

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



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## AP Mine Ban Convention



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...other matters essential for achieving the Convention's aims

# Four core aims, four other matters...



FIRST REVIEW CONFERENCE OF THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION  
 Nairobi, 29 November – 3 December 2004  
 Item 18 of the agenda

APL/C/CONF/2004/5  
 9 February 2005  
 ORIGINAL: ENGLISH

## FINAL REPORT

The Final Report of the First Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction consists of five parts and twelve annexes as follows:

- Part I Organization and Work of the First Review Conference
  - A. Introduction
  - B. Organization of the First Review Conference
  - C. Participation in the First Review Conference
  - D. Work of the First Review Conference
  - E. Decisions and Recommendations
  - F. Documentation
  - G. Adoption of the Final Report and conclusion of the First Review Conference
- Part II Review of the operation and status of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction: 1999-2004
  - I. Introduction
  - II. Universalizing the Convention
  - III. Destroying stockpiled anti-personnel mines
  - IV. Clearing mined areas
  - V. Assisting landmine victims
  - V. Other matters essential for achieving the Convention's aims
- Annex I Ratification / accession and entry into force dates
- Annex II States that have not ratified or acceded to the Convention
- Annex III Deadlines for States Parties to destroy or create the destruction of anti-personnel mines in mined areas under their jurisdiction or control in accordance with Article 5
- Annex IV Summary of information provided by the States Parties on the fulfilment of Article 5 obligations
- Annex V Annual landmine casualty rates
- Annex VI Problems faced by States Parties in which there are significant number of landmine victims, and their plans to address these problems, measures and priorities for assistance

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- Annex VII Reports submitted in accordance with Article 7
- Annex VIII Anti-personnel mine reported retained by the States Parties for reasons permitted under Article 3 of the Convention
- Annex IX Co-Chairs and Co-Reporters of the Standing Committee: 1999-2004

Part III Ending the suffering caused by anti-personnel mines: Nairobi Action Plan 2005-2009

- Introduction
- I. Universalizing the Convention
- II. Destroying Stockpiled Anti-personnel mines
- III. Clearing Mined Areas
- IV. Assisting the Victims
- V. Other matters essential for achieving the Convention's aims

Part IV Towards a mine-free world: The 2004 Nairobi Declaration

Part V Programme of meetings and related matters to facilitate implementation 2005-2009

Appendix I Agenda of the First Review Conference  
 As adopted at the first plenary meeting on 29 November 2004

Appendix II Report on the Functioning of the Implementation Support Unit September 2003- November 2004  
 As adopted at the sixth plenary meeting on 1 December 2004

Appendix III List of documents



## Universalization: progress

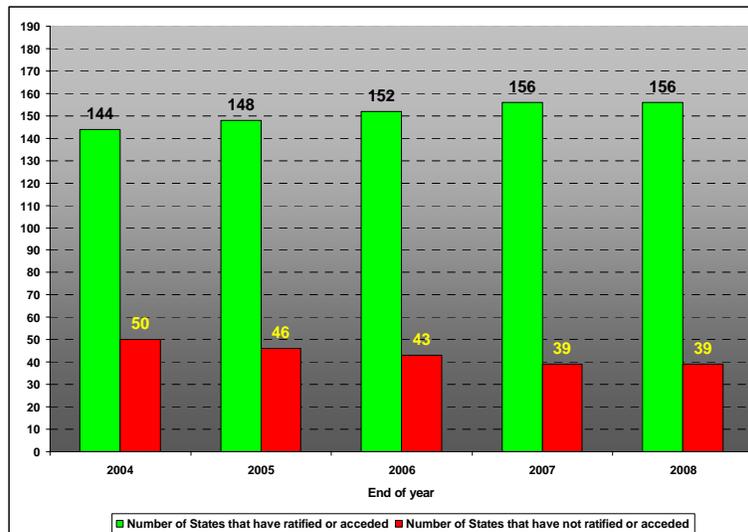
- ❑ 156 States have ratified / acceded
- ❑ 164 States accepted 2008 UNGA resolution
- ❑ 70% of States that at one time produced have accepted that they will never again do so
- ❑ New use of AP mines stigmatized & rare
- ❑ Several States not parties have indicated their willingness to consider accession
- ❑ Successive Convention Presidents have attached a high priority to universalization



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## Universalization: progress and challenges



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## AP Mine Ban Convention: 39 States not parties



Armenia	Mongolia
Azerbaijan	Morocco
Bahrain	Myanmar (Burma)
China	Nepal
Cuba	Oman
Egypt	Pakistan
Finland	Poland
Georgia	Russian Federation
India	Saudi Arabia
Iran	Singapore
Israel	Somalia
Kazakhstan	Sri Lanka
Korea, DPR of	Syrian Arab Republic
Korea, Republic of	Tonga
Kyrgyzstan	Tuvalu
Laos	United Arab Emirates
Lebanon	United States of America
Libyan Arab Jamahiriya	Uzbekistan
Marshall Islands	Vietnam
Micronesia, Fed. States of	



The ISU provides information on the Convention, its status and its operations at national and regional workshops intended to increase understanding of the Convention by States not parties. Such a workshop in the Nicosia in 2003 assisted Cyprus in taking the decision to ratify the Convention.

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## Universalization: challenges



- ❑ 39 States not parties
- ❑ Little new use in recent years, but...
- ❑ ...several perceive that they derive utility from previously emplaced mines and...
- ❑ ...some remain ready to use mines.
- ❑ Millions of mines likely stockpiled.
- ❑ Armed non-State actors continue to use anti-personnel mines.



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## Stockpile Destruction

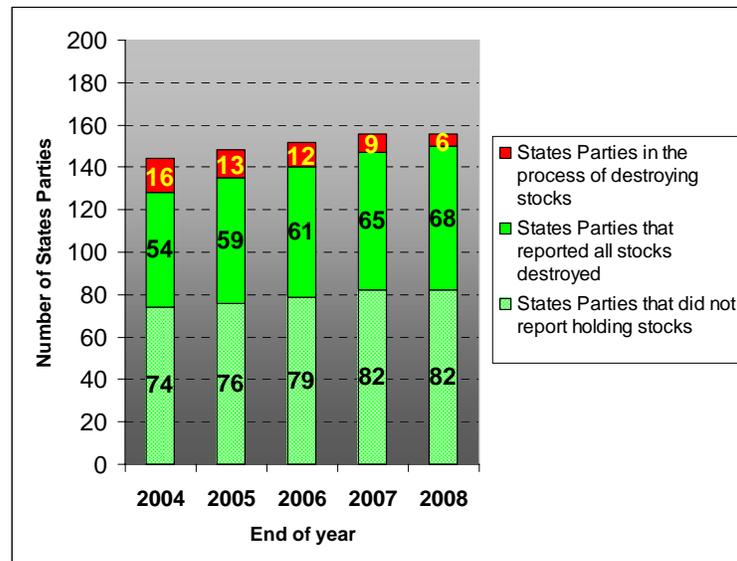
- Each State Party “undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party.”
- States Parties may retain “a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques.” This number “shall not exceed the minimum number absolutely necessary” for these purposes.



Stockpiled anti-personnel mines can be destroyed by open detonation, a method used by Lithuania in advance of the First Review Conference in 2004.



## Stockpile Destruction: progress





## Stockpile Destruction: progress

2004	2008
<ul style="list-style-type: none"><li>□ 128 States Parties without stockpiled mines</li></ul>	<ul style="list-style-type: none"><li>□ 150 States Parties without stockpiled mines</li></ul>
<ul style="list-style-type: none"><li>□ 16 States Parties in the process of destroying stockpiled mines</li></ul>	<ul style="list-style-type: none"><li>□ 6 States Parties in the process of destroying stockpiled mines</li></ul>
<ul style="list-style-type: none"><li>□ Cambodia, Malaysia, the Philippines, Thailand, Timor Leste had reported no stocks / stocks destroyed</li></ul>	<ul style="list-style-type: none"><li>□ Brunei Darussalam and Indonesia now also reporting no stocks / stocks destroyed</li></ul>
<ul style="list-style-type: none"><li>□ Approximately 37 million mines destroyed</li></ul>	<ul style="list-style-type: none"><li>□ Approximately 41 million mines destroyed</li></ul>



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## Stockpile Destruction: challenges

### Geneva Progress Report 2007-2008:

- At the 8MSP, “it was noted that while the number of States Parties which must fulfil Article 4 obligations is small, serious challenges remain.”
- In June 2008, “it was noted that these challenges are even more profound than initially anticipated and expressed at the 8MSP.”
- “The failure by Belarus, Greece and Turkey to comply with the obligations contained in Article 4 by their deadlines represents a matter of serious concern.”
- “Three States Parties, Equatorial Guinea, Gambia and Haiti, that are assumed to not possess stockpiled anti-personnel mines, remain overdue in submitting an initial transparency report.”
- “One State Party, Cape Verde, (...) is overdue in providing an initial transparency report to clarify the types and quantities of mines destroyed after entry into force.”

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## Mine Clearance

- "Mined area" means an area which is dangerous due to the presence or suspected presence of mines.
- Each State Party shall report all mined areas containing AP mines.
- Each State Party reporting mined areas must, as soon as possible or no later than 10 years after entry into force for that State Party, render these areas no longer dangerous due to the presence or suspected presence of AP mines.
- If a State Party believes it will be unable to do this, it may request an extension.



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## Mine Clearance: progress

2004	2008
□ 50 States Parties reported mined areas	□ 52 States Parties reported mined areas
□ 4 of these 50 States Parties reported implementation complete	□ 10 of these States Parties reported implementation complete
□ Little information on when which States Parties would be next to complete	□ 6 to 8 additional States Parties make it known they likely will complete in 2009-2010
□ No means to declare / report "completion"	□ Model declaration adopted to voluntarily report completion
□ A sense that it may take decades to clear perceived massive amounts of mined areas	□ Recommendations on the use full range of practical methods to release areas
□ Little information on the nature, extent and location of implementation challenges	□ Detailed information provided by some on progress made and the remaining challenge
□ No process of handling requests submitted under Article 5	□ Process agreed to and methods for "analysis" developed and used

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## Promise to survivors

The States Parties “(wish) to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims.”

Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims.”



## Victim Assistance: progress

Prior to 2004	2008
<ul style="list-style-type: none"> <li>❑ Victim assistance not treated with the same seriousness or precision as other measures</li> </ul>	<ul style="list-style-type: none"> <li>❑ Victim assistance largely now treated analogous to other obligations</li> </ul>
<ul style="list-style-type: none"> <li>❑ Ultimate responsibility not clearly specified</li> </ul>	<ul style="list-style-type: none"> <li>❑ Like other obligations, sovereign States are ultimately responsible</li> </ul>
<ul style="list-style-type: none"> <li>❑ Unclear what the main focus of attention should be</li> </ul>	<ul style="list-style-type: none"> <li>❑ 26 States Parties responsible for significant numbers of survivors</li> </ul>
<ul style="list-style-type: none"> <li>❑ Victim assistance not measurable</li> </ul>	<ul style="list-style-type: none"> <li>❑ Better data on numbers of survivors, SMART objectives</li> </ul>
<ul style="list-style-type: none"> <li>❑ NGO critiques not based on a baseline or anything measurable</li> </ul>	<ul style="list-style-type: none"> <li>❑ NGOs can now critique relative to a benchmark</li> </ul>
<ul style="list-style-type: none"> <li>❑ Five years of work resulted in key conclusions drawn by the States Parties</li> </ul>	<ul style="list-style-type: none"> <li>❑ States / Co-Chairs have acted strategically on the basis of the 2004 conclusions</li> </ul>
	<ul style="list-style-type: none"> <li>❑ AP Mine Ban Convention the model for Convention on Cluster Munitions</li> </ul>

## From Nairobi to Cartagena and beyond...



Thank you!

