

**Fourth Review Conference of the States Parties to
the Convention on the Prohibition of the Use,
Stockpiling, Production and Transfer of
Anti-Personnel Mines and on Their Destruction**

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Review of the operation and status of the Convention

**Draft review of the operation and status of the
Convention on the Prohibition of the Use,
Stockpiling, Production and Transfer of Anti-
personnel Mines and on their destruction:
2014-2019**

**Introduction, Universalizing the Convention, Destroying
stockpiled anti-personnel mines and Retention of anti-
personnel mines**

Submitted by the President of the Fourth Review Conference*

I. Introduction

1. The Convention provides a framework to “put an end to the suffering and casualties caused by anti-personnel mines” by ensuring universal adherence to a comprehensive set of prohibitions on the use, stockpiling, production and transfer of anti-personnel mines, by clearing mined areas, destroying stockpiles and providing assistance to mine victims. The Convention also foresees that certain matters are essential for achieving progress in these areas including cooperation and assistance, transparency and the exchange of information, measures to prevent and suppress prohibited activities and to facilitate compliance and implementation support.

2. Since the Third Review Conference of the Convention held in Maputo in 2014, progress has been made in meeting the purpose and objectives of the Convention and in meeting the 2025 aspirational goal set by the States Parties. While regular progress continues to be made, challenges remain to reach a mine-free world and ensure that healthcare and broader support services provide sustainable support to mine victims. This review is intended to record the progress made by the States Parties in fulfilling their obligations since the Third Review Conference, take stock of the current status of implementation and document the decisions, recommendations and understandings adopted by the States Parties since the Third Review Conference. Furthermore, it is intended to provide an analysis of the current state of affairs and on this basis highlight challenges that remain in fulfilling the obligations of the Convention.

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II. Universalizing the Convention

3. As of 27 June 2014, the Convention had entered into force for 161 States Parties. Since the Third Review Conference, three States have acceded to the Convention with the Convention having entered into force for all three States – Oman (20 August 2014), Sri Lanka (13 December 2017) and the State of Palestine (29 December 2017). There are now 164 States that have formally expressed their consent to be bound by the Convention.

4. Today, there are 33 States which are not yet party to the Convention including one signatory State: Armenia, Azerbaijan, Bahrain, China, Cuba, Egypt, Georgia, India, Iran, Israel, Kazakhstan, Democratic People's Republic of Korea, Republic of Korea, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libya, Marshall Islands (signatory), Micronesia, Mongolia, Morocco, Myanmar, Nepal, Pakistan, Russian Federation, Saudi Arabia, Singapore, Syrian Arab Republic, Tonga, United Arab Emirates, United States of America, Uzbekistan and Viet Nam.

5. At the Third Review Conference, the States Parties agreed to promote formal adherence to the Convention by States not party to the Convention, regularly inviting them to participate in the Convention's meetings and to inform States Parties of practical steps taken, such as formalised commitments not to use, produce or transfer anti-personnel mines, and to destroy stockpiles. Since the Third Review Conference, in keeping with the States Parties' tradition of openness, all States not party were invited to each of the Convention's intersessional meetings, Meetings of the States Parties and to the Fourth Review Conference. The following 16 States not party took part in at least one of the Convention's meetings since 2014: Azerbaijan, China, India, Republic of Korea, Kazakhstan, Lao People's Democratic Republic, Lebanon, Libya, Morocco, Myanmar, Pakistan, Saudi Arabia, Singapore, Syria Arab Republic, United Arab Emirates and the United States of America. Many of these States expressed their support for the humanitarian aims of the Convention and some indicated the manner in which they provide support to States Parties in fulfilling their obligations under the Convention.

6. One measure of States' acceptance of the Convention's norms is through support expressed for the annual United Nations General Assembly (UNGA) resolution on the implementation of the Convention. In the most recent vote on this resolution in 2019, the following [INSERT NUMBER OF STATES] States not party to the Convention voted in favour: [INSERT LIST OF STATES NOT PARTY].

7. In voting in favour of the resolution, many States not party acknowledged and supported to various degrees the humanitarian goals of the Convention and highlighted the grave consequences of the use of anti-personnel mines. States not party provide many different reasons for not acceding to the Convention. In some cases, States not party expressed that proceeding with accession is dependent on the accession of another State, generally a neighbouring State. Other States not party have indicated that accession is tied to sovereignty issues. Still, other States have indicated as an obstacle to accession the many competing priorities for the limited internal resources available. Finally, others perceive that the marginal military utility derived from anti-personnel mines is not outweighed by the grave humanitarian consequences of their use.

8. Notwithstanding the tremendous progress achieved in the pursuit of the universal acceptance of the Convention and its norms, challenges persist. While new emplacements of anti-personnel mines by States not party are rare, since the Third Review Conference, new use of anti-personnel mines has been recorded in three States not party to the Convention: Myanmar, North Korea and Syria. Additionally, not only does the Convention's prohibition on the use of anti-personnel mines binds its 164 States Parties, but the Convention's norms have seen widespread acceptance by States not party to the Convention, for example:

(a) Seven States not party – Egypt, Georgia, India, Kazakhstan, Republic of Korea, Morocco, Singapore - have reported having put in place moratoria on the use, production, export and/or import of anti-personnel mines.

(b) All States not party to the exception of three – Iran, the Democratic People’s Republic of Korea, and Uzbekistan – have participated at least once in a Convention-related meeting. A number of States not party regularly deliver statements to provide information about their State’s position on accession and/or on their activities to implement certain provisions of the Convention as well as their contributions to mine action activities.

(c) Almost all of the States not party which have contributed information on their position have acknowledged and supported the humanitarian aims of the Convention and have recognised the threat posed by anti-personnel mines.

9. The production of anti-personnel mines remains rare. At one time more than fifty (50) States produced anti-personnel mines. Thirty-six (36) of these States are now party to the Convention and have ceased and prohibited all production, in line with the Convention. Today only a handful of States not party have been recorded as producers of mines in the last years. In 2018, the International Campaign to Ban Landmines (ICBL) listed 11 States as landmine producers because they have yet to disavow future production, unchanged from the previous report: China, Cuba, India, Iran, Democratic People’s Republic of Korea, Republic of Korea, Myanmar, Pakistan, Russia, Singapore and Vietnam. Of these, 4 are reported to likely be actively producing.

10. Licit trade in anti-personnel mines remains non-existent. By having joined the Convention, 164 of the world’s States have accepted a legally-binding prohibition on transfers of anti-personnel mines. Even for most States not party to the Convention, this has become the accepted norm, with 7 States not party having reported putting in place moratoria or bans on transfer of anti-personnel mines. Globally, any trade appears limited to a very low level of illicit trafficking.

11. Since the Third Review Conference, there has been an increase in the use of anti-personnel mines of an improvised nature by armed non-state actors. The views were expressed that engagement with these groups could help ensure that these actors cease the use stockpiling, production and transfer of anti-personnel mines as soon as possible. Nevertheless, the view was also expressed that when engagement by non-governmental organisations of armed non-state actors is considered, vigilance is required to prevent organizations that commit terrorist acts from exploiting the Ottawa Process for their own goals. Some States Parties continue to be of the view that when engagement with armed non-state actors is contemplated, States Parties concerned should be informed and their consent would be necessary in order for such an engagement to take place.

12. States Parties have reported on the use of anti-personnel mines by non-state actors including in: Afghanistan, Colombia, Iraq, Nigeria, Ukraine and Yemen. At the Third Review Conference, the States Parties resolved to continue promoting universal observance of the Convention’s norms and objectives, to condemn violations of these norms and to take appropriate steps to end the use, stockpiling, production and transfer of anti-personnel mines by any actor, including by armed non-state actors. The States Parties have acknowledged the importance of continued efforts to condemn the use, stockpiling, production and transfer of anti-personnel mines by any actor, ensuring that the norm against the use, stockpiling, production and transfer of anti-personnel mines remains strong. Since the Third Review Conference, subsequent Presidents of the Convention and several States Parties have expressed deep concern in response to new emplacements of anti-personnel mines, including anti-personnel mines of an improvised nature, and called for actors concerned to cease the use of such anti-personnel mines. Since the Third Review Conference, the States Parties at their annual Meeting of the States Parties have condemned the use of anti-personnel mines by any actor.

13. While the vast majority of States with anti-personnel mines in areas under their jurisdiction or control have joined the Convention, the Landmine Monitor indicates that the following 22 of the 33 States not party to the Convention have not: Azerbaijan, Armenia, Cuba, China, Egypt, Georgia, India, Iran, Israel, Democratic People’s Republic of Korea, Republic of Korea, Kyrgyzstan, Lao People’s Democratic Republic, Lebanon, ,Libya, Morocco, Myanmar, Pakistan, Russia, Syria, Uzbekistan, and Viet Nam. All 22 of these States perceive, or may perceive, that they derive utility from emplaced mines and are, or may be, in essence, users of anti-personnel mines. While the vast majority of States with

stockpiled anti-personnel mines – 91 – have joined the Convention, the Landmine Monitor indicates that the following 30 of the 33 States not party to the Convention likely possess stockpiled anti-personnel mines: Armenia, Azerbaijan, Bahrain, China, Cuba, Egypt, Georgia, India, Iran, Israel, Kazakhstan, Democratic People's Republic of Korea, Republic of Korea, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libya, Mongolia, Morocco, Myanmar, Nepal, Pakistan, Russia, Saudi Arabia, Singapore, Syria, UAE, United States, Uzbekistan and Vietnam.

14. States not party can submit voluntary Article 7 transparency reports to communicate information about the key areas of implementation of the Convention. Those States that have expressed support for the object and purpose of the Convention have been particularly encouraged to provide voluntary transparency reports. Since the Third Review Conference, only Morocco submitted such a report every year.

15. Given their resolve to achieve universal adherence to the Convention and its norms, the States Parties agreed at the Third Review Conference to coordinate their actions to promote the Convention, including actions taken at a high level, through bilateral contacts and in multilateral fora, and requested the Secretary-General of the United Nations, as Depositary, to continue promoting universalization by inviting States not party to join the Convention as soon as possible.

16. In light of the universalisation challenges noted at the Third Review Conference and commitments made to overcome these challenges, each year since the Third Review Conference the President of the Convention has engaged with States not party through writing, requesting updated information concerning their positions vis a vis the Convention and employing the information to develop observations and conclusions on the status of universalization of the Convention presented at intersessional meetings and Meetings of the States Parties. On an annual basis, the Convention's President has held bilateral meetings with representatives of States not party to encourage their engagement with the work of the Convention and to continue their consideration to accede to/ratify the Convention as soon as possible and to consider making formal commitments to adhere to the Convention. In addition to these activities, the President of the Sixteenth Meeting of the States Parties established an informal working group on Universalization to find collaborative approaches to promoting universalization. Likewise, the Meetings of the States Parties have called upon all States that have not yet done so to accede to or ratify the Convention as soon as possible.

17. In addition to the activities of the President, the Convention's Special Envoys, His Royal Highness Prince Mired Raad Al-Hussein and Her Royal Highness Princess Astrid of Belgium, in coordination with the President, have continued to make themselves available to engage States not party to the Convention at a high level. Efforts in this regard have also been supported by individual States Parties, the United Nations, the Organization of American States (OAS), the African Union (AU), the ASEAN Regional Mine Action Centre (ARMAC), the International Committee of the Red Cross (ICRC), the International Campaign to Ban Landmines (ICBL) and others who have continued to promote acceptance of the Convention in various ways, including through bi-lateral dialogue as well as through the holding of seminars on the implementation of the Convention ensuring that the subject remains on the agenda. For example, New Zealand in cooperation with Australia and supported by the three Geneva-based Implementation Support Units (ATT, APMBC and CCM) held a Pacific Conference on Conventional Weapons Treaties on 12-14 February 2018 in Auckland, where representatives of Pacific States adopted an Auckland Declaration on Conventional Weapons Treaties in which States not party in the region undertook to promote membership among relevant domestic stakeholders. Likewise, the ICRC held a Regional Seminar on Landmines, Cluster Munitions and Explosive Remnants of War Co-hosted by the Government of the Lao People's Democratic Republic in Vientiane on 29-30 April 2019 providing an opportunity to raise awareness of the Convention's commitments amongst States not party of the Convention.

18. The States Parties have recognised, that in order to ensure success of universalization efforts, continuous engagement with States not party will be required by both States Parties and organisations. While accession is the ultimate objective, States not party have been encouraged to take concrete steps towards accession such as enacting

moratoria on the use, production and transfer of anti-personnel mines as well as destroying stockpiled mines, clearing mined areas, providing mine risk education, assisting mine victims, submitting voluntary transparency reports, voting in favour of the United Nations General Assembly resolution on the implementation of the Convention and participating in the work of the Convention.

III. Destroying stockpiled anti-personnel mines

19. At the close of the Third Review Conference, there were five States Parties for which the obligation to destroy stockpiled anti-personnel mines remained relevant – Belarus, Finland, Greece, Poland and Ukraine. In addition to these States, one State Party – Somalia – was in the process of verifying if it possesses stockpiles and one State Party – Tuvalu – needed to confirm whether they held stockpiled anti-personnel mines or not. Tuvalu’s initial report was due on 28 August 2012.

20. Since the Third Review Conference, the following has transpired:

(a) the Convention entered into force for three States with two of these States reporting stockpiled anti-personnel mines requiring destruction in accordance with Article 4: Oman and Sri Lanka.

(b) four of the States Parties for which the obligation remained have since reported having completed the destruction of their stockpiled anti-personnel mines in accordance with Article 4: Belarus, Finland, Oman and Poland.

(c) one State Party which was in the process of verifying if its stockpiles contain anti-personnel mines reported that it does not possess any stockpiled anti-personnel mines: Somalia.

21. There are now three States Parties for which the obligation to destroy stockpiled anti-personnel mines remains relevant – Greece, Sri Lanka and Ukraine – with two of these States Parties being noncompliant since 1 March 2008 (Greece) and 1 June 2010 (Ukraine). At the Third Review Conference, the States Parties agreed that “each State Party that has missed its deadline for the completion of its Article 4 obligations will provide to the States Parties, through the President, by 31 December 2014, a plan for the destruction of all stockpiled anti-personnel mines under its jurisdiction or control as soon as possible, and thereafter keep the States Parties apprised of efforts to implement its plan through annual transparency reports and other means.” Since the Third Review Conference, all States Parties that have missed their Article 4 deadline have responded to this call by providing a plan for the destruction of the remaining stockpiled anti-personnel mines, reporting on progress and the remaining challenge and by engaging with the President in this regard. The States Parties have recognised the continued importance of States providing clarity on the status of stockpile destruction as well as the importance of State Parties providing concrete timelines for implementation of obligations under Article 4.

22. One State Party, Tuvalu, has yet to provide its required initial transparency information and hence has not yet confirmed the presence or absence of stockpiled anti-personnel mines. However, Tuvalu is presumed not to hold stocks. Hence, there are now 161 States Parties which do not hold stockpiles of anti-personnel mines because they have completed their destruction programmes or because they never held stockpiles of anti-personnel mines, together States Parties have reported the destruction of almost 53 million stockpiled anti-personnel mines.

23. At the Third Review Conference, it was agreed that all States Parties will, in instances of discovery of previously unknown stockpiles, after stockpile destruction deadlines have passed, inform the States Parties as soon as possible, report pertinent information as required by the Convention, and destroy these anti-personnel mines as a matter of urgent priority and no later than six months after the report of their discovery. Since the Third Review Conference, 4 States Parties – Afghanistan, Cambodia, Mauritania and Palau – have reported the discovery of previously unknown stockpiled anti-personnel mines in accordance with the commitments made in the Maputo Action Plan. Together these States Parties reported the destruction of 3,457 previously unknown stockpiled anti-

personnel mines. Since the Third Review Conference, subsequent Presidents have highlighted the importance of continuing to report the discovery of previously unknown stockpiles and ensuring their destruction as soon as possible following their discovery and have included information in this regard in their observations and conclusions on stockpile destruction.

24. Since the Third Review Conference, one of the main challenges in stockpile destruction has been the pending completion of stockpile destruction by Greece and Ukraine. Both of these States have reported progress in destroying their stockpiled anti-personnel mines and have provided an expected end date for implementation. Sri Lanka has also presented demonstrable progress and presented a timeline for completion of implementation of their stockpile destruction commitments. The States Parties have recognised that it is critical that States Parties make every effort to achieve completion of their Article 4 obligations, as soon as possible, and no later than their respective deadline, and that they do so in a transparent manner by communicating progress made and remaining challenge on a regular basis. In this regard, the Sixteenth Meeting of the States Parties appealed to the States Parties which are in noncompliance with their article 4 obligations to intensify efforts for the completion of their stockpile destruction obligations.

IV. Retention of anti-personnel mines

25. At the Third Review Conference, it was agreed that “each State Party that has retained anti-personnel mines for reasons permitted by the Convention will regularly review the number of retained anti-personnel mines to ensure that they constitute the minimum number absolutely necessary for permitted purposes, [and] destroy all those exceeding that number, where appropriate exploring available alternatives to using live anti-personnel mines for training and research activities”. At the Third Review Conference, it was recorded that 75 States Parties had reported, as required by Article 7, paragraph 1 d), anti-personnel mines for the development of training in mine detection, mine clearance, or mine destruction techniques in accordance with Article 3 of the Convention.

26. Since the Third Review Conference, the following has transpired:

(a) Five States Parties – Algeria, Argentina, Australia, Thailand and Uruguay – which previously reported anti-personnel mines retained for permitted purposes – indicated that they no longer retain anti-personnel mines for these purposes;

(b) Two States Parties reported retaining anti-personnel mines for permitted purposes for the first time – Oman and Sri Lanka;

(c) One State Party – State of Palestine – reported for the first time that it does not retain anti-personnel mines for permitted purposes;

(d) One State Party – Ethiopia – after having reported that it retained anti-personnel mines for permitted purposes indicated that it does not have anti-personnel mines for such purposes;

(e) One State Party - Tajikistan – reported that it retains anti-personnel mines again;

(f) One State Party – Tuvalu - has not yet declared whether it retains anti-personnel mines for permitted purposes;

(g) Three States Parties – Afghanistan, Portugal and the United Kingdom – have confirmed that the anti-personnel mines they retain under Article 3 are inert and therefore do not fall under the definition of the Convention.

27. There are now 70 States Parties that have reported that they retain anti-personnel mines for permitted purposes: Angola, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, Congo, Côte d’Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Eritrea, Finland, France, Gambia, Germany, Greece, Guinea Bissau, Honduras, Indonesia, Iraq, Ireland, Italy, Japan, Jordan, Kenya, Mali, Mauritania,

Mozambique, Namibia, the Netherlands, Nicaragua, Nigeria, Oman, Peru, Romania, Rwanda, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Tajikistan, Tanzania, Togo, Tunisia, Turkey, Uganda, Ukraine, Venezuela (Bolivarian Republic of), Yemen, Zambia and Zimbabwe. The number of anti-personnel mines reported retained by the States Parties totals 162,796, this is 25,305 more than at the time of the Third Review Conference with this increase due to new States Parties having joined the Convention which retain anti-personnel mines.

28. Since the Third Review Conference, most States Parties have provided updated annual information on the number of anti-personnel mines retained for permitted purposes as required by Article 7, with 54 of them providing some level of voluntary information on the use (present and/or future) of retained anti-personnel mines. However the following States Parties which have reported that they retain anti-personnel mines in accordance with Article 3 have not submitted annual updated transparency information on their retained mines for many years: Benin (2008), Cameroon (2009), Cape Verde (2009), Congo Brazzaville (2009), Djibouti (2005), Gambia (2013), Guinea Bissau (2011), Honduras (2007), Kenya (2008), Mali (2005), Namibia (2010), Nigeria (2012), Rwanda (2008), Tanzania (2009), Togo (2004), Uganda (2012) and Venezuela (2012).

29. Furthermore, in some cases, since the Third Review Conference, the following States Parties have reported the same number of retained mines in their Article 7 Reports: Bangladesh, Mauritania, Peru, Romania and Zimbabwe. Reporting the same number of retained mines over several years may indicate that these mines have not been used for permitted purposes and that the number of mines retained may not constitute the “minimum number absolutely necessary” for permitted purposes, unless otherwise reported.

30. In addition to the above, at the Third Review Conference, it was agreed that “where appropriate States Parties would explore available alternatives to using live anti-personnel mines for training and research activities”. Since the Third Review Conference, Australia and Thailand indicated that they have destroyed their retained mines and now employ training mines.
