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THE MINE BAN CONVENTION AFTER 10 YEARS: ACHIEVEMENTS AND CHALLENGES

THE CARTAGENA SUMMIT ON A MINE-FREE WORLD

The Cartagena Summit on a Mine-Free World, which is the name given to the Second Review Conference of the Mine Ban Convention, will be held in Cartagena in Colombia from 29 November to 4 December 2009. Ambassador Susan Eckey of Norway has been designated as President of the Summit.

The Summit will be attended by delegates from the 156 States party to the Convention, the International Campaign to Ban Landmines, various United Nations agencies, the International Committee of the Red Cross (ICRC), a number of National Red Cross and Red Crescent Societies (National Societies), other international and regional organizations, and representatives of civil society. States not party to the Convention have also been invited to participate as observers.

States Parties will assess the progress that has been made in ending the suffering caused by anti-personnel mines and the challenges that remain in achieving the goal of a world free of anti-personnel

mines. States Parties will also adopt a high-level political declaration reaffirming their commitment to the humanitarian objectives of the Convention, as well as a *Cartagena Action Plan* committing them to a number of specific actions in the period 2010–2014.

The ICRC and National Societies have played a key role in promoting the universalization and implementation of the Mine Ban Convention. The ICRC and National Societies also work in countries that are affected to reduce the suffering caused by landmines and explosive remnants of war. Efforts include risk reduction activities aimed at preventing accidents and alleviating the effects of weapon contamination on affected communities and the provision of support for medical care and rehabilitation services for war victims and people with disabilities, including mine survivors.

The International Red Cross and Red Crescent Movement (Movement) will adopt a new strategy on landmines, cluster munitions and other explosive remnants of

war at the Council of Delegates, to be held in Nairobi from 23–25 November 2009.¹ The strategy reaffirms the aim of preventing civilian suffering caused by weapons that continue to kill and injure long after their first use. To achieve this, it commits all components of the Movement to promotion of international humanitarian law treaties in this field, to operational activities for alleviating the effects of these weapons and to the provision of assistance to victims. Some 20 National Societies will participate in the Cartagena Summit, where they will also meet to discuss the implementation of the Movement's new strategy.



¹ The Council of Delegates brings together the National Societies (186 at present), the ICRC and the International Federation of Red Cross and Red Crescent Societies (International Federation).



ICRC

The Cartagena Summit provides a major opportunity for refocusing the world’s attention on the ongoing human costs of anti-personnel mines. A decade after its entry into force, the Mine Ban Convention has an impressive record of success; but it is currently facing important challenges in

several areas of implementation, which are described in the rest of this document. States Parties must agree on an ambitious Cartagena Action Plan that will respond to these challenges. The political leaders gathering in Cartagena will also need to adopt a powerful political declaration

committing States to ensuring that all of the promises of the Mine Ban Convention are kept. The results of the Cartagena Summit will affect fulfilment of the Convention’s humanitarian objectives for years to come.

UNIVERSALIZING THE CONVENTION AND ITS NORMS

ACHIEVEMENTS

A total of 156 States are now party to the Convention; and two others (Poland and the Marshall Islands) have signed, but not yet ratified it. The Convention has had a significant impact on worldwide anti-personnel mine use, production and trade. Among States the use of anti-personnel mines is now rare, and use by non-State armed groups is declining. Production of anti-personnel mines has ceased in 38 States, four of whom are not party to the Convention; and legal trade in these weapons is virtually non-existent.

REMAINING CHALLENGES

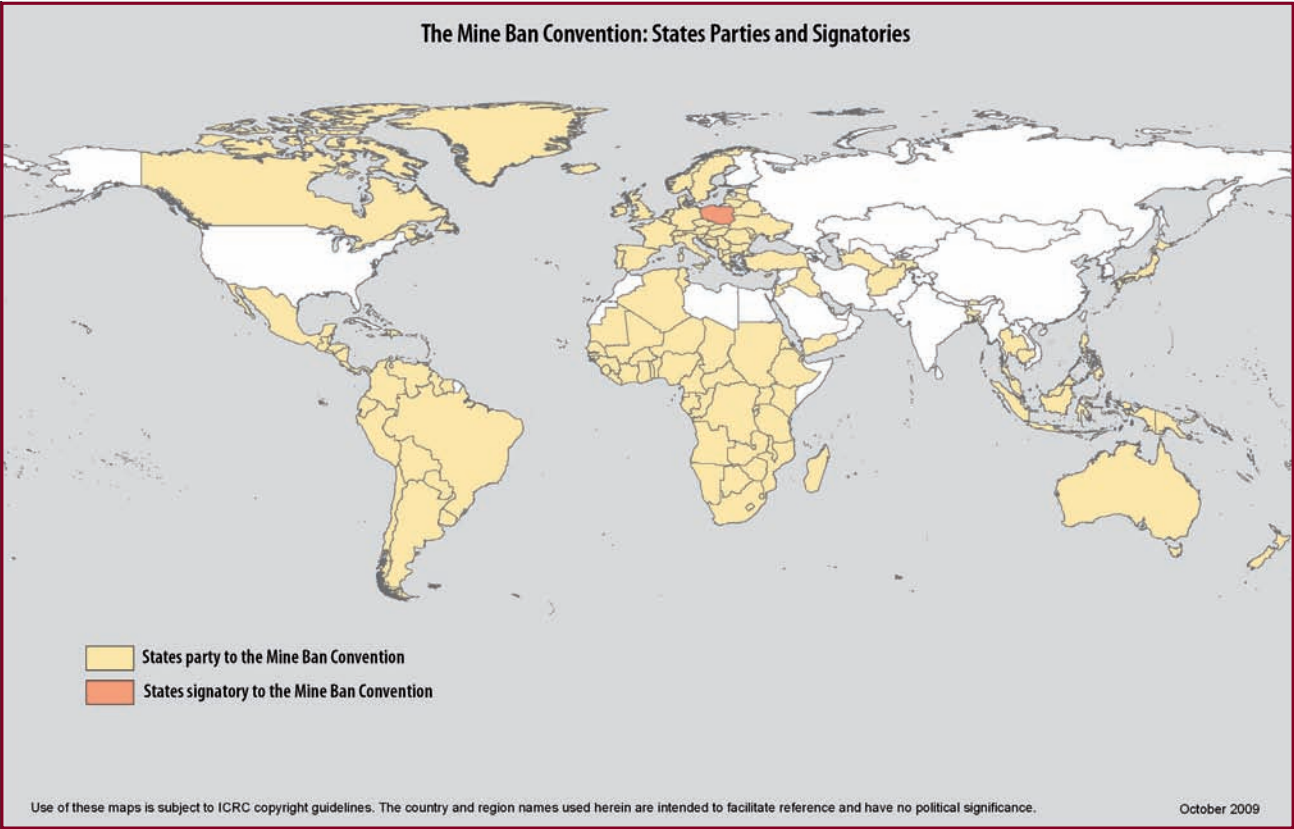
There are still 39 States that remain outside the Mine Ban Convention, some of whom have large stockpiles of anti-personnel mines. According to Landmine Monitor’s estimates, more than 160 million mines are held by States not party to the Convention and 13 States are still producing mines or retaining the right to do so.¹ While the use of anti-personnel mines by States has been rare in recent years and these weapons have become increasingly stigmatized, universal adherence to the Convention is vital to ensure that mines being stockpiled or pro-

duced are never used and that the mine ban norm becomes truly universal. It is hoped that one or several States will announce their accession to the Convention before or at the Cartagena Summit.

PRIORITIES FOR THE CARTAGENA SUMMIT

States Parties should reaffirm their commitment to the goal of universal adherence and to promoting adherence to the Convention and its norms at every opportunity.

¹ Landmine Monitor Report 2008: Toward a Mine-Free World, pp. 7–9.



STOCKPILE DESTRUCTION

WHAT ARE THE CONVENTION'S STOCKPILE DESTRUCTION REQUIREMENTS?

Every State joining the treaty that is in possession of anti-personnel mines has four years to destroy its stocks. The destruction of stockpiled anti-personnel mines is essential to ensure that these weapons will never be used. Though each State party to the Convention is responsible primarily for the destruction of its stockpiles, it may request and receive assistance in doing so from other States Parties.



ACHIEVEMENTS

Until recently, compliance with the obligation to destroy stockpiled anti-personnel mines had been nearly perfect. States Parties have destroyed more than 42 million anti-personnel mines, almost all before their deadline; only in a couple of cases has there been a short delay. Before the Mine Ban Convention was adopted, more than 130 States possessed anti-personnel mines. Today, it is estimated that only about 40 States still stockpile anti-personnel mines.¹

REMAINING CHALLENGES

At present, compliance with the stockpile destruction obligation is one of the key challenges facing the treaty. Although only four States Parties still have stockpiles that must be destroyed, three of them (Belarus, Greece and Turkey) have already missed their non-extendable 4-year deadline (in 2008);

the fourth, Ukraine, is expected to be unable to meet its 2010 deadline. Together, these States hold more than 12 million anti-personnel mines.

PRIORITIES FOR THE CARTAGENA SUMMIT

States that have not complied with their stockpile destruction obligations should be called on to do so urgently. States that have missed, or expect to miss, their deadlines should also announce a fixed schedule for completing the destruction of their remaining stocks before or at the Summit. All States Parties must help ensure – including through international cooperation and assistance – that the current challenges to compliance with the stockpile destruction deadlines are resolved.

¹ Estimate based on *Landmine Monitor Report 2008: Toward a Mine-Free World*, p. 8 and on information provided by States Parties during 2009.

MINE CLEARANCE

WHAT IS MINE CLEARANCE?

The term refers to the detection, removal and destruction of all mines in an area known to contain mines or suspected of it. This process is also referred to as 'demining' or 'humanitarian demining.'

There are various methods by which land that is contaminated or suspected of it can be safely 'released.' They include structured assessments of the history and characteristics of the land and liaison with communities in the area (so-called non-technical methods); detailed topographical and technical investigations of the area; and full clearance (manual, using detection dogs, through mechanical means, either individually or in combination).

In practice, when they clear a contaminated area, deminers remove not only mines, but also any other type of unexploded or abandoned ordnance that they may find.

Mine clearance is the only permanent solution to the threat posed by mines and explosive remnants of war. The clearance of contaminated land is a vital task: it enables people to lead lives free from the fear of hidden anti-personnel mines and frees up land for productive use, allowing post-conflict reconstruction and socio-economic development to take place.

WHAT ARE THE CONVENTION'S MINE CLEARANCE REQUIREMENTS?

States Parties have to clear all 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 that State." In the meantime, measures to protect civilians – such as marking, fencing, monitoring mined areas and risk education – must be taken. While each mine-affected State party to the Convention is responsible for clearing all mined areas on its territory, it may request and receive help in doing so from other States Parties.

The Convention provides that, in exceptional circumstances, States Parties may request an extension of their 10-year mine-clearance deadline. The first mine-clearance deadlines under the Convention expire in 2009.

ACHIEVEMENTS

Steady progress is being made by mine-affected States Parties towards fulfilling their mine-clearance obligations: thousands of square kilometres have been cleared, reducing the threat to civilians and freeing up land for productive use.

As at 1 October 2009, 11 States Parties had reported or otherwise declared that they had cleared all the mined areas under their jurisdiction or control: Bulgaria, Costa Rica, Djibouti, the former Yugoslav Republic of Macedonia, France, Guatemala, Honduras, Malawi, Suriname, Swaziland and Tunisia.

In addition, the majority of mine-affected States Parties have developed and are



implementing national mine-clearance plans in order to meet their deadlines and are reporting regularly on their progress towards this goal. Other States Parties in a position to assist have provided hundreds of millions of dollars to support mine-action programmes in countries that are affected.

REMAINING CHALLENGES

The first ten-year deadlines for mine clearance occurred in 2009, 10 years after the

Convention's entry into force. A large number of States Parties have already requested extensions for their mine-clearance deadlines, which makes it clear that the fulfilment of mine-clearance obligations is now one of the main challenges before the Convention. In 2008, 15 of the 24 States Parties with deadlines in 2009 requested and were granted extensions of one to ten years. In 2009, four States Parties (Argentina, Cambodia, Tajikistan and Uganda) with deadlines in 2009 and 2010 have submitted requests for extensions. These four requests will be considered and decided upon by the Second Review Conference.

It has long been acknowledged that some mine-affected States Parties would require an extension because of the extent of their landmine problem and the various challenges they face in clearing mined areas, but in other cases it is clear that planning and implementation started too late. After 10 years, several mine-affected States Parties still do not have a clear picture of the scope of the problem or national mine clearance plans in place. There has been too much emphasis, among all States Parties, on the 10-year deadline and not enough on the primary obligation to clear mined areas as soon as possible.

Table: 41 States Parties that still have mined areas under their jurisdiction or control (clearance deadline in brackets):

Afghanistan	(1 March 2013)
Albania	(1 August 2010)
Algeria	(1 April 2012)
Angola	(1 January 2013)
Argentina	(1 March 2010)
Bhutan	(1 February 2016)
Bosnia and Herzegovina	(extended by 10 years to 1 March 2019)
Burundi	(1 April 2014)
Cambodia	(1 January 2010)
Chad	(extended by 14 months to 1 January 2011)
Chile	(1 March 2012)
Colombia	(1 March 2011)
Congo (Brazzaville)	(1 November 2011)
Croatia	(extended by 10 years to 1 March 2019)
Cyprus	(1 July 2013)
Democratic Republic of the Congo	(1 November 2012)
Denmark	(extended by 22 months to 1 January 2011)
Ecuador	(extended by 8 years to 1 October 2017)
Eritrea	(1 February 2012)
Ethiopia	(1 June 2015)
Greece	(1 March 2014)
Guinea-Bissau	(1 November 2011)
Iraq	(1 February 2018)
Jordan	(extended by 3 years to 1 May 2012)
Mauritania	(1 January 2011)
Mozambique	(extended by 5 years to 1 March 2014)
Nicaragua	(extended by 1 year to 1 May 2010)
Peru	(extended by 8 years to 1 March 2017)
Rwanda	(1 December 2010)
Senegal	(extended by 7 years to 1 November 2016)
Serbia	(1 March 2014)
Sudan	(1 April 2014)
Tajikistan	(1 April 2010)
Thailand	(extended by 9.5 years to 1 November 2018)
Turkey	(1 March 2014)
Uganda	(1 August 2009)
United Kingdom	(extended by 10 years to 1 March 2019)
Venezuela	(extended by 5 years to 1 October 2014)
Yemen	(extended by 5 years to 1 March 2015)
Zambia	(1 August 2011)
Zimbabwe	(extended by 22 months to 1 January 2011)

PRIORITIES FOR THE CARTAGENA SUMMIT

The Review Conference should adopt a plan of action that exerts the greatest possible pressure on States Parties to meet their mine-clearance obligations within the initial 10-year deadline or their extended deadlines; the plan must also ensure that extension requests are managed in a way that maintains the credibility of the treaty and that promotes the completion of clearance within the shortest possible extension period. To ensure clearance of mined areas within future deadlines, States Parties will need to address a number of challenges:

- To maintain the credibility of the treaty, States Parties must ensure that extensions of clearance deadlines are not treated as a matter of routine. Requests for extensions should be based on a thorough assessment of what remains to be done and extensions granted only for the minimum period necessary to carry out a well-prepared, financially viable and transparent clearance plan. **The Convention requires clearance to be completed “as soon as possible” and the Review Conference should reaffirm this as the objective for all mine-affected States Parties, including those that have been granted extensions.** The Review Conference should also emphasize the need for continuous follow-up and reporting by States Parties that have received extensions, to make sure that mine clearance is on track and problems and delays detected as early as possible.
- The reliable identification of mined areas, an obligation for mine-affected States Parties, is essential for determining the extent of contamination and for establishing a realistic demining plan with clear timelines. It is necessary also for assessing the resources needed to carry out the plan and for seeking the assistance that may be required. Although progress is being made in this field, in several mine-affected countries there is still a significant lack of knowledge about the extent of their mine problem. **At the Review Conference, mine-affected States Parties should commit to doing their utmost to determine the boundaries of all mined areas and to developing an appropriate and realistic national plan for mine clearance.**
- It is difficult to determine precisely the size of mined areas. Historically, non-technical surveys have often unintentionally inflated the number and the size of suspected hazardous areas, with the result that much effort has been spent clearing land that was never contaminated. To accelerate the process of mine clearance and ensure that resources are used in the most efficient way possible, **the Review Conference should call on States Parties to employ the full range of methods available to safely release land, including**

non-technical methods and technical surveys for determining more accurately the areas that contain mines and that will require clearance. It is important that this be done in accordance with an agreed, verifiable and inclusive process that takes into consideration not only the views of operators and national authorities, but also those of mine-affected communities. This process should result in faster and more cost-effective land release without compromising the safety of civilians.

- Mine clearance is a painstaking and resource-intensive process. While funding for mine action has remained relatively stable and at a high level so far, the bulk of the assistance is provided to a few of the most affected States Parties. States Parties that are not as severely affected, but whose clearance obligations could be met with a relatively small amount of additional resources have often found it difficult to obtain the necessary support. States Parties requesting extensions of their mine clearance deadlines frequently cite the lack of adequate funding for the national mine action programme as a major obstacle. Furthermore, plans for mine clearance that accompany extension requests are often based on the expectation of a significant increase in available resources. If these expectations are to be met and the plans implemented within the time-frame indicated, **States Parties in a position to assist, other donors and the mine-affected States Parties themselves will need to increase the resources provided for mine clearance in the coming years.** While there has been a trend towards mainstreaming support for mine action into humanitarian and development programmes, it will also be important to maintain a high level of dedicated funding for mine action in the future to ensure fulfilment of the Convention's mine-clearance obligations, which is at the core of the Convention's humanitarian objectives. **At the Review Conference, States Parties should also consider the possibility of creating a new forum within the Convention, dedicated to the issue of resources,** with the aims of strengthening the partnership between mine-affected States Parties and donors and matching identified needs with available resources.

VICTIM ASSISTANCE

WHAT DOES THE CONVENTION REQUIRE WITH REGARD TO MINE VICTIMS?

Every State is responsible primarily for the well-being of its citizens. Therefore, mine-affected States Parties bear the main responsibility for caring for mine victims within their territory. The Mine Ban Convention does recognize the difficulties faced by mine-affected States Parties, most of whom are developing countries with inadequate health and social services and who may, in addition, be recovering from years or decades of war.

The Convention thus requires all States Parties with the means to do so to provide assistance for the care and rehabilitation, and the socio-economic reintegration, of mine victims. Such assistance can be provided directly to the State in question or indirectly through the United Nations, through non-governmental organizations, or through the International Red Cross and Red Crescent Movement.

26 STATES PARTIES HAVE REPORTED BEING RESPONSIBLE FOR 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, Ethiopia, Eritrea, Guinea-Bissau, Iraq, Jordan, Mozambique, Nicaragua, Peru, Senegal, Serbia, Sudan, Tajikistan, Thailand, Uganda, and Yemen.

WHAT IS THE AIM OF VICTIM ASSISTANCE?

Victim assistance should be regarded as a process whose aim is to ensure that mine survivors are included, and participate fully and effectively, in society. The injuries caused by anti-personnel mines often result in the amputation of one or several limbs and in other permanent disabilities, with serious social, psychological and economic consequences for the victims and their families.

In the Nairobi Action Plan adopted at the First Review Conference in 2004, States Parties identified six key components of victim assistance:

- understanding – through data collection and information management – the extent of the challenges faced;
- establishing adequate emergency and

continuing medical care, including first aid and surgical management;

- providing physical rehabilitation services, including physiotherapy, prosthetics and assistive devices;
- advancing social reintegration/inclusion of mine victims through psychological and social support, such as counselling, peer support and sports activities;
- promoting economic reintegration/inclusion of mine victims, including through education and the creation of economic opportunities;
- establishing and implementing legislation and public policies that promote and protect the rights of mine survivors and other people with disabilities.

Assistance for mine victims must not discriminate against persons wounded, injured or disabled by means other than mines, and any difference in treatment should be based solely on medical need. Assistance to mine victims must be treated as an integral part of national public health and social services systems. However, it is acknowledged that health structures in mine-affected areas may require particular support because treating mine victims imposes a significant burden on resources that may already be strained. Strengthening these systems will benefit not only mine victims, but also other persons with injuries or disabilities and the population at large.



Thierry Gassmann/CRC

ACHIEVEMENTS:

In the Nairobi Action Plan adopted by the First Review Conference of the Mine Ban Convention in 2004, States Parties were able to reach important conclusions regarding what the requirement to assist victims entails. This has contributed to more focused and strategic work on victim assistance over the last five years, including the develop-

ment of useful tools such as questionnaires and indicators of progress. These efforts are providing a basis for monitoring and measuring future progress in implementation.

Since the First Review Conference, most of the 26 States Parties with the most significant number of survivors have been given support to establish SMART (i.e. specific,

measurable, achievable, relevant and time-bound) victim assistance objectives in the six areas of victim assistance identified in the Nairobi Action Plan and to develop and implement national plans to achieve these. In several of these States, interaction and cooperation between the national ministries and agencies responsible for the various aspects of victim assistance have been strengthened. Also, growing numbers of victim assistance experts and practitioners have been included in the work of the Convention, and in meetings specifically focused on implementing victim assistance that are conducted in parallel with the main meetings. Mine survivors continue to play an active role in this work, at the national and the international level.

VICTIM ASSISTANCE – INSPIRING A NEW NORM

The first multilateral treaty requiring States to assist the victims of a particular weapons system, the Mine Ban Convention has, in recent years, inspired other normative developments related to victim assistance: for instance, the requirement to assist victims in both the 2003 Protocol on Explosive Remnants and the 2008 Convention on Cluster Munitions, the latter being the most far-reaching victim assistance obligation ever included in a humanitarian law treaty.

The Mine Ban Convention was also a source of inspiration for the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol, which marked a major step forward in promoting and protecting the rights of people with disabilities and in ensuring their full and equal participation and inclusion in society. The CRPD can contribute to the implementation of mine-victim assistance by putting it in the context of a broader and more comprehensive legal framework aimed at protecting and promoting the rights of all people with disabilities.

REMAINING CHALLENGES:

While there has been a significant reduction in the number of new mine victims in recent years, the Convention’s promises of care, assistance and socio-economic reintegration for the hundreds of thousands of existing mine survivors have not yet been fulfilled.



Boris Heger/ICRC

Despite positive developments in specific countries or communities, the majority of mine victims have yet to see significant improvements in their situation. Much of the progress made in the last five years has been in the establishment of the structures, processes and tools necessary to support national implementation of victim assistance. This is an important first step, but its transformation into tangible improvement in the quality and quantity of services is yet to occur in most mine-affected areas.

It has also been difficult to measure progress in victim assistance. Mine clearance and other mine action activities yield results that are easier to quantify and measure, with the result that both mine-affected States Parties and donors tend to direct more attention and resources to these areas of implementation.

The implementation of victim assistance and the situation of survivors must also be seen in the context of other challenges faced by mine-affected States Parties; most are developing countries and a significant number of them are still recovering from years of armed conflict. Medical and social services are likely to be inadequate and economic opportunities limited, for the population in general and for people with disabilities in particular. In countries where there is large-scale contamination and a significant number of victims, the severe injuries and long-term disabilities caused by mines and explosive remnants of war are an added strain on scarce resources. It is important to keep in mind that when States Parties implement their commitment to assist mine victims by strengthening national medical and social services in mine-affected areas, they also contribute to overall development objectives in mine-affected countries.

PRIORITIES FOR THE CARTAGENA SUMMIT

Both the Norwegian Presidency and the host country, Colombia, have identified victim assistance as a priority for the Review Conference. This has helped raise the profile of the issue during the period leading up to the Summit. It has also led to a number of initiatives being undertaken this year to assess the state of victim assistance and identify ways to make it more effective. This included a meeting organized by the ICRC and the Norwegian Red Cross from 23–25 June 2009, in which practitioners, survivors and other experts produced an Appeal to the Cartagena Summit¹ as well as a set of recommendations with priorities for assisting victims of mines, cluster munitions and other explosive remnants of war.

By agreeing on victim assistance as a priority for the Summit, States Parties have also created expectations for the next five years. **They must follow up on this by adopting a plan of action that clearly commits States Parties to stepping up their efforts to ensure that mine victims have access to the services that they need in order to be able to participate fully and effectively in society.**

The specific actions that States Parties should commit to include:

- collecting the data necessary to identify the needs of mine victims and the availability and quality of services;
- increasing the availability and accessibility of medical and social services to mine victims, including by expanding services in rural and remote areas and ensuring that services are affordable and physically accessible;
- developing and enforcing pertinent laws and policies and raising awareness of the rights of mine victims and people with disabilities;
- developing a comprehensive national plan of action for victim assistance with a specific budget, which takes into account national plans, policies and laws in relevant areas, such as disability, health, education, employment, development and poverty reduction;
- actively involving landmine victims and their organizations in the development, implementation, monitoring and evaluation of victim assistance plans, policies and programmes;
- taking steps to mobilize increased national and international resources, for example, by including victim assistance in development and poverty reduction strategies;
- establishing more rigorous mechanisms for reporting, monitoring and evaluating victim assistance;
- encouraging a coherent approach to the implementation of victim assistance commitments in various weapons treaties, and, whenever relevant, with the Convention on the Rights of Persons with Disabilities.

¹ Available at: <http://www.icrc.org/web/eng/siteeng0.nsf/html/mines-appeal-280909>