

# **Anti-Personnel Mines of an improvised nature and the Anti-Personnel Mine Ban Convention**

**Submitted by the President**

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## **I. Introduction**

1. The 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction is the cornerstone of the international effort to “end the suffering and casualties caused by anti-personnel mines”. This desire of the States Parties is fulfilled, in part, by States Parties making every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced, and ensuring the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed and, destroying or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible, in accordance with Article 5.
2. While the use of anti-personnel mines has significantly declined since entry into force of the Convention, in most country contexts, in some cases States are witnessing the continued use of anti-personnel mines or the use of anti-personnel mines for the first time in areas under their jurisdiction or control. This includes the use of anti-personnel mines of an improvised nature by armed non-state actors, which has increased global casualty figures and has had a detrimental impact on affected communities.
3. As the States Parties highlighted in the Oslo Action Plan (OAP), adopted by the States Parties at their Fourth Review Conference in 2019, new use of anti-personnel mines in recent conflicts, including those of an improvised nature, has added to the remaining challenge of some States Parties in fulfilling their commitments under Article 5. Action 21 of the OAP further highlighted that “States Parties affected by anti-personnel mines of an improvised nature” are required to “apply all provisions and obligations under the Convention to such contamination as they do for all other types of anti-personnel mines, including during survey and clearance in fulfilment of Article 5 and disaggregate by types of mines when reporting in fulfilment of Article 7 obligations.”
4. Given the impact of anti-personnel mines of an improvised nature and the mounting threat posed by these weapons, addressing the humanitarian impact of this weapon within the framework of the Convention will be an important challenge going forward. For this reason, this issue was highlighted as a priority under the Germany presidency. In this regard, a panel discussion was organized during the 19-21 June 2023 Intersessional Meetings of the Convention featuring representatives from the national authority of Colombia and Nigeria, the International Committee of the Red Cross, Human Rights Watch, and a representative from Mines Advisory Group. The aim of the panel was to discuss a) the challenges posed by anti-personnel mines of an improvised nature; and b) to capture some recommendations for States Parties facing such contamination.

## **II. Challenges**

5. While States Parties affected by anti-personnel mines of an improvised nature have made progress in the implementation of their Convention obligations, many States affected by this type of weapon have continued to report on challenges in implementation of the Convention and the Oslo Action Plan. Many of the challenges reported by States Parties and highlighted during the panel discussion are associated with the difficulties of access due to the presence of armed non-state actors, including challenges in:
  - a) collecting data to identify the precise perimeter of mined areas and establishing accurate baselines of contamination;

- b) developing evidence-based and costed national work plans, including projections of the number of areas and the amount of mined area to be addressed annually to achieve completion as soon as possible;
  - c) collecting and reporting information in a manner which is disaggregated by type of mines, including distinguishing between anti-vehicle and anti-personnel mines of an improvised nature;
  - d) developing detailed, costed, and multi-year plans for context-specific mine risk education and reduction in affected communities;
  - e) establishing and maintaining the necessary national capacity to address survey and clearance, risk education and reduction, and reporting requirements under the Convention, and;
  - f) carrying out obligations related to victim assistance and ensuring that the needs of mine survivors and affected communities are considered through their meaningful participation in implementation efforts.
6. In light of the challenges discussed, some of the key recommendations gathered from the discussion are as follows:

### III. Recommendations

7. While not a new phenomenon, the use of anti-personnel mines of an improvised nature has proliferated in States Parties which, at entry into force of the Convention, were not affected by anti-personnel mines or/and had declared completion of their Article 5 obligations. In this regard, there is a need to continue efforts to raise awareness of the obligations of States Parties to address the humanitarian impact of anti-personnel mines of an improvised nature within the framework of the Convention and to adhere to the relevant decisions of the States Parties.

**Recommendation 1:** States Parties affected by mines of an improvised nature should ensure that they address such contamination within the framework of the Convention as highlighted in Action 21 of the Oslo Action Plan and adhere to the decisions of the States Parties.

**Recommendation 2:** States Parties affected by mines of an improvised nature should ensure the application of the guidance contained in the paper entitled "*Proposed rational response to States Parties discovering previously unknown mined areas after deadlines have passed*", welcomed by the Twelfth Meeting of the States Parties, which addresses situations in which previously unknown mined areas, including newly mined areas, are discovered after original or extended deadline to implement Article 5 have expired.

8. States Parties affected by anti-personnel mines of an improvised nature, in many cases, have reported challenges associated with access to mine affected communities due to the presence of armed non-state actors. Despite the challenges, States Parties have gained a number of lessons learned and best practices and have developed innovative approaches in implementation of the Convention.

**Recommendation 3:** States Parties affected by mines of an improvised nature, should strengthen their collaboration to take advantage of the lesson learned and best practices employed by States Parties facing similar circumstances by, in accordance with Action 47 of the Oslo Action Plan, exploring opportunities for cooperation, including international, regional and bilateral, cooperation between affected States Parties or South-to-South, with a view to voluntary sharing of best practices and lessons learned.

**Recommendation 4:** The compilation of up-to-date lessons learned and best practices in addressing the impact of anti-personnel mines of an improvised nature within the framework of the Convention in situations where access is limited or restricted would make an important contribution to the work of the Convention.

9. In some cases, contamination by anti-personnel mines of an improvised nature is a relatively new phenomenon and States Parties often do not have the national capacity in place and experience in addressing the impact of anti-personnel mines of an improvised nature within the framework of the Convention.

**Recommendation 5:** Efforts should be made to ensure that the lessons learned and best practices in addressing the impact of anti-personnel mines of an improvised nature within the framework of the Convention are disseminated to affected States Parties, and international and non-governmental organizations with expertise in addressing the impact of anti-personnel mines of an improvised nature within the framework of the Convention through regional and national dialogues, as well as formal and informal meetings of the Convention.

10. In some cases, given that the impact of anti-personnel mines of an improvised nature often constitutes a new impact, States Parties require material and financial assistance to enhance capabilities to address the impact under the comprehensive framework of the Convention.

**Recommendation 6:** States Parties affected by anti-personnel mines of an improvised nature should, as highlighted in Action 43 of the Oslo Action Plan, disseminate information on challenges and requirements for assistance, including through their annual Article 7 transparency reports and take advantage of mechanisms under the Convention to support their efforts in this regard, including by participating in informal and formal meetings of the Convention and taking advantage of the Individualized Approach.

**Recommendation 7:** States Parties in a position to do so should provide assistance to States Parties in the implementation of their obligations under the Convention in line with Action 47 of the Oslo Action Plan including in building their capacity to address the impact of mines of an improvised nature within the framework of the Convention.

11. Given the multifaceted efforts necessary to address the impact of anti-personnel mines, including those of an improvised nature, States Parties should strengthen coordination at a national level to ensure a comprehensive approach to addressing the impact of anti-personnel of an improvised nature while ensuring the application of humanitarian principles.

**Recommendation 8:** States Parties should ensure that implementation activities into national development plans, poverty reduction strategies, humanitarian response plans and national strategies for the inclusion of persons with disabilities as appropriate, and that partnerships the mine action community and relevant humanitarian, peacebuilding, development and human rights communities are strengthened.