited from assistance in completing their destruction programmes. The European Commission has continued to offer assistance to both. In addition, since the Nairobi Summit the UN supported [INSERT NAMES] with their destruction programmes. In an effort to promote the provision of assistance for stockpile destruction when assistance is necessary, the States Parties have highlighted that provision of support for mine action in the context of fulfilling Convention obligations, including the obligation to destroy stockpiled mines, is considered Official Development Assistance by the Organisation for Economic Development and Cooperation’s Development Cooperation Directorate.

183. At the Nairobi Summit, it was agreed that “States Parties in a position to do so will continue to support, as appropriate, mine action to assist affected populations in areas under the control of armed non-state actors, particularly in areas under the control of actors which have agreed to abide by the Convention’s norms.”<sup>42</sup> Since the Nairobi Summit, it was reported that assistance efforts led to the

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<sup>41</sup> Nairobi Action Plan, Action #48.

<sup>42</sup> Nairobi Action Plan, Action #46.

destruction of stockpiled mines by nine armed non-State actors that are signatories to the Geneva Call's Deed of Commitment.

184. Since the Nairobi Summit, the Convention's cooperation and assistance provisions have continued to serve as the model for other instruments of international law, underscoring that partnership is essential to addressing the totality of the problems caused by explosive remnants of war.

## **VI. TRANSPARENCY**

185. At the Nairobi Summit, the States Parties recognised that transparency and the effective exchange of information, "through both formal and informal means," would be "equally crucial to fulfilling their obligations during the period 2005-2009." Since the Nairobi Summit, the exchange of information between States Parties has been vibrant, particularly on the part of States Parties in the process of implementing key provisions of the Convention which have made good use of Meetings of the States Parties and the Intersessional Work Programme to share information on their problems, plans, progress and priorities for assistance. New tools have been developed to assist in the formal and informal exchange of information. However, the rate of adherence to the Convention's reporting obligations has waned since the Nairobi Summit.

186. At the close of the Nairobi Summit, a total of 141 of the 144 States that had ratified or acceded to the Convention had been required to submit such initial transparency information in accordance with Article 7, paragraph 1 of the Convention. All had done so with the exception of the following 6 States Parties: Cape Verde, Equatorial Guinea, Gambia, Guyana, Saint Lucia, and Sao Tome and Principe. Since the Nairobi Summit, an additional 13 States have ratified or have acceded to the Convention and hence have been obliged to have provided initial transparency information: Bhutan, Brunei Darussalam, the Cook Islands, Ethiopia, Haiti, Indonesia, Iraq, Kuwait, Latvia, Montenegro, Palau, Ukraine and Vanuatu. Each of these has provided an initial transparency report as required. In addition, of the six (6) States Parties that had not provided an initial transparency report as required by the close of the Nairobi Summit, four (4) have now done so: Cape Verde, Guyana, Saint Lucia and Sao Tome and Principe.

187. At the Nairobi Summit it was recalled that each State Party must provide updated information to the Convention's depository annually, covering the last calendar year and reported not later than 30 April of each year. It was recorded that all but 24 States Parties obliged to provide such a report in 2004 had done so. In 2009, each State Party obliged to provide updated information did so with the exception of the following [61] States Parties: [Angola, Antigua and Barbuda, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Comoros, Cook Islands, Costa Rica, Djibouti, Dominica, El Salvador, Fiji, Gabon, Ghana, Grenada, Guinea, Guyana, Honduras, Iceland, Jamaica, Kenya, Kiribati, Lesotho, Liberia, Luxembourg, Madagascar, Maldives, Mali, Mauritius, Nauru, Netherlands, Niue, Palau, Panama, Papua New Guinea, Paraguay, Philippines, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Seychelles, Sierra Leone, Solomon Islands, South Africa, Suriname, Swaziland, Timor-Leste, Togo, Turkmenistan, Uruguay and Vanuatu]. At the Nairobi Summit it was recorded that the overall reporting rate exceeded 78 percent in 2004. In 2009, the overall reporting rate stands at just under [60] percent and at no time since the Nairobi Summit has it exceeded the level attained in 2004. (See Annex IX.)

188. While it remains an obligation for all States Parties to provide updated information on implementation, as committed to in Action #52 of the Nairobi Action Plan and as noted in Progress Reports of Meetings of the States Parties, this is particularly important for States Parties in the process of destroying stockpiled anti-personnel mines in accordance with Article 4, those that are in the process of clearing mined areas in accordance with Article 5, those that are retaining anti-personnel mines for

purposes permitted by Article 3 and those undertaking measures in accordance with Article 9. The States Parties have noted that several States Parties that are in the process of implementing Article 5, that have retained anti-personnel mines for permitted purposes and / or that have not yet reported having taken legal or other measures in accordance with Article 9 are not up to date in providing transparency information as required. (See Annex IX for an overview of reports submitted in accordance with Article 7.)

189. Most types of information provided by States Parties in the context of fulfilling their Article 7 obligations have been referred to elsewhere in this review. Three areas not previously covered include information related to the conversion or decommissioning of anti-personnel mine production facilities, the technical characteristics of mines at one time produced or currently held by States Parties and mines retained or transferred for permitted purposes as described in Article 3.

190. At the Nairobi Summit, it was recorded that 22 States Parties had provided information on the conversion or decommissioning of anti-personnel mine production facilities. Since that time, the following information was provided by States Parties: Greece reported that, upon ratification, there were no production facilities in Greece. Iraq reported that the Al Qaqa Factory, which produced anti-personnel and anti-tank mines, was destroyed during the 2003 war and that there was no intention to reconstruct this facility. Turkey reported that no anti-personnel mine production facilities are available. In addition, Zimbabwe reported that decommissioning of an anti-personnel mine production facility had been completed in the 1980s – even before the establishment of the State of Zimbabwe.

191. At the Nairobi Summit, it was recorded that 66 States Parties had provided information on technical characteristics of anti-personnel mines produced or currently held, giving information as may facilitate identification and clearance of anti-personnel mines. Since that time, the following six (6) additional States Parties have provided such information, as required by Article 7, paragraph 1.h: Greece, Indonesia, Iraq, Latvia, Montenegro and Ukraine.

192. At the Nairobi Summit, it was recorded that 74 States Parties had reported, as required by Article 7, paragraph 1.d, anti-personnel mines retained for the development of and training in mine detection, mine clearance, or mine destruction techniques in accordance with Article 3. Since that time the following has transpired:

- i. The following nine (9) States Parties have reported for the first time that they now retain anti-personnel mines for permitted purposes: Benin, Bhutan, Burundi, Cape Verde, Ethiopia, Indonesia, Iraq, Latvia and Ukraine.
- ii. The following seven (7) States Parties that had previously reported that they had retained anti-personnel mines for permitted purposes now report that they do not retain any mines: Hungary, Lithuania, the former Yugoslav Republic of Macedonia, the Republic of Moldova, Nigeria, Suriname and Tajikistan.
- iii. An additional nine (9) States Parties have reported for the first time that they do not retain anti-personnel mines: Brunei Darussalam, the Cook Islands, Estonia, Guyana, Haiti, Kuwait, Palau, Sao Tome and Principe and Vanuatu.
- iv. The following five (5) States Parties have not yet declared whether they retain anti-personnel mines for permitted purposes: Botswana, Burkina Faso, the Democratic Republic of the Congo, Equatorial Guinea and Gambia.

193. There are now 76 States Parties that have reported that they retain anti-personnel mines for permitted purposes: Afghanistan, Algeria, Angola, Argentina, Australia, Bangladesh, Belarus, Belgium,

Benin, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cameroon, Canada, Cape Verde, Chile, Colombia, Congo, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, Ecuador, El Salvador, Eritrea, Ethiopia, France, Germany, Greece, Guinea Bissau, Honduras, Indonesia, Iraq, Ireland, Italy, Japan, Jordan, Kenya, Latvia, Luxembourg, Malawi, Mali, Mauritania, Mozambique, Namibia, the Netherlands, Nicaragua, Niger, Peru, Portugal, Romania, Rwanda, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sudan, Sweden, Tanzania, Thailand, Togo, Tunisia, Turkey, Ukraine, Uganda, United Kingdom, Uruguay, Venezuela, Yemen, Zambia and Zimbabwe. The number of anti-personnel mines reported retained by the States Parties is contained in Annex X.

194. At the Nairobi Summit, it was agreed that “all States Parties will, in situations where States Parties have retained mines in accordance with the exceptions in Article 3, provide information on the plans requiring the retention of mines for the development of and training in mine detection, mine clearance or mine destruction techniques and report on the actual use of retained mines and the results of such use.”<sup>43</sup> Pursuant to this commitment, at the Sixth Meeting of the States Parties, the States Parties adopted amendments to Form D of the transparency reporting format to provide an opportunity to volunteer information in addition to what is minimally required on anti-personnel mines retained for reasons permitted under Article 3.

195. Successive Co-Chairs of the Standing Committee on the General Status and Operation of the Convention have taken an active interest in promoting the use of both the amended reporting format and meetings of the Standing Committee as vehicles to volunteer information on retained anti-personnel mines. Of the 76 States Parties that retain anti-personnel mines for permitted purposes, 38 have, since the Nairobi Summit, provided information on the permitted use of retained anti-personnel mines and / or the results of such use as follows:

- i. The following 34 States Parties have volunteered information on the use of retained anti-personnel mines for the training in mine detection, mine clearance or mine destruction techniques: Afghanistan, Argentina, Australia, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Cyprus, Denmark, France, Germany, Guinea Bissau, Honduras, Indonesia, Italy, Japan, Jordan, Kenya, Latvia, the Netherlands, Nicaragua, Rwanda, Serbia, Slovenia, South Africa, Spain, Sweden, Tajikistan, Uganda, Yemen, Zambia and Zimbabwe. (See Annex X.)
- ii. The following 13 States Parties have volunteered information on the use of retained anti-personnel mines for the development of mine detection, mine clearance or mine destruction techniques: Argentina, Bulgaria, Canada, Croatia, France, Germany, Japan, Netherlands, Serbia, Spain, Tanzania, Ukraine and the United Kingdom. (See Annex X.)

196. Several States Parties have contributed to discussions on this matter to note that they consider that the minimum number of anti-personnel mines necessary to retain for permitted purposes is zero.

197. The States Parties have noted the value of those States Parties retaining anti-personnel mines regularly reviewing the number retained to ensure that it does “not exceed the minimum number absolutely necessary” for the development of and training in mine detection, mine clearance or mine destruction techniques. The States Parties have further noted that this may be particularly important for those States Parties that have retained anti-personnel mines for permitted purposes but have not consumed any of the mines that they have retained, thus implying that they are not active in or require mines for the development of and training in mine detection, mine clearance or mine destruction techniques. For instance, since 2007, the numbers of mines reported retained for permitted purposes by 11 States Parties – Bangladesh, Belarus, Burundi, Colombia, Cyprus, Eritrea, Greece, Mauritania, Nicaragua, Romania and

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<sup>43</sup> Nairobi Action Plan, Action #54.

Venezuela – have been constant. The States Parties have noted that unchanging numbers of retained mines, particularly when there is no expression of intent to use them for permitted purposes, may be considered by some to undermine the obligation to destroy stockpiled anti-personnel mines.

198. Since the Nairobi Summit, two (2) States Parties provided information, in accordance with Article 7, paragraph 1.c, on the transfer of anti-personnel mines in accordance with Article 3, paragraph 2, for destruction. On 29 April 2009, Bulgaria reported that between 21 March 2008 and 31 March 2009, Greece had transferred 171,050 anti-personnel mines to Bulgaria with the institutions authorised to transfer and receive the mines being, respectively, Hellenic Defence Systems SA and Videx JSC. On 30 April, Greece reported that as of 2 April 2009, Greece had transferred 107,510 anti-personnel mines to Bulgaria for destruction. In addition, some States Parties reported as “transfers” the movement within one’s own territory of anti-personnel mines for the purposes of development, training or destruction. At the May 2009 meeting of the Standing Committee on the General Status and Operation of the Convention the Co-Chairs remarked that “transfer” would normally mean the physical movement of anti-personnel mines into or from territory under one’s jurisdiction or control.

199. States Parties have acted on the commitment they made at the Nairobi Summit to “take full advantage of the flexibility of the Article 7 reporting process, including through the reporting format’s Form J to providing information on matters not specifically required but which may assist in the implementation process and in resource mobilisation, such as information on victim assistance efforts and needs.”<sup>44</sup> Since the Nairobi Summit, the following 66 States Parties have made use of this voluntary means of reporting: Afghanistan, Albania, Angola, Argentina, Australia, Austria, Bahamas, Belarus, Belgium, Benin, Bosnia and Herzegovina, Burundi, Cambodia, Canada, Chad, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Ecuador, Estonia, Ethiopia, France, Germany, Guatemala, Guinea Bissau, Iraq, Ireland, Italy, Japan, Jordan, Kenya, Latvia, Lithuania, Malawi, Mauritania, Mozambique, Netherlands, New Zealand, Nigeria, Niger, Norway, Palau, Paraguay, Peru, Portugal, Qatar, Rwanda, Senegal, Slovakia, South Africa, Spain, Sudan, Sweden, Tajikistan, Thailand, Turkey, Turkmenistan, Uganda, Ukraine, Yemen, Zambia and Zimbabwe.

200. The States Parties have noted the calls made by non-governmental organisations for additional information to be provided by relevant States Parties, including on matters concerning victim assistance, on assistance provided by those States Parties in a position to do so and on gender and diversity. The States Parties have also noted the need to ensure that the implied reporting responsibility does not become too burdensome.

201. Since the Nairobi Summit, the States Parties continued to prepare, transmit and make available transparency information required by Article 7 of the Convention in accordance with the decisions taken at the First, Second and Fourth Meetings of the States Parties. In addition, as noted, at the Sixth and the Eighth Meetings of the States Parties, the States Parties took decisions to amend their reporting format, to volunteer information in addition to what is minimally required on anti-personnel mines retained for reasons permitted under Article 3 and to report, as required, on stockpiled anti-personnel mines discovered and destroyed after Article 4 deadlines have passed.

202. Article 7, paragraph 3 of the Convention requires the Secretary-General of the United Nations to transmit reports received in accordance with Article 7 to the States Parties. Since the Nairobi Summit, the United Nations Office for Disarmament Affairs (UNODA), Geneva Branch, has continued to receive reports on behalf of the Convention’s depository and to make them available on the Internet in a timely fashion. Accessibility of reports was improved with the redesign of an Article 7 database in 2005. The States Parties have expressed appreciation for the efforts of the UNODA, Geneva Branch, and have

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<sup>44</sup> Nairobi Action Plan, Action #53.

sought to ensure that all States Parties are aware that this branch of the UNODA has been officially designated as the recipient of reports.

203. The Article 7 Contact Group, coordinated by Belgium, has continued to play a valuable role in promoting the fulfilment of Article 7 obligations. The ISU has supported these efforts, providing advisory services to assist States Parties in completing their reports and in promoting, particularly on the part of small States, the use of the short reporting format adopted at the Fourth Meeting of the States Parties. In addition, the ISU and the UNDP have collaborated in developing a guide to support UN personnel in mine-affected countries in assisting relevant States Parties with their reporting obligations. As well, the UNDP, UNICEF and UNMAS, through their country assistance programmes to mine-affected States Parties, have assisted a number of States Parties in preparing and submitting transparency reports.

204. Many States Parties have acted upon the commitment they made “to arrange on a voluntary basis regional and thematic conferences and workshops to advance the implementation of the Convention.”<sup>45</sup> Actions have included a special effort in 2007 made by States Parties to mark the 18 September 2007 tenth anniversary of the adoption of the Convention and the 3 December 2007 tenth anniversary of the Convention’s signing ceremony.

205. At the Nairobi Summit, the States Parties agreed to “exchange views and share experiences in a cooperative and informal manner on the practical implementation of the various provisions of the Convention, including Articles 1, 2 and 3, to continue to promote effective and consistent application of these provisions.”<sup>46</sup> The Co-Chairs of the Standing Committee on the General Status and Operation of the Convention have regularly provided a forum for States Parties and others to do so. With respect to matters concerning Article 2, the States Parties were reminded that the Convention defines an anti-personnel mine as any mine “designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.”

206. The States Parties agreed at the Nairobi Summit to “encourage States not parties, particularly those that have professed support for the object and purpose of the Convention, to provide voluntary transparency reports (...).”<sup>47</sup> The results of efforts to act upon this commitment have been limited. Only two States not parties – Mongolia and Poland – have voluntarily provided all of the transparency information that is required of States Parties. Three other States not parties voluntarily provided some of the information called for under Article 7 but these States – Azerbaijan, Morocco and Sri Lanka – chose not to be as transparent as the States Parties on key matters such as stockpiled anti-personnel mines possessed, anti-personnel mines retained for training and development and / or the location of all areas that contain or are suspected to contain anti-personnel mines.

207. The States Parties continued to express their appreciation for the efforts undertaken by the ICBL and other non-governmental organisations to monitor implementation of the Convention, thus providing an important complement to the States Parties’ formal and informal exchanges of information on implementation.

## **VII. MEASURES TO ENSURE COMPLIANCE**

208. There are now [59] States Parties that have reported that they have adopted legislation in the context of Article 9 obligations and [30] that have reported that they consider existing laws sufficient to give effect to the Convention. Consequently, there are [67] States Parties that have not yet reported

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<sup>45</sup> Nairobi Action Plan, Action #58.

<sup>46</sup> Nairobi Action Plan, Action #55.

<sup>47</sup> Nairobi Action Plan, Action #57.

having adopted legislation in the context of Article 9 obligations or that they consider existing laws sufficient to give effect to the Convention. (See Annex XI.) Several of these States Parties have reported that they are in the process of adopting legislation to fulfil their obligations under Article 9 of the Convention. However, many of these have not reported any progress on this matter in their Article 7 reports since the Nairobi Summit. It therefore remains an important challenge for the States Parties following the Second Review Conference to act with greater urgency to take necessary legal measures in accordance with Article 9.

209. At the Nairobi Summit it was agreed that “States Parties that have not yet done so will make their needs known to the ICRC or other relevant actors in instances when assistance is required to develop implementing legislation.”<sup>48</sup> Both the ICRC and the UN have, since the Nairobi Summit, assisted a number of States Parties in this regard.

210. In addition to reporting on legal measures taken, some States Parties have reported on other measures mentioned in Article 9 to prevent or suppress prohibited activities. These measures include systematic dissemination of information regarding the Convention’s prohibitions to one’s armed forces, the development of armed forces training bulletins, the distribution of the text of the Convention in military academies, harmonizing military doctrine in accordance with the Convention’s obligations and directives issued to police forces. Given that few States Parties have reported taking such measures, however, it will be an ongoing challenge to ensure that administrative and other measures, in addition to legal measures, are taken to prevent and suppress prohibited activities.

211. At the Nairobi Summit, the States Parties noted that one State Party had indicated that it faces the challenge of armed non-state actors carrying out prohibited activities on its sovereign territory and, that as such actors are subject to the jurisdiction of the State in question, they may be called to account for violations of the Convention in accordance with the national implementation measures established by the State Party under Article 9. Since the Nairobi Summit, this matter has remained pertinent.

212. Since the Nairobi Summit, the States Parties have recorded two potential questions that may relate to compliance with the Convention’s prohibitions, contained in Article 1 of the Convention. Concern was expressed regarding a UN Monitoring Group’s reports on Somalia referring to the alleged transfer of mines into Somalia by three States Parties to the Convention and one State not party. In addition, Cambodia and Thailand informed the States Parties of their views on, and ongoing investigations of, the circumstances under which two Thai army rangers were seriously injured by landmines on 6 October 2008 and on ongoing bilateral consultations. In both instances, Presidents of Meetings of the States Parties sought, in a manner consistent with Article 8, paragraph 1, to address these concerns about compliance. In one instance, the current, in-coming and immediate past Presidents of Meetings of the States Parties collaborated to develop approaches that would be in the best interest of the Convention and the States Parties concerned.

213. In response to the serious cases of non-compliance with Article 4 of the Convention, since the Nairobi Summit, Co-Chairs of the Standing Committee on Stockpile Destruction have taken the initiative, in a manner consistent with Article 8, paragraph 1, to consult with relevant States Parties and other relevant actors regarding the implementation of this provision of the Convention. As noted, they have also promoted the application of recommendations intended to prevent future instances of non-compliance with Article 4 of the Convention.

214. Some States Parties have remarked that the slow pace of implementation of the obligation to destroy or ensure the destruction of all anti-personnel mines in mined areas under a State Party’s

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<sup>48</sup> Nairobi Action Plan, Action #60.

jurisdiction or control, as soon as possible but not later than ten years after entry into force is a compliance concern. The States Parties have responded by agreeing to highlight that in some instances no demining had taken place since entry into force and that in certain instances both the Convention and States Parties concerned would benefit if implementation proceeded much faster than had been suggested in requests for extensions of Article 5 deadlines.

215. In accordance with Article 8, paragraph 9, the United Nations Office for Disarmament Affairs (UNODA), Geneva Branch, has fulfilled 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 authorised in accordance with Article 8, paragraph 8. The UNODA, Geneva Branch, has regularly communicated this information to all States Parties and has also made it available through its website. Since the Nairobi Summit, the following States Parties have provided the names of qualified experts: Argentina, Austria, Bangladesh, Bolivia, Brazil, Burkina Faso, Burundi, Cameroon, Chile, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, France, Germany, Guatemala, Guyana, Italy, Jordan, Kenya, Luxembourg, Mali, Nicaragua, Panama, Portugal, Republic of Moldova, Serbia, Spain, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, Yemen, Zambia and Zimbabwe. The list of qualified experts designated for fact finding missions authorised in accordance with Article 8, paragraph 8 now contains a total of 189 experts from the above mentioned States Parties.

216. Since the Nairobi Summit, no State Party has submitted a request for clarification of a compliance matter to a Meeting of the States Parties in accordance with Article 8, paragraph 2, or has proposed that a Special Meeting of the States Parties be convened in accordance with Article 8, paragraph 5.

## **VIII. IMPLEMENTATION SUPPORT**

217. Article 11 of the Convention states that "the States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention (...)" and that Meetings of the States Parties subsequent to the First Meeting of the States Parties will be convened annually until the First Review Conference. At the Nairobi Summit, the States Parties agreed "to hold annually, until the Second Review Conference, a Meeting of the States Parties which will regularly take place in the second half of the year, in Geneva or, when possible or appropriate, in a mine-affected country." The Sixth Meeting of the States Parties was held in Zagreb, Croatia from 28 November to 2 December 2005 and presided over by the Minister of Foreign Affairs and European Affairs of Croatia, Ms. Kolinda Grabar-Kitarovic. The Seventh Meeting of the States Parties was held in Geneva from 18 to 22 September 2006 and presided over by Her Excellency Ambassador Caroline Millar of Australia. The Eighth Meeting of the States Parties was held at the Dead Sea, Jordan, from 18 to 22 November 2007 and presided over by His Royal Highness Prince Mired Raad Al-Hussein of Jordan. The Ninth Meeting of the States Parties was held from 24 to 28 November 2008 and presided over by His Excellency Ambassador Jürg Streuli of Switzerland.

218. Since the Nairobi Summit, the States Parties have truly made use of their Meetings of the States Parties as mechanisms to advance implementation of the Convention. At each Meeting, the States Parties considered an annual progress report prepared by the Meeting's President. These reports measured progress made in the pursuit of the States Parties core aims since the preceding Meeting of the States Parties, supported the application of the Nairobi Action Plan and highlighted priority areas of work for the States Parties, the Co-Chairs and the presidency in the periods between Meetings of the States Parties. In addition, programmes for the Meetings of the States Parties provided an opportunity for States Parties implementing key provisions of the Convention to provide updates in fulfilling their obligations. As well, at various Meetings of the States Parties, as noted elsewhere in this review, the States Parties took decisions to enhance the effort to implement and ensure compliance with the Convention.

219. At the Nairobi Summit, the States Parties agreed “to convene annually, until 2009, informal intersessional meetings of the Standing Committees to be held in Geneva in the first half of the year, for a duration of up to five days” and that “as a general rule, however not excluding exceptions for specific reasons, intersessional meetings of the Standing Committees would take place in February / March and the annual Meetings of the States Parties in September.” In addition, the States Parties agreed that “in keeping with the States Parties’ practice of being flexible and pragmatic in addressing changing circumstances, the States Parties may review decisions regarding their 2005-2009 programme of meetings at each Meeting of the States Parties prior to the Second Review Conference.” On the basis of decisions taken at the Nairobi Summit and at Meetings of the States Parties since that time, meetings of the Standing Committees were held in Geneva from 13 to 17 June 2005, from 8 to 12 May 2006, from 23 to 27 April 2007, from 2 to 6 June 2008 and from 25 to 29 May 2009.

220. Since the First Review Conference, the Intersessional Work Programme, established at the First Meeting of the States Parties, continued to provide a valuable forum for the informal exchange of information, thus complementing the official exchange of information required under Article 7 of the Convention. In doing so, the States Parties continued the practice of ensuring that meetings built upon one another by emphasising the importance of States Parties using the Intersessional Work Programme to provide clarity on steps taken to progressively implement the Convention and for all States Parties to discuss collectively overcoming challenges faced. Co-Chairs of the various Standing Committees distributed questionnaires and issued invitations to relevant States Parties to provide updates on specific matters. In doing so, Co-Chairs acted upon the commitments made at the First Review Conference for relevant States Parties to “make their problems, plans, progress and priorities for assistance known in a timely manner to other States Parties (...)”, to “monitor and promote achievement of mine clearance goals and the identification of assistance needs (...)”, and to “monitor and promote progress in the achievement of victim assistance goals (...)”.<sup>49</sup>

221. Since the Nairobi Summit, the States Parties have continued electing, at each of the Meetings of the States Parties, Co-Chairs and Co-Rapporteurs of the Standing Committees, maintaining the practice that one year’s Co-Rapporteurs are elected as the subsequent year’s Co-Chairs. This practice has continued to ensure that the States Parties have remained true to key principles that were considered essential when the Intersessional Work Programme was established in 1999, namely continuity and the value of meetings building upon one another. A table containing the names of the States Parties that have served as Co-Chairs and Co-Rapporteurs since the Intersessional Work Programme was founded can be seen in Annex XII.

222. The Co-Chairs of the Standing Committee on the General Status and Operation of the Convention have continued the practice of consulting widely with a view to proposing, for acceptance by all States Parties, a list of new Co-Rapporteurs to serve during the period between formal meetings. In doing so, the Co-Chairs have kept in mind the principles of ensuring a regional balance, a balance between States Parties in the process of implementing key provisions of the Convention and other States Parties and a balance between the need for rotation and the need for continuity. States Parties have been reminded that, beginning in 2008, Co-Chairs and Co-Rapporteurs have an additional responsibility in joining the presidency in fulfilling the mandate of jointly preparing an analysis of each request submitted in accordance with Article 5, paragraph 3 of the Convention.

223. The Geneva International Centre for Humanitarian Demining (GICHD) has hosted, and Switzerland has provided financial support, through the GICHD for, the meetings of the Standing Committees. Beginning in 2008, the States Parties that are contributors to the ISU Trust Fund also began

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<sup>49</sup> Nairobi Action Plan, Actions #13, #22, #28 and #37.

to cover approximately half of the costs of the Intersessional Work Programme in that the Coordinating Committee recommended that the ISU Trust Fund cover the costs for interpretation at meetings of the Standing Committees. This has contributed to the financial strain facing the ISU Trust Fund.

224. While the Intersessional Work Programme has continued to play a central role in supporting implementation of the Convention, there has been no thorough assessment of it since 2002. The principles that have been central to the success of the Intersessional Work Programme will continue to need to be applied. However, a challenge for the States Parties following the Second Review Conference will be to continue to be pragmatic and flexible in adjusting implementation mechanisms in accordance with evolving needs and realities.

225. The States Parties have continued to recognise the value and importance of the Coordinating Committee, established at the Second Meeting of the States Parties in 2000, in the effective functioning and implementation of the Convention. In fulfilling its mandate, the Coordinating Committee has continued to be practical-minded and has applied the principle of flexibility with respect to its coordination of the Intersessional Work Programme. In addition, the Coordinating Committee has operated in an open and transparent manner, having made available summary reports of its meetings on the Convention's website and through updates provided by the Chair of the Coordinating Committee to the States Parties.

226. Since Nairobi, the ISU has evolved in terms of the support it provides, the ISU has grown in size, and there has been increasing appreciation on the part of the States Parties for the work of the ISU. States Parties have increasingly come to rely on the ISU to support them on a wide range of matters as concerns the implementation of the Convention, for example, seeking advice on matters related to compliance, requesting information or assistance in making good use of the Convention's informal or formal meetings, asking for information on the status of implementation of various provisions of the Convention, et cetera.

227. As noted, the understandings on victim assistance adopted at the Nairobi Summit provided a basis for the States Parties to act strategically in this area of the Convention. Successive Co-Chairs have responded by requesting the support of the ISU to in turn support those States Parties responsible for significant numbers of landmine survivors in applying these understandings. While this work began in 2005 on a project basis (i.e., a fixed time period during which clear-cut objectives would be achieved), the ISU's support to States Parties on victim assistance has evolved between 2005 and 2009 to become a core programmatic area of work for the ISU. That is, advice and support to relevant States Parties is necessary as long as such States Parties continue to need and desire advisory services in this area.

228. In 2007 States Parties implementing Article 5 of the Convention began preparing requests for extensions. The ISU responded by developing a strategy to provide advice and support to them in doing so. The magnitude of this work was greater than what many would have expected, given the large number of requests. Moreover, the decisions of the Seventh Meeting of the States Parties to establish a process for the preparation, submission and consideration of Article 5 request both underscored the advisory role of the ISU vis-à-vis requesting States Parties and established a role for the ISU to serve as a secretariat to the States Parties mandated to consider Article 5 extension requests.

229. Successive Presidents of Meetings of the States Parties, as well as some individual States Parties, have placed a heavy emphasis on promoting universalisation. The ISU has responded by serving as an expert resource in support of their efforts, some of which have been extensive and ambitious. In addition, as the competency of the ISU has increased, in large part due to several years of experience in supporting and advising States Parties, the ISU has acquired niche expertise in various other areas. For instance, the ISU provides leading support to the States Parties on matters concerning the preparation of transparency

reports. It has played an important role in leading seminars to assist various actors in understanding the Convention and how it works. It has developed a strategic response to address the needs of small States Parties. As well, it has provided inputs in a number of areas regarding how the lessons learned from the application of the Convention may be applicable elsewhere.

230. When the States Parties agreed to mandate the establishment of the ISU, they agreed to assure that, on a voluntary basis, they would provide the resources necessary for the operations of the unit. Since the Nairobi Summit, the following States Parties have made contributions to the ISU Trust Fund: Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Burundi, Chile, Canada, Croatia, the Czech Republic, Cyprus, Estonia, Germany, Hungary, Iceland, Ireland, Italy, Lithuania, Luxembourg, Malaysia, Malta, Mexico, the Netherlands, Nigeria, Norway, the Philippines, Qatar, Senegal, Slovenia, South Africa, Spain, Sweden and Turkey. Contributions received by the ISU Trust Fund since it was established can be found in Annex XII. In addition to receiving support from the States Parties on a voluntary basis through the ISU Trust Fund, the ISU has also continued to receive support from Switzerland in terms of its contributions to the general operations of the GICHD.

231. At the 29 May 2009 meeting of the Standing Committee on the General Status and Operation of the Convention, the Director of the ISU informed the States Parties that voluntary contributions were no longer keeping pace with the costs of services demanded by the States Parties. It was noted that the ISU will not be able to continue providing the level of support, advice and assistance that the States Parties have grown used to if additional and sustainable resources are not provided to fund its work. A challenge for the States Parties remains to ensure the sustainability of funding of the operations of the ISU, through either the existing method or another manner. Without a sustainable means of financing, the ISU will have to drastically reduce its service offerings, which no doubt would adversely affect the implementation process.

232. The States Parties have heeded the call made at the Nairobi Summit to “continue to utilise informal mechanisms such as the Contact Groups, which have emerged to meet specific needs.”<sup>50</sup> Since the Nairobi Summit, Contact Groups of Universalisation (coordinated by Canada), Article 7 Transparency Reporting (coordinated by Belgium), Resource Utilisation (coordinated by Norway) and Linking Mine Action and Development (coordinated by Canada) have met regularly on the margins of the Convention’s meetings. Participation in the work of these Contact Groups has been open to any interested actors. This inclusive and collaborative approach has ensured that the Contact Groups have played important roles in supporting progress toward the fulfilment of the Convention’s aims. In addition, the informal Sponsorship Programme (coordinated by the United Kingdom), has continued to permit widespread representation at meetings of the Convention, particularly by mine-affected developing States Parties.

233. The States Parties have lived up to the commitment they made at the Nairobi Summit to “encourage the invaluable contribution to the work of the Convention by the ICBL, the ICRC, the UN, the GICHD and regional and other organisations.”<sup>51</sup> The States Parties have benefited greatly from the sense of partnership that exists on the part of the wide range of actors that have committed to working together to ensure the full and effective implementation of the Convention.

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<sup>50</sup> Nairobi Action Plan, Action #69.

<sup>51</sup> Nairobi Action Plan, Action #56.