

From Ottawa to Nairobi and beyond



Key documents in the global effort
to end the suffering caused
by anti-personnel mines

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From Ottawa to Nairobi and beyond

Introduction

On December 2 and 3, 1997, prime ministers and foreign ministers – joined by international organizations and civil society – gathered in Ottawa to sign the *Ottawa Convention* banning anti-personnel mines. In its short history the Convention has become the framework to pursue a conclusive end to the suffering caused by those mines. Exactly seven years after this historic event, high level representatives of the world's states again gathered at the *Nairobi Summit on a Mine-Free World* – the Convention's First Review Conference.

At the November 29 to December 3, 2004 *Nairobi Summit on a Mine-Free World*, the international community celebrated the tremendous advances made towards ending the suffering caused by anti-personnel mines. These achievements have been fuelled by a unique spirit of cooperation between states, international organizations and civil society – a partnership that has become an example and inspiration for addressing other humanitarian, development and disarmament challenges. While Nairobi was a time to celebrate, it was also an occasion to take stock of remaining challenges.

With this in mind, at the Nairobi Summit the international community renewed its unwavering commitment to achieving the goal of a world free of anti-personnel mines, in which there will be zero new victims. Through the decisions they took in Nairobi, the Convention's member states clearly indicated that they shall persevere beyond Nairobi until the Convention has been universally applied and its aims fully achieved.

Highlights of the Nairobi Summit

- At the Nairobi Summit, for the first time since 1997, the international community gathered at a high political level to examine the humanitarian problems caused by anti-personnel mines and what is being done to address these problems.
- Summit participants included five heads of state or heads of government, six vice presidents or deputy heads of government, and over twenty ministers.
- Other high level participants included the 1997 Nobel Peace Prize co-recipient (Jody Williams), the 2003 Nobel Peace Prize recipient (Shirin Ebadi) and the 2004 Nobel Peace Prize recipient (Wangari Maathai). In addition, the Executive Director of UNICEF, Carol Bellamy, the President of the International Committee of the Red Cross, Jakob Kellenberger, and the former President of the ICRC and current

President of the Geneva International Centre for Humanitarian Demining, Cornelio Sommaruga participated in the Nairobi Summit.

- United Nations Secretary-General Kofi Annan addressed the summit via live video link.
- One-hundred-thirty-five states participated in the Nairobi Summit, including 110 member states of the Convention and 25 States that have not yet joined the Convention.
- The Nairobi Summit featured the largest ever gathering of representatives of non-governmental organizations (NGOs) concerned about the global landmine problem. Over 350 NGO representatives from dozens of countries participated in the event.
- On the first day of the Nairobi Summit Ethiopia announced that it had become the 144th State to join the Convention.

Decisions taken by the Nairobi Summit

- The summit adopted an 80+ page **review of the operation and status of the Convention**, concluding that since it was adopted in 1997, the Convention's unique spirit of cooperation has been sustained, ensuring the Convention's rapid entry into force and over five successful years of implementation. This comprehensive review also contained a record of essential work that lies before the Convention's member States in ensuring that the Convention indeed lives up to its promise.
- To overcome challenges that remain, the Convention's member States adopted *Ending the suffering caused by anti-personnel mines: the Nairobi Action Plan 2005-2009*, an innovative, concrete and ambitious document in which the member States committed themselves to 70 specific actions they will undertake in the five-year period following the Nairobi Summit.
- The Convention's member states adopted a *Programme of meetings and related matters to facilitate implementation 2005-2009*, agreeing to hold annual informal and formal meetings leading to a Second Review Conference in 2009.
- The summit adopted *Towards a mine-free world: the 2004 Nairobi Declaration*, emphasizing the renewed commitment of the Convention's member States to achieving the goal of a world free of anti-personnel mines, in which there are no more new victims.

Purpose of this handbook

From Ottawa to Nairobi and beyond is intended to assist in the application of the *Nairobi Action Plan* by making it and other key documents accessible to both practitioners and a wider audience. In addition to containing the text of the *Nairobi Action Plan*, the *2004 Nairobi Declaration* and the Convention itself, this handbook includes a summary of the comprehensive review adopted at the *Nairobi Summit*. Particular attention has been given to summarizing information from this review which will be useful to the Convention's member States and others in measuring progress in the application of the *Nairobi Action Plan*.



A symbolic copy of *the 2004 Nairobi Declaration* was signed by States participating in the Summit. The President of the Nairobi Summit, Ambassador Wolfgang Petritsch of Austria, closed the Nairobi Summit by presenting this copy of the declaration to two landmine survivors – Song Kosal and Tun Channaret – as representatives of the global public conscience. In making this presentation, Ambassador Petritsch stated that the role of the public conscience remains as important as ever in that civil society around the world must hold States true to the commitments that they have made through the Nairobi Declaration.

The operation and status of the Convention 1999-2004

Introduction

Article 12 of the Convention notes that one of the essential tasks of a review conference is “to review the operation and status of the Convention.” As the Nairobi Summit was the Convention’s First Review Conference, the summit’s review document covered the first five-year period since the Convention’s entry into force on 1 March 1999.

The review highlighted that “the very purpose of the Convention is to put an end to the suffering and casualties caused by anti-personnel mines” and that Convention’s preamble “emphasises that the path towards 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.” Hence, the review was structured to reflect progress made and challenges that remain the pursuit of these four core aims. In addition, the review also recorded progress and challenges related to “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.

What follows is a summary of the review adopted by the Convention’s member States. It documents the status of essential accomplishments as of 3 December 2004 and takes stock of the work that lies before the States Parties in ensuring that the Convention lives up to its promise. It should be emphasised that the review adopted in Nairobi became dated almost immediately after the close of the Nairobi Summit. However, the information contained below serves as useful benchmark for measuring progress in the years ahead.

Universalizing the Convention

The Convention was open for signature at Ottawa, Canada, by all States, from 3 December 1997 until 4 December 1997, and at the United Nations from 5 December 1997 until its entry into force. Between 3 December 1997 and the Convention’s entry into force, 133 States signed the Convention, thereby indicating their agreement with the Convention’s object and purpose and an intention to ratify the Convention.

The Convention is subject to ratification, acceptance or approval of the Signatories and it shall be open for accession by any State that did not sign the Convention. Between

3 December 1997 and 3 December 2004, a total of 144 States¹ – almost 75 percent of all States – had deposited instruments of ratification, acceptance, approval or accession with the Secretary-General, including 124 of the States that signed the Convention. (See Table 1.)

The Convention entered into force on 1 March 1999 – on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession had been deposited. The Convention has since entered into force for 143 States which have deposited such instruments.

Eight of the Convention's 133 signatories have not yet ratified, accepted or approved the Convention: Brunei Darussalam, the Cook Islands, Haiti, Indonesia, the Marshall Islands, Poland, Ukraine and Vanuatu. However, 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.

In addition to the impressive quantitative progress in universalising the Convention, important qualitative gains have been made.

- The **production** of anti-personnel mines has decreased significantly. At one time more than 50 States produced anti-personnel mines. Thirty-three (33) of these States are now parties to the Convention, thereby having agreeing to be bound by the Convention's prohibition of the production of anti-personnel mines. In addition, at least three States not parties have ceased production and others have not produced anti-personnel mines for several years.
- The global **trade** in anti-personnel mines has effectively ceased. By having joined the Convention, 144 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. From 1999 to 2004 there has been no acknowledged legal trade in anti-personnel mines with any trade likely limited to a very low level of illicit trafficking.
- The **use** of anti-personnel mines has decreased dramatically. Use of anti-personnel mines was widespread, and increased exponentially throughout the last decades of the twentieth century. The campaign for and the establishment of the Convention changed this. Not only does the Convention's prohibition on the use of anti-personnel mines bind its 144 members, but the Convention's norm of non-use also has enjoyed widespread acceptance by States not parties.

¹ The review adopted at the Nairobi Summit recorded 144 States as having ratified, accepted, approved or acceded to the Convention, with the 144th State being Ethiopia. After the Nairobi Summit it was noted that technical procedures regarding the deposit of Ethiopia's instrument of ratification were not completed until 17 December 2004.

- The States Parties have affirmed that progress to free the world from anti-personnel mines will be enhanced if **armed non-State actors** embraced the international norm established by the Convention. Impressive progress has been made with armed non-State actors within the following States having adhered to the Geneva Call's *Deed of Commitment for Adherence to a Total Ban on Anti Personnel Mines and for Cooperation in Mine Action*: Burundi, India, Iraq, Myanmar, the Philippines, Somalia and Sudan.

Despite great progress towards universal adherence, challenges remain:

- 50 States have not yet ratified or acceded to the Convention. Among these States are several which could have a significant impact on the global disarmament, as well as humanitarian, goals of the Convention, for example because they still produce, stockpile or have anti-personnel mines laid on their territory.
- 11 of these 50 States have used anti-personnel mines since the Convention entered into force. Moreover, 15 States not parties continue to produce anti-personnel mines or have not produced mines for some time but retain the capacity to produce anti-personnel mines. In addition, a small number of States not parties hold vast stockpiles of anti-personnel mines, including the three permanent members of the United Nations Security Council that remain outside of the Convention.
- While some States not parties accept the Convention's norms, others still consider the 1996 Amended Protocol II to the 1980 Convention on Certain Conventional Weapons (CCW) to be their point of reference.
- Whereas almost every State in the Western Hemisphere, Africa and Europe has become a party to the Convention, the rate of adherence remains low in Asia, the Middle East and amongst the members of the Commonwealth of Independent States.
- While a compelling case has been made regarding how the terrible humanitarian consequences that result from anti-personnel mine use greatly outweigh their limited military utility, some States not parties continue to claim that anti-personnel mines are necessary. Others have linked the possibility of accession to the Convention to the resolution of a territorial, regional or internal dispute or conflict.
- The States Parties repeatedly have stated that assistance and cooperation for mine action will flow primarily to those that have forsworn the use of anti-personnel mines forever through adherence to, implementation of, and compliance with the Convention. However, one State not party, Ukraine, has indicated that assistance for the destruction of its large stockpile of anti-personnel mines must be in place before it would be in a position to join the Convention.

- While some States have joined the Convention notwithstanding the fact that armed non-State actors engage in acts prohibited by the Convention in the sovereign territory of these States Parties, one State not party, Sri Lanka, has suggested that accession to the Convention may be linked to a commitment to end the use of anti-personnel mines by an armed non-State actor in its sovereign territory.
- 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. In addition, accession to the Convention is not possible on the part of at least one State given that it currently does not have a functioning or recognized government in place.
- While universalization of the Convention itself means adherence to it by all States, universal acceptance of the Convention's norms is impeded by armed non-State actors that continue to use, stockpile, and produce anti-personnel mines.

Destroying stockpiled anti-personnel mines

In accordance with Article 4 of the Convention, each State Party is obliged “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.” The destruction of anti-personnel mines in accordance with this Article is an obligation that has been, would have been or is relevant for 78 States Parties:

- 69 States Parties reported, in accordance with Article 7, that they held stockpiled anti-personnel mines when the Convention entered into force for them.
- 9 States Parties reported that they had destroyed their stockpiled anti-personnel mines prior to entry into force.
- In addition, 1 of the States Parties (Guyana) that has not yet provided an initial transparency report holds or may hold stockpiled anti-personnel mines based on statements made elsewhere and 6 of the States Parties that have not yet provided an initial report are presumed not to hold stockpiled anti-personnel mines: Cape Verde, Equatorial Guinea, Estonia, Papua New Guinea, Saint Lucia and Sao Tome and Principe.

States Parties' fulfilment of their Article 4 obligations has been one of the Convention's great success stories:

- All States Parties whose deadlines for destruction have occurred have now reported completion of their stockpile destruction programmes.
- Today, 126 States Parties now no longer have stockpiled anti-personnel mines and together the States Parties have destroyed more than 37 million landmines.
- Furthermore, through this forum, a general understanding has developed that, with the exception of PFM mines, stockpile destruction is relatively simple and does not pose significant environmental problems.

While the number of States Parties for which stockpile destruction is relevant is now small, challenges remain:

- The number of parties for which the obligation to destroy stockpiled anti-personnel mines remains relevant has been narrowed considerably to include 16 States. (See Table 2.) It is estimated that together these States Parties hold more than 10.2 million anti-personnel mines.
- Should additional stockpile-holding States join the Convention in the period following the First Review Conference, the challenge of stockpile destruction would dramatically increase. For example, it is estimated that combined China, India, the Republic of Korea, Pakistan, the Russian Federation and the United States of America may hold more than 180 million stockpiled anti-personnel mines.
- From a technical perspective, the remaining main challenges include the destruction of a unique type of mine, the PFM1 mine, which is difficult to destroy as it cannot be disarmed once armed and it contains a liquid explosive that gives off toxic fumes once detonated. This is a matter that is relevant for one State Party, Belarus, and some States not parties including one signatory, Ukraine.
- Another technical challenge relates to a lack of expertise by some States Parties to develop and implement national stockpile destruction plans.
- From a financial perspective, some States Parties do not possess the financial means to destroy their stockpiles given pressing needs in other areas. However, it should be recognised that while an investment of typically less than US\$ 1 per mine will destroy a stockpile of mines, the costs to clear emplaced mines are hundreds or thousands of times higher.
- In some post-conflict or otherwise complex situations it may be challenging to find and account for all stockpiled anti-personnel mines that are under the jurisdiction or

control of a State Party. Such situations conceivably could lead to a State Party discovering previously unknown stockpiles after destruction was complete, and perhaps following the deadline by which they were to have completed destruction.

- A small number of the 16 States Parties that must still complete the implementation of Article 4 do not or may not have control over their entire sovereign territories. However, it is important to recall that Article 4 obliges States Parties to destroy stockpiles under their jurisdiction or control and thus nothing stands in the way of fulfilling obligations in areas under one's control, henceforth proceeding promptly with destruction in other areas when conditions permit.

Clearing mined areas

In accordance with Article 5 of the Convention, each State Party 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;”
- “ensure as soon as possible that all anti-personnel mines in mined areas under (their) jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed;” 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.”

Forty-nine (49) States Parties have reported areas under their jurisdiction or control that contain, or are suspected to contain, anti-personnel mines and hence must fulfil the obligations contained in Article 5. Of these, 3 States Parties – Costa Rica, Djibouti and Honduras – have indicated that they have completed implementation of Article 5.

Identifying mined areas

Significant methodological, organizational and operational advances have been made in identifying areas in which anti-personnel mines are known or suspected to be emplaced. Advances have pointed towards greater understanding of not only the extent of mine and UXO contamination but also the impact of such contamination. This has helped the prioritisation process for mine clearance, freed-up land for economic and social activity and contributed to decreases in the number of new mine victims.

UN Inter-Agency Assessment Missions – a means to help define the scope and nature of a landmine / UXO problem, identify constraints and opportunities – have been conducted in 13 States Parties: Ecuador, Jordan, Malawi, Mauritania, Nicaragua, Peru, Senegal, Sudan, Tunisia, Uganda, Yemen, Zambia and Zimbabwe.

The establishment of the Convention was the impetus for the development of the Global Survey Initiative to better understand the global landmine problem. Landmine Impact Surveys have been completed in Bosnia and Herzegovina, Cambodia, Chad, Mozambique, Thailand and Yemen and are under way or nearing completion in Afghanistan, Angola and Eritrea.

Challenges ahead include developing survey methodology to address countries with more limited levels of contamination or those of vast size and ensuring that data remain updated, relevant and operationally useful for mine clearance tasking, including years after the surveys have been conducted.

States Parties that have not yet done so need to act with urgency to ensure that every effort is made to identify all areas under their jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced. This is especially relevant for those States Parties with Article 5 clearance deadlines that occur in 2009.

National planning and programme development

Many States Parties have proceeded in the development and implementation of national programmes to fulfil Article 5 obligations through the establishment of effective and transparent mine action structures. In many cases this has involved establishing bodies separating the policy-making function from the operational implementation of the programme. Legislation has provided legal authorisation for various actors to act in certain areas, and has governed issues such as insurance and responsibilities to victims.

States Parties' experience in national planning and programme development has shown that coordination is best achieved when simple and manageable solutions are found through cooperative efforts involving national and sub-national governments, mine action operators, affected communities and other development actors.

Since 1999, mine action information needs have been increasingly addressed through the development of the Information Management System for Mine Action (IMSMA), which was developed by the Geneva International Centre for Humanitarian Demining (GICHD). By 2004, the following States Parties were receiving IMSMA support: Afghanistan, Albania, Angola, Bosnia and Herzegovina, Cambodia, Chad, Chile, Colombia, Cyprus, the Democratic Republic of the Congo, Ecuador, Eritrea,

Guatemala, Guinea-Bissau, Mauritania, Mozambique, Nicaragua, Peru, Rwanda, Serbia and Montenegro, Sudan, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Yemen and Zambia.

Challenges ahead include ensuring that information management is simplified in order to be of benefit to national authorities in meeting their obligations under Article 5 in the Convention, continuing to improve the system while maintaining it as a user-friendly system, and ensuring that information is made available to all relevant stakeholders.

Marking and protecting mined areas

Twenty-five (25) States Parties have provided information regarding the steps they have taken to fulfil their obligations to ensure that all anti-personnel mines in mined areas under (their) jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means: Afghanistan, Albania, Bosnia and Herzegovina, Cambodia, Chile, the Congo, Cyprus, Denmark, Honduras, Jordan, Malawi, Nicaragua, Peru, Rwanda, Senegal, Serbia and Montenegro, Sudan, Suriname, Swaziland, Tajikistan, Turkey, the United Kingdom of Great Britain and Northern Ireland, Yemen, Zambia and Zimbabwe.

One of the biggest challenges associated with reducing risks to communities through marking, monitoring and protecting of mined areas awaiting clearance relates to the broader challenge faced by many States Parties in simply gaining a more comprehensive understanding of the extent and impact of mined areas under their jurisdiction or control.

Other challenges include that fencing off large swathes of territory and maintaining fencing and markings are expensive propositions, that monitoring requires precious human resources, and that communities in resource-deprived areas have often procured the fencing used for their own day-to-day purposes. Finally, other challenges relate to ongoing instability in areas suspected of being mined and the absence of operational mine action structures.

Mine risk education

Article 6.3 obliges States Parties in a position to do so to provide assistance for mine awareness programmes. Since 2001 the States Parties generally have used the term “mine risk education” (MRE) rather than “mine awareness.”

MRE has evolved to become more standardised and professional. MRE should be incorporated into broader mine action programmes, ensuring an effective two-way

information exchange both to ensure the effectiveness of MRE programmes and to obtain information from affected communities to support mine clearance priority-setting.

It has been stressed that MRE programmes should include a clear communications strategy, targeting different audiences in a manner that takes age and gender into consideration, as well as social, economic, political and geographical factors. In addition, it has been emphasised that a careful assessment of needs should be carried out and that effective monitoring and evaluation systems need to be developed.

Thirty-four (34) States Parties have provided information on measures taken to provide an immediate and effective warning to the populations in relation to mined areas: Afghanistan, Albania, Angola, Bosnia and Herzegovina, Burundi, Chad, Chile, Colombia, the Congo, Costa Rica, Croatia, Ecuador, Eritrea, Guatemala, Guinea-Bissau, Honduras, Jordan, Malawi, Mauritania, Mozambique, Nicaragua, th Niger, Peru, Rwanda, Senegal, Sudan, Suriname, Swaziland, Tajikistan, Thailand, Uganda, the United Kingdom of Great Britain and Northern Ireland, Yemen and Zimbabwe.

The fact that many States Parties do not have the means to obtain accurate data on casualties or even a general sense of the extent to which populations are at risk underscores the need for assessments in order to determine what needs to be done to initiate or advance MRE activities. Another challenge is the fact that in some States Parties, where annual casualty rates have declined and where MRE programmes are being carried out, the number of new casualties remains at an alarmingly high rate.

In addition, an increasing challenge faced by many States Parties is the need to integrate MRE programmes into broader relief and development activities and education systems. In addition, at least one State Party has indicated that additional challenges include ongoing instability in areas suspected of being mined and the absence of operational mine action structures.

Clearing mined areas

The experience of and lessons learned by the States Parties have substantially advanced the clearance of mined areas. It is now widely recognized that a variety of clearance assets based on the prevailing conditions is necessary – assets that generally fall into one of three broad categories: manual deminers, mine detection dogs and mechanical systems. Many States Parties have learned that the key to success is to employ a combination of systems based on the capabilities and effectiveness of each type of asset and to correctly sequence their employment.

In addition, many States Parties have demonstrated that Technical Survey operations – rapidly verifying that parts of suspected hazardous areas are clear in order to focus manual deminers on areas actually containing mines – will be important in assuring the fulfilment of Article 5 obligations.

Efforts to fulfil obligations under Article 5, particular clearance obligations, have been greatly aided by the extensive work, contribution and sacrifices of thousands of deminers in mine-affected countries. Without their dedication significant progress in clearing mined areas would not have been achieved.

The exact wording of the Convention’s reporting obligation concerning clearing mined areas incorporates disarmament terminology. When this reporting provision is narrowly applied States Parties may forgo an opportunity to communicate additional quantitative and qualitative information related to how their efforts are contributing to the humanitarian aims of the Convention. With this in mind, the States Parties have been encouraged to maximize the potential of the transparency reporting format as an important tool to measure progress and to use a variety of fora to communicate their problems, plans, progress and priorities for assistance.

Exchange of equipment, material and scientific and technological information

A variety of means have emerged for States Parties to exercise their “right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of (the) Convention”, and to fulfil their responsibility to facilitate such an exchange. These exchanges relate to either those pertaining to existing equipment and technologies or those pertaining to future prospects. While there have been advances in both areas since the Convention entered into force, for the most part progress has been mixed.

A significant injection of funding into research and development of new technologies has been made. Additional investments will be needed to overcome remaining challenges, including those pertaining to close-in detection and area reduction.

The small size of the market for mine action technologies affects development efforts and market size is further complicated by the fact that often potential solutions are not universally applicable but rather are country or region-specific.

There is a need to maintain an appropriate level of technology in mine-affected States Parties, ensuring that it is affordable, sustainable and adaptable to local conditions. That is, an emphasis on developing new technologies must not overshadow productivity

increases, which could be achieved by supplying existing technology, particularly mechanical clearance assets and mine detection dogs.

Finally, while there have been recent examples of improvements in information and idea exchange between end users of technology and those developing it, this relationship needs to be further strengthened through workshops, field demonstrations and visits to mine-affected countries.

Assisting the victims

Article 6.3 states that “each State Party in a position to do so shall provide assistance for the care in and rehabilitation of, and social and economic reintegration, of mine victims (...).” Such assistance may be provided through a variety of means, including “the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, and national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.”

One of the early steps taken by the States Parties was to clarify terms that are central to fulfilment of the aim of providing assistance to landmine victims. It is now generally accepted that *victims* include those who either individually or collectively have suffered physical or psychological injury, economic loss or substantial impairment of their fundamental rights through acts or omissions related to mine utilization.

The States Parties have also developed a clear sense of the place of assistance to mine victims in broader contexts. Those individuals directly impacted by mines are a subgroup of larger communities of persons with injuries and disabilities and hence the problems faced by landmine victims are similar to the challenges faced by others. Victim assistance does not require the development of new fields or disciplines but rather calls for ensuring that existing health care and social service systems, rehabilitation programmes and legislative and policy frameworks are adequate to meet the needs of all citizens – including landmine victims. However, it does require that a certain priority be accorded to health and rehabilitation systems in areas where landmine victims are prevalent.

The call to assist landmine victims should not lead to victim assistance efforts being undertaken in such a manner as to exclude any person injured or disabled in another manner. In fact, the impetus provided by the Convention to assist mine victims has provided an opportunity to enhance the well-being of not only landmine victims but also

all other persons with war-related injuries and persons with disabilities. Health and social services must be open to all sectors of society, including landmine victims and other persons with disabilities.

Providing adequate assistance to landmine survivors must be seen in a broader context of development and underdevelopment. The mine-affected States Parties have different capacities. A political commitment within these countries to assist landmine survivors is essential but ensuring that a real difference can be made may require addressing broader development concerns.

Victim assistance is more than just a medical or rehabilitation issue – it is also a human rights issue. In this vein, it has been stressed that victim assistance should be guided by principles including: national ownership; the non-discrimination of victims; the empowerment of victims; an integrated and comprehensive approach, including a gender perspective; the participation of all relevant government agencies, service providers, non-governmental organizations and donors; transparency and efficiency; and, sustainability.

Understanding the extent of the challenges faced

The States Parties have come to recognize the value and necessity of accurate and up-to-date data on the number of new landmine casualties, the total number of survivors and their specific needs, and the extent / lack of and quality of services that exist to address their needs in order to use limited resources most effectively. In this regard, in 2000 the World Health Organization published *Guidance for surveillance of injuries due to landmines and unexploded ordnance* as a standardized tool for information gathering on mine / unexploded ordnance victims. This tool subsequently served as the model for the design of elements of the IMSMA related to data on victims.

Despite advances made, many mine-affected States Parties still know little about the prevalence of new victims, the numbers of survivors or their specific needs. The challenge for many States Parties during the period 2005 to 2009 will be to enhance their mine victim data collection capacities, integrating such systems into existing health information systems.

Emergency and continuing medical care

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. While some progress has been made, many mine-affected countries continue to report a lack of trained staff, medicines, equipment and infrastructure to adequately respond to mine and other trauma injuries.

In addition, a profound challenge that many States Parties need to overcome is to ensure that healthcare workers and lay-people in mine-affected areas are trained in emergency first-aid to respond effectively to landmine and other traumatic injuries. Training is also a challenge with respect to trauma surgeons and nurses.

As well, many States Parties face the ongoing challenge of ensuring that medical facilities can provide an adequate level of care and that they have the staff, equipment, supplies and medicines necessary to meet basic standards. Moreover, some States Parties face problems related to the proximity of services to mined areas and difficulties in transporting to these facilities those who require care.

Physical rehabilitation and prosthetics

Physical rehabilitation is a crucial means to landmine victims' ultimate aim: full reintegration. Progress has been made in the development of guidelines, in the training of technical staff in prosthetics / orthotics in mine-affected countries and by virtue of the fact that the Convention has increased attention on physical rehabilitation and prosthetics.

However, needs in this area continue to exceed the level of resources applied to it. Moreover, as the number of landmine survivors continues to increase, so too will resource needs. Thus, major challenges for many States Parties will be to: increase, expand access to and ensure the sustainability of national physical rehabilitation capacities; increase the number of trained rehabilitation specialist; provide rehabilitation services in mine-affected communities, ensuring that landmine victims have access to transportation to these services; and, engage all relevant actors to ensure effective coordination.

Psychological support and social reintegration

Appropriate psycho-social support has the potential to make a significant difference in the lives of mine victims. While progress has been made in some mine-affected communities, 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 will be to increase national and local capacity in these areas with efforts to do so involving the engagement of all relevant actors. In addition, efforts to provide psychological and social support should take full advantage of the fact that mine victims themselves are resources who can act as constructive partners in programmes.

Economic reintegration

Those landmine survivors who have participated in the work of the Convention have indicated that their highest priority is economic reintegration. While progress has been made in developing guidelines and in implementing programmes, in many mine-affected communities there continues to be few opportunities for mine victims to receive vocational training or to access employment and other income generation activities.

The economic status of mine victims depends largely upon the political stability and economic situation of the communities in which they live. However, enhancing opportunities for economic reintegration contributes to self-reliance of mine victims and community development.

The challenge for many States Parties will be to build and develop sustainable economic activities in mine-affected areas that would benefit not only those individuals directly impacted by mines and UXO but their communities. This is a profound challenge to overcome given that economic reintegration of landmine victims must be seen in the broader context of economic development.

Laws and public policies

Many mine-affected States Parties have legislation to protect the rights of persons with disabilities, and to provide social assistance. However, it remains a challenge for many of these States Parties to fully implement the provisions of the legislation, to provide pensions that are adequate to maintain a reasonable standard of living and to ensure accessibility to public and private infrastructure.

Progress has been made by many mine-affected States Parties in the development of plans of action to address the needs of mine victims, or more generally to improve rehabilitation services for all persons with disabilities. Moreover, some of these States Parties have integrated such plans into broader development or poverty reduction plans, such as Poverty Reduction Strategy Papers.

The challenge for those States Parties for which the responsibility to ensure the well-being of landmine victims is most pertinent will be to further develop and implement plans to address the needs and rights of mine victims, and more generally to improve rehabilitation and socio-economic reintegration services for all persons with disabilities.

The States Parties have recognized the importance and the benefits of the inclusion of landmine survivors in a substantive way in the work of the Convention, particularly within landmine survivors' home countries where decisions affecting their well-being

ultimately are taken. A challenge for the States Parties will be to ensure that efforts to ensure such substantive participation do not subside but rather are enhanced.

Responsibility

In addition to outlining the priority elements of *victim assistance*, the work of the States Parties has underscored that the ultimate responsibility for victim assistance rests with each State Party within which there are landmine survivors and other mine victims. This is logical given that it is the basic responsibility of each State to ensure the well-being of its citizens. The States Parties have been made aware of existing and widely accepted instruments and declarations which provide further guidance in fulfilling this responsibility.

All States Parties in a position to do so have a responsibility to support mine victims – regardless of the number of landmine victims within a particular State Party. In addition, the Standing Committee on Victim Assistance and Socio-Economic Reintegration has highlighted that this responsibility is most pertinent for – and hence the challenges faced in fulfilling it most profound in 23 States Parties² in which these States Parties themselves have indicated there likely are hundreds, thousands or tens-of-thousands of landmine survivors: Afghanistan, Albania, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Croatia, the Democratic Republic of the Congo, El Salvador, Eritrea, Guinea-Bissau, Mozambique, Nicaragua, Peru, Senegal, Serbia and Montenegro, Sudan, Tajikistan, Thailand, Uganda and Yemen.

While not forgetting the responsibilities to landmine victims wherever they may be, a greater emphasis must be placed on the fulfilment of the responsibilities to landmine victims by the above-mentioned States Parties and on providing assistance where necessary to these States.

Other essential matters

Cooperation and assistance

The Convention is clear that fulfilling obligations to destroy stockpiled anti-personnel mines and to clear mined areas is the responsibility of each individual State Party, just as ensuring the well-being of a country's citizens – including mine victims – is a national responsibility. Nevertheless, Article 6 emphasizes that cooperation and assistance are important elements available to those States Parties that may require support in fulfilling their obligations.

² With the ratification of the Convention by Ethiopia, this number should probably now read 24.

- It is possible to account for over US\$ 2.2 billion having been generated since the Convention was established in the context of efforts to assist States in pursuing the aims of the Convention.
- Almost 40 States Parties have been donors to mine action, along with several States not Parties as well as international organisations.
- Global funding levels have remained relatively constant for the past several years – a remarkable fact given that public awareness of the landmine problem was at its peak in 1997.
- Some States Parties that are not considered to be traditional donors also have made meaningful contributions in the context of efforts to assist others in implementing the Convention.

The 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.

Assistance in implementing the Convention is a collective matter. It is important that financial resources continue to be provided by States Parties in a position to do so. However, it is equally important that affected States Parties themselves take full ownership for this responsibility by making national resource commitments. Evidence suggests that this indeed is occurring. Of the mine-affected States Parties, a total of 24 have voluntarily reported a combined total of over US\$ 200 million having been dedicated to mine action from national sources since the Convention entered into force.

States Parties can advance measures to take full ownership over their responsibilities by integrating mine action in their national development plans. This is logical given that the presence or suspected presence of mined areas in most affected countries obstructs economic development and reconstruction and inhibits the repatriation of refugees and internally displaced persons. The development situation faced by each mine-affected State Party naturally is different and therefore each individual party itself must discern the place of mine action within overall development priorities, taking into consideration the need to meet its obligations under Article 5.

The presence or suspected presence of mined areas can exacerbate poverty and efforts to clear these mines can help reduce poverty. In response, some States Parties have incorporated into their Poverty Reduction Strategy Papers (PRSPs) efforts to clear

mined areas and to enhance the opportunities of persons with disabilities, thus demonstrating to others how this important basis for assistance from the World Bank and the International Monetary Fund can be used in the context of fulfilling Convention obligations.

The role of the World Bank and of regional development banks more generally has been highlighted as a potential source of funding for those States Parties requiring assistance. An ongoing challenge, however, rests in ensuring that mine-affected States Parties are made well aware of the availability of loans and grants in the context of fulfilling Convention obligations.

The United Nations system has played a leading role in assisting over 20 mine-affected States Parties in implementing the Convention and in supporting mine action in States not parties and in mine affected regions. The Organization of American States has been instrumental in supporting the implementation of the Convention in the Americas, supporting more than 10 States Parties in the Western Hemisphere and having established a political, financial and technical commitment to assist its member States in mine action.

In addition, the International Trust Fund for Demining and Mine Victims Assistance has served as an important funding channel in South Eastern Europe, NATO has filled a significant niche in supporting the destruction of stockpiled mines in Europe and Central Asia and the European Union has been one of the largest contributors to mine action, including stockpile destruction. Most recently, the Organization for Security and Cooperation in Europe has begun supporting the implementation of the Convention in Central Asia.

The ICRC has generated and applied almost US\$ 100 million since the Convention entered into force for the care and rehabilitation of landmine victims and to deliver mine risk education programmes. Other organizations, particularly member organizations of the International Campaign to Ban Landmines (ICBL), have also made important contributions in these areas, in addition to support provided by them for mine clearance and related efforts. Moreover, since the Convention was established the GICHD has become an important source of assistance.

A challenge facing all these actors is to ensure that they remain as committed to the aims of the Convention in the future as they have in the past. In particular, while great progress has been made in building national capacity, challenges remain in ensuring that national authorities acquire full ownership over efforts to implement the Convention. Efforts should be made to ensure the sustainability of support and, where relevant, to integrate mine action into relevant ongoing activities.

Cooperation and assistance in the context of fulfilling the Convention's aims is about more than simply money. Of equal importance is the matter of how well finite resources are spent and on what. It will be an increasing challenge for the States Parties to ensure greater cost-effectiveness in implementation, applying lessons such as those related to effective coordination and advancing national ownership.

Another challenge for States Parties in a position to do so will be 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. For their part, these mine-affected States Parties face the challenge of increasing their own national contributions to finish the effort while at the same time effectively communicating ongoing needs for external resources.

Providing for the care, rehabilitation and reintegration of landmine victims often requires that attention be given during the entire lifetime of these individuals. Addressing this challenge will not be easy for the States Parties in which there are large numbers of landmine victims. In many cases this challenge can only be overcome with the assistance of States Parties in a position to do so in contributing a necessary amount of resources and energy to victim assistance.

While assistance in destroying stockpiled mines is required by only a small number of States Parties, very few States Parties in a position to do so have provided such support. With some of the newest States Parties possessing larger numbers of mines awaiting destruction, collectively the States Parties must overcome the challenge of ensuring cooperation in this area of implementation.

Transparency and the exchange of information

In accordance with Article 7, paragraph 1, each State Party must provide an initial report in accordance with Article 7 to the depository "as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party." All have done so with the exception of the following 5 States Parties: Cape Verde, Equatorial Guinea, Guyana, Saint Lucia, and Sao Tome and Principe.

In accordance with Article 7, paragraph 2, each State Party must provide updated information to the depository annually, covering the last calendar year and reported not later than 30 April of each year. Each State Party obliged to provide such a report in 2004 has done so with the exception of 24 States Parties.

Most types of information contained in reports submitted in accordance with Article 7 have been referred to elsewhere in this review. Three areas not previously covered

include information related to mines retained or transferred for purposes described in Article 3, the conversion or decommissioning of anti-personnel mine production facilities, and, the technical characteristics of mines at one time produced or currently held by States Parties:

- 74 States Parties have reported anti-personnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine destruction techniques in accordance with Article 3.
- 22 States Parties have reported on the conversion or decommissioning of anti-personnel mine production facilities.
- 66 States Parties have provided technical characteristics of anti-personnel mines produced or currently held, giving information as may facilitate identification and clearance of anti-personnel mines.

In 2000 States Parties amended their transparency reporting format to provide them with an opportunity to report voluntarily on matters pertaining to compliance and implementation not covered by the formal reporting requirements contained in Article 7. The States Parties further recommended the use of this form to report on activities undertaken with respect to Article 6, in particular to report on assistance provided for the care and rehabilitation, and social and economic reintegration, of mine victims. Sixty-two (62) States Parties have made use of this voluntary means of reporting.

The Intersessional Work Programme, established in 1999, has complemented the official and legally-required exchange of information through Article 7. The Intersessional Work Programme has provided a forum both for mine-affected States Parties and those in the process of destroying stockpiled mines to share information on their problems, plans, progress and priorities for assistance, and for those in a position to do so to share information on the support that they can provide.

Since the Convention's entry into force, the States Parties at their annual Meetings of the States Parties and at meetings of the Standing Committee on the General Status and Operation of the Convention have shared information and exchanged views on the application of many of the Articles of the Convention:

- With respect to Article 1, States Parties have discussed paragraph 1, sub-paragraph c of the Article (i.e., that each State Party undertakes never to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention), - and how they understand its application when engaged in military operations with States not party to the Convention. In addition, States Parties have

discussed whether the transit of anti-personnel mines by a State not party to the Convention relates to this provision.

- With respect to Article 2, the States Parties have discussed whether the Convention's definition of an anti-personnel mine as "a 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" relates to mines that are fitted with sensitive fuses or sensitive anti-handling devices.
- With respect to Article 3, the States Parties have discussed what constitutes "the minimum number (of anti-personnel mines) absolutely necessary" which may be retained in accordance with Article 3 "for the development of and training in mine detection, mine clearance, or mine destruction techniques."

Non-governmental organizations have played an important role in the exchange of information related to the implementation of the Convention. In particular, the ICBL's *Landmine Monitor* initiative has provided the States Parties and others with a detailed independent information source on the actions of all States regarding the pursuit of the Convention's aims.

Important challenges in the period following the First Review Conference will be to ensure that the remaining States Parties that have not yet submitted an initial transparency report in accordance with Article 7, paragraph 1, do so as soon as possible and to ensure that the States Parties continue to comply with their annual reporting obligations.

Annual reporting by mine-affected States Parties will become increasingly important to confirm that Article 5 obligations have been fulfilled or to communicate, at the earliest possible stage, challenges that must be overcome in order to ensure that these obligations can be fulfilled. It will also be important for States Parties to ensure the vibrancy not only of Meetings of the States Parties but also of informal means to share information and non-legally-binding ways to be transparent.

Preventing and suppressing prohibited activities, and facilitating compliance

States Parties are individually and collectively responsible for ensuring compliance with the Convention.

The primary responsibility for ensuring compliance with the Convention rests with each individual State Party establishing and applying, as necessary, all appropriate legal, administrative and other measures outlined in Article 9:

- 37 States Parties have reported that they have adopted legislation in the context of Article 9 obligations: Australia, Austria, Belgium, Belize, Brazil, Burkina Faso, Cambodia, Canada, Colombia, Costa Rica, the Czech Republic, France, Germany, Guatemala, Honduras, Hungary, Iceland, Italy, Japan, Liechtenstein, Luxembourg, Malaysia, Mali, Malta, Monaco, Mauritius, New Zealand, Nicaragua, Norway, South Africa, Spain, Sweden, Switzerland, Trinidad & Tobago, the United Kingdom of Great Britain and Northern Ireland, Zambia and Zimbabwe.
- 18 States Parties have reported that they consider existing laws to be sufficient to give effect to the Convention: Bulgaria, Croatia, Denmark, Guinea-Bissau, the Holy See, Ireland, Lesotho, Mexico, the Netherlands, Portugal, Romania, Samoa, Slovakia, Slovenia, Tajikistan, The Former Yugoslav Republic of Macedonia, the United Republic of Tanzania and Tunisia.
- 32 States Parties have reported that they are in the process of adopting legislation to implement the Convention: Albania, Argentina, Bangladesh, Benin, Bosnia and Herzegovina, Botswana, Cameroon, Chad, the Congo, Chile, the Democratic Republic of the Congo, Djibouti, El Salvador, Jamaica, Kenya, Malawi, Mauritania, Mozambique, the Niger, Panama, Paraguay, Peru, Philippines, Senegal, Serbia and Montenegro, Seychelles, Suriname, Swaziland, Thailand, Togo, Uganda, and Yemen.
- 57 States Parties have not yet reported that they have taken any legislative measures in accordance with Article 9.

The challenge for the period 2005 to 2009 is for all States Parties that have not yet done so to ensure that they have in place the legislative measures required by Article 9 and to report on such measures in accordance with Article 7.

In addition to reporting legal measures, some States Parties have reported other measures mentioned in Article 9 to prevent and suppress prohibited activities, including the systematic dissemination of information regarding the Convention's prohibitions to their armed forces, the development of armed forces training bulletins, the distribution of the text of the Convention in military academies and directives issued to police forces. It will be an ongoing challenge for most States Parties to ensure that such measures to prevent and suppress prohibited activities are taken and reported upon.

Article 8 provides the States Parties with a variety of means to facilitate and clarify questions related to compliance. During the period covered by this review, one State Party, Canada, has facilitated an informal dialogue on these means. Outcomes of this dialogue included the generally accepted sense that compliance with the provisions of the Convention must be seen in the context of cooperation to facilitate implementation.

Moreover, the States Parties, in recognizing the need to secure full compliance with all obligations of the Convention, have affirmed their commitment to effectively implement the Convention and to comply fully with its provisions. They have made this affirmation in the spirit of cooperation and collaboration that has characterized the Ottawa process. In this regard, States Parties have acknowledged their responsibility to seek clarification of these concerns in this cooperative spirit in the event of serious concerns of non-compliance with any of the obligations of the Convention.

No State Party has submitted a request for clarification 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. This fact, combined with the overall exceptional level of compliance with the Convention, underscores the States Parties' commitment to the aims of the Convention and is a testament to their agreement, as stated in Article 8, paragraph 1, "to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention."

Since the Convention entered into force, the following States Parties have provided the names of qualified experts designated for fact finding missions authorized in accordance with Article 8, paragraph 8: Bulgaria, Croatia, Fiji, France, Germany, Hungary, Slovenia, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia and Thailand.

One State Party, Colombia, has indicated that it faces the challenge of armed non-state actors carrying out prohibited activities on its sovereign territory. Such actors are required to comply with the Convention in that their activities are subject to the jurisdiction of the State in question and 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.

Implementation Support

As noted, the States Parties in 1999 established the **Intersessional Work Programme** "to ensure the systematic, effective implementation of the Convention through a more regularized programme of work." Originally five "Standing Committees of Experts" were established. At subsequent Meetings of the States Parties enhancements were made to this committee structure. In addition, at each of the Meetings of the States Parties, Co-Chairs and Co-Rapporteurs of the Standing Committees have been elected, with the practice being that one year's Co-Rapporteurs are elected as the subsequent year's Co-Chairs.

The States Parties have recognized the value and importance of the **Coordinating Committee**, established in 2000, in the effective functioning and implementation of the Convention. In fulfilling its mandate, the Coordinating Committee has been practical-minded and has applied the principle of flexibility.

The States Parties have noted the work undertaken by these interested States Parties through the establishment of the **Sponsorship Programme** in 2000, which has ensured widespread representation at meetings of the Convention. In addition, the States Parties have expressed their appreciation to the GICHD for efficiently administering the Sponsorship Programme and at no additional cost to the programme's donors.

The States Parties have expressed their appreciation for the manner in which the **Implementation Support Unit** (ISU), established as part of the GICHD pursuant to a mandate agreed to in 2001, is making a positive contribution in support of the States Parties' efforts to implement the Convention. The ISU has met the States Parties' expectations in supporting the Convention's Presidents, the Coordinating Committee, Standing Committees, the Sponsorship Programme, in its work related to communications and liaison, and, budgeting and planning, and through the establishment of the Convention's documentation centre. Many States Parties have provided on a voluntary basis the necessary financial resources for the operation of the ISU.

Table 1: States that have ratified or acceded to the Convention

Afghanistan	Botswana	Cyprus
Albania	Brazil	Czech Republic
Algeria	Bulgaria	Democratic Republic of the Congo
Andorra	Burkina Faso	Denmark
Angola	Burundi	Djibouti
Antigua and Barbuda	Cambodia	Dominica
Argentina	Cameroon	Dominican Republic
Australia	Canada	Ecuador
Austria	Cape Verde	El Salvador
Bahamas	Central African Republic	Equatorial Guinea
Bangladesh	Chad	Eritrea
Barbados	Chile	Estonia
Belarus	Colombia	Ethiopia
Belgium	Comoros	Fiji
Belize	Congo (Brazzaville)	France
Benin	Costa Rica	Gabon
Bolivia	Côte d' Ivoire	Gambia
Bosnia and Herzegovina	Croatia	Germany

Ghana	Nigeria	United Kingdom
Greece	Niue	Uruguay
Grenada	Norway	Venezuela
Guatemala	Panama	Yemen
Guinea	Papua New Guinea	Zambia
Guinea Bissau	Paraguay	Zimbabwe
Guyana	Peru	
Holy See	Philippines	
Honduras	Portugal	
Hungary	Qatar	
Iceland	Romania	
Ireland	Rwanda	
Italy	Saint Kitts and Nevis	
Jamaica	Saint Lucia	
Japan	Saint Vincent and the Grenadines	
Jordan	Samoa	
Kenya	San Marino	
Kiribati	Sao Tome and Principe	
Lesotho	Senegal	
Liberia	Serbia and Montenegro	
Liechtenstein	Seychelles	
Lithuania	Sierra Leone	
Luxembourg	Slovakia	
Macedonia, FYR of	Slovenia	
Madagascar	Solomon Islands	
Malawi	South Africa	
Malaysia	Spain	
Maldives	Sudan	
Mali	Suriname	
Malta	Swaziland	
Mauritania	Sweden	
Mauritius	Switzerland	
Mexico	Tajikistan	
Moldova, Republic of	Tanzania	
Monaco	Thailand	
Mozambique	Timor-Leste	
Namibia	Togo	
Nauru	Trinidad and Tobago	
Netherlands	Tunisia	
New Zealand	Turkey	
Nicaragua	Turkmenistan	
Niger	Uganda	

Table 2 : Deadlines for the destruction of stockpiled anti-personnel mines

	2005												2006											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S			
Afghanistan																								
Algeria																								
Angola																								
Bangladesh																								
Belarus																								
Burundi																								
Cyprus																								
Dem. Rep. of the Congo																								
Ethiopia																								
Greece																								
Guinea-Bissau																								
Guyana																								
Serbia and Montenegro																								
Sudan																								
Turkey																								
Uruguay																								

Towards a Mine-Free World: The 2004 Nairobi Declaration

Seven years ago today, representatives of states – joined by international organizations and civil society – gathered in Ottawa to sign the Convention banning anti-personnel mines. In its short history the Convention has become the framework to pursue a conclusive end to the suffering caused by those mines. Today, we, the high representatives of States Parties to the Convention again have gathered in the presence of the global public conscience here at the Nairobi Summit on a Mine-Free World. We do so to mark our accomplishments, to take stock of our remaining challenges and to recommit ourselves to ending the scourge of anti-personnel mines.

We celebrate the tremendous advances made towards our common goal of forever ending the suffering caused by anti-personnel mines:

One-hundred-forty-four states have joined this endeavour and have established a powerful international norm that is recognized, in words and actions, well beyond the Convention's membership. Whereas anti-personnel mines were until recently in widespread use, their production has decreased dramatically, trade in this weapon has virtually ceased and their deployment is now rare. The number of new victims has fallen significantly and more of those who have survived are receiving assistance. Major strides have been made in clearing mined areas. And together we have destroyed more than 37 million stockpiled mines. These achievements have been fuelled by a unique spirit of cooperation between states, international organizations and civil society – a partnership that has become an example and inspiration for addressing other humanitarian, development and disarmament challenges.

While great progress has been made, we are prepared to address the remaining challenges:

We remain gravely troubled that anti-personnel mines continue to kill or maim, adding new victims to the hundreds of thousands of landmine survivors requiring life-long care. The presence of mines still blocks the return of displaced persons, hinders the achievement of the UN Millennium Development Goals that we have pledged to meet, and impedes states and peoples from building confidence between one another. Much more is required to ensure that mined areas are cleared by the Convention's deadlines, that mine victims receive the needed care, and that all other promises of this Convention are fulfilled. And we call upon those states that have not joined our efforts, and in particular those that possess vast stocks of anti-personnel mines or continue to use this insidious weapon, to adhere to the Convention without delay.

We renew our unwavering commitment to achieving the goal of a world free of anti-personnel mines, in which there will be zero new victims:

We will strengthen our efforts to clear mined areas and destroy stockpiled anti-personnel mines in accordance with our time-bound obligations. We will assist mine victims and we will vigorously promote the universal acceptance of the Convention. Together as representatives of both mine-affected states and those spared this scourge, we pledge to work in partnership, fulfilling our shared responsibility to provide the required human, technical and financial resources. We will condemn any use of anti-personnel mines by any actor. And we shall persevere until this unique Convention has been universally applied and its aims fully achieved.



President Mwai Kibaki of Kenya was the first of dozens of high level representatives to sign a copy of the *Nairobi Declaration* in December 2004 at the Nairobi Summit.

Ending the Suffering caused by Anti-Personnel Mines: Nairobi Action Plan 2005-2009

Introduction

Having reaffirmed their unqualified commitment to the full and effective promotion and implementation of the Convention, the States Parties are determined, in full cooperation with all concerned partners:

- (i) to secure the achievements to date;
- (ii) to sustain and strengthen the effectiveness of their cooperation under the Convention; and
- (iii) to spare no effort to meet our challenges ahead in universalizing the Convention, destroying stockpiled anti-personnel mines, clearing mined areas and assisting victims. To these ends they will over the next five years pursue a plan of action guided by the strategies set out below. In so doing, they intend to achieve major progress towards ending, for all people and for all time, the suffering caused by anti-personnel mines.

I. Universalizing the Convention

Committed by the Convention “to work strenuously towards the promotion of its universalization in all relevant fora,” the States Parties have made this a core task of their collective endeavours these past five years. In that short time, almost 75 per cent of the world’s States have joined, proving their commitment and capacity to fulfil national security responsibilities without anti-personnel mines, establishing a global framework for effective mine action assistance and cooperation, and demonstrating the significant benefits of joining this common effort. But the only guarantee that the significant disarmament and humanitarian advances to date will endure, and that a world free of anti-personnel mines will be ultimately realized, will lie in the achievement of universal adherence to the Convention and implementation of its comprehensive ban. Consequently, for the period 2005 to 2009, universal adherence will remain an important object of cooperation among States Parties. To this end:

All States Parties will:

Action #1: Call on those States that have not yet done so, to accede to the Convention as soon as possible.

Action #2: Persistently encourage those signatories of the Convention that have not yet done so to ratify it as soon as possible.

Action #3: Attach priority to effectively addressing universalization challenges presented by States not parties, and in particular those that continue to use, produce, or possess large stockpiles of anti-personnel mines, or otherwise warrant special concern for humanitarian reasons, or by virtue of their military or political attention or other reason.

Action #4: Accord particular importance to promoting adherence in regions where the level of acceptance of the Convention remains low, strengthening universalization efforts in the Middle East and Asia, and amongst the members of the Commonwealth of Independent States, with States Parties within these regions playing a key role in such efforts.

Action #5: Seize every appropriate opportunity to promote adherence to the Convention in bilateral contacts, military-to-military dialogue, peace processes, national parliaments, and the media, including by encouraging States not parties to abide by its provisions pending their adherence to the Convention.

Action #6: Actively promote adherence to the Convention in all relevant multi-lateral fora, including the UN Security Council, UN General Assembly, assemblies of regional organizations and relevant disarmament bodies.

Action #7: Continue 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.

Action #8: Encourage and support involvement and active cooperation in these universalization efforts by all relevant partners, including the United Nations and the UN Secretary General, other international institutions and regional organizations, the International Committee of the Red Cross (ICRC), the International Campaign to Ban Landmines (ICBL) and other non-governmental organizations, parliamentarians and interested citizens.

II. Destroying Stockpiled Anti-personnel mines

Article 4 of the Convention requires all States Parties to destroy stockpiled anti-personnel mines as soon as possible, but not later than four years after assuming their Convention obligations. With more than 37 million mines destroyed and the destruction process completed for all whose deadline has passed, the Convention's record of compliance to date has been impressive. **The States Parties are resolved to sustain such progress in meeting the Convention's humanitarian aims and disarmament goal during the**

2005-2009 period, ensuring the expeditious and timely destruction of all stockpiled anti-personnel mines under their or jurisdiction or control. To this end:

The 16 State Parties yet to complete their destruction programmes will:

Action #9: Establish the type, quantity and, if possible, lot numbers of all stockpiled anti-personnel mines owned or possessed, and report this information as required by Article 7.

Action #10: Establish appropriate national and local capacities to meet their Article 4 obligations.

Action #11: Strive to complete their destruction programmes if possible in advance of their four-year deadlines.

Action #12: Make their problems, plans progress and priorities for assistance known in a timely manner to States Parties and relevant organisations and disclose their own contributions to their programmes in situations where financial, technical or other assistance is required to meet stockpile destruction obligations.

States Parties in a position to do so will:

Action #13: 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.

Action #14: Support the investigation and further development of technical solutions to overcome the particular challenges associated with **destroying PFM mines.**

All States Parties will:

Action #15: 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 other informal means to share such information and destroy these mines as a matter of urgent priority.

Action #16: Enhance or develop effective responses, including regional and sub regional responses, to meet requirements for technical, material and financial assistance for stockpile destruction and invite the cooperation of relevant regional and technical organizations in this regard.

III. Clearing Mined Areas

Article 5 of the Convention requires each State Party to ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control as soon as possible but not later than 10 years after the entry into force of the Convention for that State Party. 2004 is the midpoint between the Convention's entry into force and the first mine-clearance deadlines. **Successfully meeting these deadlines will be the most significant challenge to be addressed in the coming five years and will require intensive efforts by mine-affected States Parties and those in a position to assist them.** The speed and manner with which it is pursued will have crucial implications for human security - the safety and well-being of affected individuals and communities.

The States Parties will therefore:

Action #17: Intensify and accelerate efforts to ensure the most effective and most expeditious possible fulfilment of Article 5 (1) mine clearance obligations in the period 2005-2009.

The 49 States Parties that have reported mined areas under their jurisdiction or control, where they have not yet done so, will do their utmost to:

Action #18: Urgently identify all areas under their jurisdiction or control in which anti-personnel mines are known or are suspected to be emplaced, as required by Article 5 (2) and report this information as required by Article 7.

Action #19: Urgently develop and implement national plans, using a process that involves, where relevant, local actors and mine-affected communities, emphasizing the clearance of high and medium impact areas as a matter of priority, and ensuring that task selection, prioritisation and planning of mine clearance where relevant are undertaken in mine-affected communities.

Action #20: Significantly reduce risks to populations and hence reduce the number of new mine victims, hence leading us closer to the aim of zero new victims, including by prioritising clearance of areas with highest human impact, providing mine risk education and by increasing efforts to perimeter-mark, monitor and protect mined areas awaiting clearance in order to ensure the effective exclusion by civilians, as required by Article 5 (2).

Action #21: Ensure that mine risk education programmes are made available in all communities at risk to prevent mine incidents and save lives, promote mutual

understanding and reconciliation, and improve mine action planning, integrating such programmes into education systems and broader relief and development activities, taking into consideration age, gender, social, economic, political and geographical factors, and ensuring consistency with relevant International Mine Action Standards, as well as national mine action standards.

Action #22: Make their problems, plans, progress and priorities for assistance known to other States Parties, the United Nations, regional organizations, the ICRC and specialized non-governmental organisations, the Implementation Support Unit at the Geneva International Centre for Humanitarian Demining (GICHD) and other organizations, while specifying what resources they themselves have contributed to fulfil their Article 5 obligations.

States Parties in a position to do so will:

Action #23: Act upon their obligations under Article 6 (3) and 6 (4) to promptly assist States Parties with clearly demonstrated needs for external support for mine clearance and mine risk education, responding to the priorities for assistance as articulated by the mine-affected States Parties themselves and ensuring the continuity and sustainability of resource commitments.

All States Parties will:

Action #24: Ensure and increase the effectiveness and efficiency of their efforts in all of the above-mentioned areas, involving all relevant actors in mine action coordination, ensuring that coordination exists at the local level and involves mine clearance operators and affected communities, making the best possible use of and adapting to national circumstances information management tools, such as the Information Management System for Mine Action, and using the International Mine Action Standards as a frame of reference to establish national standards and operational procedures in order to be of benefit to national authorities in meeting their obligations under Article 5.

Action #25: Strengthen efforts to enable mine-affected States Parties to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of the Convention, in accordance with Article 6 (2) and to further close the gap between end users of technology and those developing it.

Action #26: Share information on – and further develop and advance – mine clearance techniques, technologies and procedures, and, while work proceeds on

developing new technologies, seek to ensure an adequate supply and most efficient use of existing technologies, particularly mechanical clearance assets and biosensors, including mine detection dogs.

Action #27: Strive to ensure that few, if any, States Parties will feel compelled to request an extension in accordance with the procedure set out in Article 5, paragraphs 3-6 of the Convention.

Action #28: Monitor and actively promote the achievement of mine clearance goals and the identification of assistance needs, continuing to make full use of Article 7 reporting, Meetings of the States Parties, the Intersessional Work Programme and regional meetings as fora for mine-affected States Parties to present their problems, plans, progress and priorities for assistance.

IV. Assisting the Victims

Article 6 (3) of the Convention calls for States Parties to provide assistance for the care rehabilitation and reintegration of mine victims. This constitutes a vital promise for hundreds of thousands of mine victims around the world, as well as for their families and communities. Keeping this promise is a crucial responsibility of all States Parties, though first and foremost of those whose citizens suffer the tragedy of mine incidents. This is especially the case for those 23 States Parties where there are vast numbers of victims. These States Parties have the greatest responsibility to act, but also the greatest needs and expectations for assistance. Recognizing the obligation of all States Parties to assist mine victims and the crucial role played by international and regional organisations, the ICRC, non-governmental and other organisations, **the States Parties will enhance the care, rehabilitation and reintegration efforts during the period 2005-2009 by undertaking the following actions:**

States Parties, particularly those 23 with the greatest numbers of mine victims, will do their utmost to:

Action #29: Establish and enhance health-care services needed to respond to immediate and ongoing medical needs of mine victims, increasing the number of healthcare workers and other service providers in mine-affected areas trained for emergency response to landmine and other traumatic injuries, ensuring an adequate number of trained trauma surgeons and nurses to meet the need, improving health-care infrastructure and ensuring that facilities have the equipment, supplies and medicines necessary to meet basic standards.

Action #30: Increase national physical rehabilitation capacity to ensure effective provision of physical rehabilitation services that are preconditions to full recovery and reintegration of mine victims by: developing and pursuing the goals of a multi-sector rehabilitation plan; providing access to services in mine-affected communities; increasing the number of trained rehabilitation specialists most needed by mine victims and victims of other traumatic injuries engaging all relevant actors to ensure effective coordination in advancing the quality of care and increasing the numbers of individuals assisted; and, further encouraging specialized organizations to continue to develop guidelines for the implementation of prosthetics and orthopaedic programmes.

Action #31: Develop capacities to meet the psychological and social support needs of mine victims, sharing best practices with a view to achieving high standards of treatment and support on a par with those for physical rehabilitation, and engaging and empowering all relevant actors – including mine victims and their families and communities.

Action #32: 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 increases of economically reintegrated mine victims.

Action #33: Ensure that national legal and policy frameworks effectively address the needs and fundamental human rights of mine victims, establishing as soon as possible, such legislation and policies and assuring effective rehabilitation and socio-economic reintegration services for all persons with disabilities.

Action #34: Develop or enhance national mine victim data collection capacities to ensure better understanding of the breadth of the victim assistance challenge they face and progress in overcoming it, seeking as soon as possible to integrate such capacities into existing health information systems and ensuring full access to information to support the needs of programme planners and resource mobilisation.

Action #35: Ensure that, in all victim assistance efforts, emphasis is given to age and gender considerations and to mine victims who are subject to multiple forms of discrimination in all victim assistance efforts.

States Parties in a position to do so will:

Action #36: Act upon their obligation under Article 6 (3) to promptly assist those States Parties with clearly demonstrated needs for external support for 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.

All States Parties, working together in the framework of the Convention's Intersessional Work Programme, relevant regional meetings and national contexts will:

Action #37: 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 and encouraging States Parties in a position to do so to report through existing data collection systems on how they are responding to such needs.

Action #38: Ensure effective integration of mine victims in the work of the Convention, inter alia, by encouraging States Parties and organizations to include victims on their delegations.

Action #39: Ensure an effective contribution in all relevant deliberations by health, rehabilitation and social services professionals and officials inter alia by encouraging States Parties — particularly those with the greatest number of mine victims — and relevant organizations to include such individuals on their delegations.

V. Other matters essential for achieving the Convention's aims

A. Cooperation and Assistance

While individual States Parties are responsible for implementing the Convention's obligations in areas within their jurisdiction or control, its cooperation and assistance provisions afford the essential framework within which those responsibilities can be fulfilled and shared goals can be advanced. In this context between 1997 and 2004, more than US\$2.2 billion was generated for activities consistent with the Convention's aims. **The States Parties recognize that fulfilling their obligations during the period 2005-2009 and effectively pursuing the actions and strategies set out herein will require substantial political, financial and material commitments.** To this end:

The States Parties that have reported mined areas under their jurisdiction or control and those with the greatest numbers of mine victims will:

Action #40: 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, thus reinforcing national commitment and increasing ownership in fulfilling Convention obligations.

Action #41: Ensure that the activities of the UN, national and international non-governmental organizations and other actors, where relevant, **are incorporated into national mine action planning frameworks and are consistent with national priorities.**

Action #42: Call on relevant actors for cooperation to improve national and international policies and development strategies, enhance effectiveness in mine action, reduce the need to rely on international personnel and ensure that assistance in mine action is based on adequate surveys, needs analysis and cost effective approaches.

Action #43: Promote technical cooperation, information exchange and other mutual assistance to take advantage of the rich resource of knowledge and expertise acquired in the course of fulfilling their obligations.

States Parties in a position to do so will:

Action #44: Fulfil their obligations under Article 6 by promptly responding to calls for support from those States Parties in need and with a particular view to the first mine clearance deadlines occurring in 2009.

Action #45: Ensure the sustainability of their commitments through means such as integrating as appropriate mine action into broader humanitarian and / or development assistance programmes, providing where possible multi-year funding to facilitate long-term planning of mine action and victim assistance programmes, paying particular attention to the specific needs and circumstances of the least developed States Parties, and ensuring that mine action remains a high priority.

Action #46: 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.

All States Parties will:

Action #47: Encourage the international development community – including national development cooperation agencies where possible and as appropriate – to play a significantly expanded role in mine action, recognising that mine action for many

States Parties is fundamental to the advancement of the UN Millennium Development Goals.

Action #48: 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 and for the World Bank and regional development banks and financial institutions to make States Parties aware of opportunities for loans and grants.

Action #49: Develop and strengthen means to enhance cooperation at the regional level to implement the Convention and to effectively use and share resources, technology and expertise, engage the cooperation of regional organizations, and promote synergies between different regions.

Action #50: Pursue efforts to identify new and non-traditional sources of support, be they technical, material or financial, for activities to implement the Convention.

B. Transparency and Exchange of Information

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. These qualities and arrangements have in turn constituted an essential part of the foundation on which the Convention's significant disarmament and humanitarian gains have been achieved. **The States Parties recognize that transparency and effective information exchange will be equally crucial to fulfilling their obligations during the period 2005-2009 and to effectively pursuing the actions and strategies set out herein.** To this end:

All States Parties will:

Action #51: Urge the 5 States Parties that have not yet done so to fulfil their obligation to provide initial transparency reports under Article 7 without further delay, and request that the UN Secretary-General, as the recipient of these reports, call upon these States Parties to provide their reports.

Action #52: Fulfil their obligations to annually update Article 7 transparency reports and maximise reporting as a tool to assist in implementation, particularly in cases where States Parties must still destroy stockpiled mines, clear mined areas, assist mine victims or take legal or other measures referred to in Article 9.

Action #53: Take full advantage of the flexibility of the Article 7 reporting process, including through the reporting format's «Form J» to provide information on matters not specifically required but which may assist in the implementation process and in resource mobilization, such as information on mine victim assistance efforts and needs.

Action #54: 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.

Action #55: Exchange views and share their 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.

Action #56: Continue to encourage the invaluable contribution to the work of the Convention by the ICBL, the ICRC, the United Nations, the GICHD, and regional and other organizations.

Action #57: Encourage States not parties, particularly those that have professed support for the object and purpose of the Convention, to provide voluntary transparency reports and to participate in the work of the Convention.

Action #58: Encourage individual States Parties, regional or other organizations to arrange on a voluntary basis regional and thematic conferences and workshops to advance the implementation of the Convention.

C. Preventing and Suppressing Prohibited Activities, and Facilitating Compliance

Primary responsibility for ensuring compliance with the Convention rests with each State Party and Article 9 of the Convention accordingly requires each party to take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress prohibited activities by persons or on territory under its jurisdiction and control. In addition, the States Parties are aware that the Convention contains a variety of collective means to facilitate and clarify questions related to compliance in accordance with Article 8. During the period 2005-2009, **the States Parties will continue to be guided by the knowledge that individually and**

collectively they are responsible for ensuring compliance with the Convention. To this end:

States Parties that have not yet done so will:

Action #59: Develop and adopt legislative, administrative and other measures in accordance with Article 9 as soon as possible to fulfil their obligations under this Article thereby contributing to full compliance with the Convention report annually on progress as required by Article 7.

Action #60: Make their needs known to the ICRC or other relevant actors in instances when assistance is required to develop implementing legislation.

Action #61: Integrate the Convention's prohibitions and requirements into their military doctrine as soon as possible.

States Parties that have applied their legislation, through the prosecution and punishment of individuals engaged in activities prohibited by the Convention, will:

Action #62: Share information on the application of implementing legislation through means such as Article 7 reports and the Intersessional Work Programme.

All States Parties will:

Action #63: In instances when serious concerns about non-compliance cannot be resolved through measures adopted pursuant to Article 9, **seek clarification in a cooperative spirit in accordance with Article 8**, and call upon the UN Secretary-General to undertake the tasks foreseen in Article 8 as required.

Action #64: In instances when armed non-state actors are operating in areas under States Parties' jurisdiction or control, **make it clear that armed non-state actors are required to comply with the provisions of the Convention** and that they will be called to account for violations of the Convention in accordance with measures taken under Article 9.

D. Implementation Support

The effective functioning and full implementation of the Convention has been enhanced through the structures and mechanisms that exist in the Convention, that have been established pursuant to the decisions of the States Parties or that have emerged on an informal basis. **The States Parties' implementation mechanisms will**

remain important during the period 2005-2009, particularly as key means to implement the Nairobi Action Plan, and in this regard the States Parties are committed to supporting them. To this end:

All States Parties will:

Action #65: Support the efforts of the Coordinating Committee to ensure effective and transparent preparation of meetings.

Action #66: Continue to make use of the valuable support provided for by the GICHD in hosting the meetings of the Standing Committees, through the Implementation Support Unit, and by administering the Sponsorship Programme.

Action #67: Continue to provide on a voluntary basis, in accordance with their agreement with the GICHD, **the necessary financial resources for the operation of the Implementation Support Unit.**

Action #68: Continue to reaffirm the valuable role of the United Nations for providing support to Meetings of the States Parties.

Action #69: Continue to utilize informal mechanisms such as the Contact Groups, which have emerged to meet specific needs.

States Parties in a position to do so will:

Action #70: On a voluntary basis contribute to the Sponsorship Programme thereby permitting widespread representation at meetings of the Convention, particularly by mine-affected developing States Parties, with the latter maximising this important investment by actively participating and sharing information on their problems, plans, progress and priorities for assistance.

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

Preamble

The States Parties,

Determined to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

Believing it necessary to do their utmost to contribute in an efficient and coordinated manner to face the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction,

Wishing to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims,

Recognizing that a total ban of anti-personnel mines would also be an important confidence-building measure,

Welcoming the adoption of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and calling for the early ratification of this Protocol by all States which have not yet done so,

Welcoming also United Nations General Assembly Resolution 51/45 S of 10 December 1996 urging all States to pursue vigorously an effective, legally-binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines,

Welcoming furthermore the measures taken over the past years, both unilaterally and multilaterally, aiming at prohibiting, restricting or suspending the use, stockpiling, production and transfer of anti-personnel mines,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban of anti-personnel mines and recognizing the efforts to that end undertaken by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines and numerous other nongovernmental organizations around the world,

Recalling the Ottawa Declaration of 5 October 1996 and the Brussels Declaration of 27 June 1997 urging the international community to negotiate an international and legally binding agreement prohibiting the use, stockpiling, production and transfer of anti-personnel mines,

Emphasizing the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalization in all relevant fora including, inter alia, the United Nations, the Conference on Disarmament, regional organizations, and groupings, and review conferences of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

Basing themselves on the principle of international humanitarian law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, on the principle that prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering and on the principle that a distinction must be made between civilians and combatants,

Have agreed as follows:

Article 1 - General obligations

1. Each State Party undertakes never under any circumstances:

- a) To use anti-personnel mines;
- b) To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
- c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

Article 2 - Definitions

1. «Anti-personnel mine» means a 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. Mines designed to be detonated by the presence, proximity or contact of a Vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.
2. «Mine» means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.
3. «Anti-handling device» means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine.
4. «Transfer» involves, in addition to the physical movement of anti-personnel mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced anti-personnel mines.
5. «Mined area» means an area which is dangerous due to the presence or suspected presence of mines.

Article 3 - Exceptions

1. Notwithstanding the general obligations under Article 1, the retention or transfer of a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques is permitted. The amount of such mines shall not exceed the minimum number absolutely necessary for the above-mentioned purposes.
2. The transfer of anti-personnel mines for the purpose of destruction is permitted.

Article 4 - Destruction of stockpiled anti-personnel mines

Except as provided for in Article 3, 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.

Article 5 - Destruction of anti-personnel mines in mined areas

1. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.

2. Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced and shall ensure as soon as possible that all anti-personnel mines in mined areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed. The marking shall at least be to the standards set out in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

3. If a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines referred to in paragraph 1 within that time period, it may submit a request to a Meeting of the States Parties or a Review Conference for an extension of the deadline for completing the destruction of such anti-personnel mines, for a period of up to ten years.

4. Each request shall contain:

- a) The duration of the proposed extension;
- b) A detailed explanation of the reasons for the proposed extension, including:
 - (i) The preparation and status of work conducted under national demining programs;
 - (ii) The financial and technical means available to the State Party for the destruction of all the anti-personnel mines; and
 - (iii) Circumstances which impede the ability of the State Party to destroy all the anti-personnel mines in mined areas;
- c) The humanitarian, social, economic, and environmental implications of the extension; and
- d) Any other information relevant to the request for the proposed extension.

5. The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.

6. Such an extension may be renewed upon the submission of a new request in accordance with paragraphs 3, 4 and 5 of this Article. In requesting a further extension period a State Party shall submit relevant additional information on what has been undertaken in the previous extension period pursuant to this Article.

Article 6 - International cooperation and assistance

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.

2. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.

3. 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 and for mine awareness programs. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.

4. Each State Party in a position to do so shall provide assistance for mine clearance and related activities. Such assistance may be provided, inter alia, through the United Nations system, international or regional organizations or institutions, non governmental organizations or institutions, or on a bilateral basis, or by contributing to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, or other regional funds that deal with demining.

5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled anti-personnel mines.

6. Each State Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.

7. States Parties may request the United Nations, regional organizations, other States Parties or other competent intergovernmental or non-governmental fora to assist its authorities in the elaboration of a national demining program to determine, inter alia:

- a) The extent and scope of the anti-personnel mine problem;
- b) The financial, technological and human resources that are required for the implementation of the program;
- c) The estimated number of years necessary to destroy all anti-personnel mines in mined areas under the jurisdiction or control of the concerned State Party;
- d) Mine awareness activities to reduce the incidence of mine-related injuries or deaths;
- e) Assistance to mine victims;
- f) The relationship between the Government of the concerned State Party and the relevant governmental, inter-governmental or non-governmental entities that will work in the implementation of the program.

8. 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.

Article 7 - Transparency measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party on:

- a) The national implementation measures referred to in Article 9;
- b) The total of all stockpiled anti-personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
- c) To the extent possible, the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of anti-personnel mine in each mined area and when they were emplaced;
- d) The types, quantities and, if possible, lot numbers of all anti-personnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine destruction techniques, or transferred for the purpose of destruction, as well as the institutions authorized by a State Party to retain or transfer anti-personnel mines, in accordance with Article 3;
- e) The status of programs for the conversion or de-commissioning of anti-personnel mine production facilities;
- f) The status of programs for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
- g) The types and quantities of all anti-personnel mines destroyed after the entry into

force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each type of anti-personnel mine in the case of destruction in accordance with Article 4;

b) The technical characteristics of each type of anti-personnel mine produced, to the extent known, and those currently owned or possessed by a State Party, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of anti-personnel mines; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information which may facilitate mine clearance; and

j) 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.

2. The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.

3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

Article 8 - Facilitation and clarification of compliance

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention, and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.

2. If one or more States Parties wish to clarify and seek to resolve questions relating to compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information which would assist in clarifying this matter.

3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of the States Parties. The Secretary-General of the United Nations shall transmit the submission, accompa-

nied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.

4. Pending the convening of any meeting of the States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.

5. The requesting State Party may propose through the Secretary-General of the United Nations the convening of a Special Meeting of the States Parties to consider the matter. The Secretary-General of the United Nations shall thereupon communicate this proposal and all information submitted by the States Parties concerned, to all States Parties with a request that they indicate whether they favour a Special Meeting of the States Parties, for the purpose of considering the matter. In the event that within 14 days from the date of such communication, at least one-third of the States Parties favours such a Special Meeting, the Secretary-General of the United Nations shall convene this Special Meeting of the States Parties within a further 14 days. A quorum for this Meeting shall consist of a majority of States Parties.

6. The Meeting of the States Parties or the Special Meeting of the States Parties, as the case may be, shall first determine whether to consider the matter further, taking into account all information submitted by the States Parties concerned. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach a decision by consensus. If despite all efforts to that end no agreement has been reached, it shall take this decision by a majority of States Parties present and voting.

7. All States Parties shall cooperate fully with the Meeting of the States Parties or the Special Meeting of the States Parties in the fulfilment of its review of the matter, including any fact-finding missions that are authorized in accordance with paragraph 8.

8. If further clarification is required, the Meeting of the States Parties or the Special Meeting of the States Parties shall authorize a fact-finding mission and decide on its mandate by a majority of States Parties present and voting. At any time the requested State Party may invite a fact-finding mission to its territory. Such a mission shall take place without a decision by a Meeting of the States Parties or a Special Meeting of the States Parties to authorize such a mission. The mission, consisting of up to 9 experts, designated and approved in accordance with paragraphs 9 and 10, may collect additional information on the spot or in other places directly related to the alleged compliance issue under the jurisdiction or control of the requested State Party.

9. The Secretary-General of the United Nations shall prepare and update a list of the names, nationalities and other relevant data of qualified experts provided by States Parties and communicate it to all States Parties. Any expert included on this list shall be regarded as designated for all fact-finding missions unless a State Party declares its non-acceptance in writing. In the event of non-acceptance, the expert shall not participate in fact finding missions on the territory or any other place under the jurisdiction or control of the objecting State Party, if the non-acceptance was declared prior to the appointment of the expert to such missions.

10. Upon receiving a request from the Meeting of the States Parties or a Special Meeting of the States Parties, the Secretary-General of the United Nations shall, after consultations with the requested State Party, appoint the members of the mission, including its leader. Nationals of States Parties requesting the fact-finding mission or directly affected by it shall not be appointed to the mission. The members of the fact finding mission shall enjoy privileges and immunities under Article VI of the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946.

11. Upon at least 72 hours notice, the members of the fact-finding mission shall arrive in the territory of the requested State Party at the earliest opportunity. The requested State Party shall take the necessary administrative measures to receive, transport and accommodate the mission, and shall be responsible for ensuring the security of the mission to the maximum extent possible while they are on territory under its control.

12. Without prejudice to the sovereignty of the requested State Party, the fact-finding mission may bring into the territory of the requested State Party the necessary equipment which shall be used exclusively for gathering information on the alleged compliance issue. Prior to its arrival, the mission will advise the requested State Party of the equipment that it intends to utilize in the course of its fact-finding mission.

13. The requested State Party shall make all efforts to ensure that the fact-finding mission is given the opportunity to speak with all relevant persons who may be able to provide information related to the alleged compliance issue.

14. The requested State Party shall grant access for the fact-finding mission to all areas and installations under its control where facts relevant to the compliance issue could be expected to be collected. This shall be subject to any arrangements that the requested State Party considers necessary for:

- a) The protection of sensitive equipment, information and areas;
- b) The protection of any constitutional obligations the requested State Party may have

with regard to proprietary rights, searches and seizures, or other constitutional rights;
or

c) The physical protection and safety of the members of the fact-finding mission.

In the event that the requested State Party makes such arrangements, it shall make every reasonable effort to demonstrate through alternative means its compliance with this Convention.

15. The fact-finding mission may remain in the territory of the State Party concerned for no more than 14 days, and at any particular site no more than 7 days, unless otherwise agreed.

16. All information provided in confidence and not related to the subject matter of the fact-finding mission shall be treated on a confidential basis.

17. The fact-finding mission shall report, through the Secretary-General of the United Nations, to the Meeting of the States Parties or the Special Meeting of the States Parties the results of its findings.

18. The Meeting of the States Parties or the Special Meeting of the States Parties shall consider all relevant information, including the report submitted by the fact-finding mission, and may request the requested State Party to take measures to address the compliance issue within a specified period of time. The requested State Party shall report on all measures taken in response to this request.

19. The Meeting of the States Parties or the Special Meeting of the States Parties may suggest to the States Parties concerned ways and means to further clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of the States Parties or the Special Meeting of the States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6.

20. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach its decisions referred to in paragraphs 18 and 19 by consensus, otherwise by a two-thirds majority of States Parties present and voting.

Article 9 - National implementation measures

Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

Article 10 - Settlement of disputes

1. The States Parties shall consult and cooperate with each other to settle any dispute that may arise with regard to the application or the interpretation of this Convention. Each State Party may bring any such dispute before the Meeting of the States Parties.
2. The Meeting of the States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States parties to a dispute to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.
3. This Article is without prejudice to the provisions of this Convention on facilitation and clarification of compliance.

Article 11 - Meetings of the States Parties

1. The States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention, including:
 - a) The operation and status of this Convention;
 - b) Matters arising from the reports submitted under the provisions of this Convention;
 - c) International cooperation and assistance in accordance with Article 6;
 - d) The development of technologies to clear anti-personnel mines;
 - e) Submissions of States Parties under Article 8; and
 - f) Decisions relating to submissions of States Parties as provided for in Article 5.
2. The First Meeting of the States Parties shall be convened by the Secretary-General of the United Nations within one year after the entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.
3. Under the conditions set out in Article 8, the Secretary-General of the United Nations shall convene a Special Meeting of the States Parties.
4. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend these meetings as observers in accordance with the agreed Rules of Procedure.

Article 12 - Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.

2. The purpose of the Review Conference shall be:

- a) To review the operation and status of this Convention;
- b) To consider the need for and the interval between further Meetings of the States Parties referred to in paragraph 2 of Article 11;
- c) To take decisions on submissions of States Parties as provided for in Article 5; and
- d) To adopt, if necessary, in its final report conclusions related to the implementation of this Convention.

3. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Review Conference as observers in accordance with the agreed Rules of Procedure.

Article 13 - Amendments

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depositary no later than 30 days after its circulation that they support further consideration of the proposal, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.

2. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.

3. The Amendment Conference shall be held immediately following a Meeting of the States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.

4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to the States Parties.

5. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article 14 - Costs

1. The costs of the Meetings of the States Parties, the Special Meetings of the States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not parties to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.

2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 and the costs of any fact-finding mission shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

Article 15 - Signature

This Convention, done at Oslo, Norway, on 18 September 1997, shall be open for signature at Ottawa, Canada, by all States from 3 December 1997 until 4 December 1997, and at the United Nations Headquarters in New York from 5 December 1997 until its entry into force.

Article 16 - Ratification, acceptance, approval or accession

1. This Convention is subject to ratification, acceptance or approval of the Signatories.

2. It shall be open for accession by any State which has not signed the Convention.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 17 - Entry into force

1. This Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession has been deposited.

2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the 40th instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

Article 18 - Provisional application

Any State may at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally paragraph 1 of Article 1 of this Convention pending its entry into force.

Article 19 - Reservations

The Articles of this Convention shall not be subject to reservations.

Article 20 - Duration and withdrawal

1. This Convention shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating this withdrawal.

3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.

4. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law.

Article 21 - Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

Article 22 - Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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