

**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**

**Cooperation and Assistance and Measures to ensure
compliance**

Submitted by the President of the Fourth Review Conference*

I. Cooperation and Assistance

1. Cooperation and Assistance is a key element of the Convention engrained in Article 6. At the Third Review Conference, the States Parties reaffirmed that while each State Party is responsible for the implementation of the Convention in areas under its jurisdiction or control, the Convention's shared goal can be advanced through enhanced cooperation. To this end, the Maputo Action Plan contained six actions to be taken by the States Parties to significantly improve cooperation between those seeking assistance and those in a position to provide assistance. At the Third Review Conference, a Committee on the Enhancement of Cooperation and Assistance was established to address this important element of the Convention.

2. Since the Third Review Conference, a number of States Parties have reported the lack of funding as one of the main obstacles to implementation of their commitments under the Convention. In this regard all States Parties, in a position to do so, have been encouraged to consider providing support to States Parties in order to make significant progress in implementation towards the 2025 aspirational deadline of the States Parties. In addition, as highlighted in the Maputo Action Plan, States Parties seeking to receive assistance can implement measures to facilitate cooperation and assistance including developing inclusive strategies and work plans, disseminating clear and detailed information on their financial and technical requirements for assistance and actively promoting the implementation of their commitments under the Convention in national and international conversations.

3. Since the Third Review Conference States Parties have continued to express that national ownership continues to have a central role in fostering cooperation and assistance.

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At the Third Review Conference, it was agreed that “each State Party seeking assistance will do its utmost to demonstrate high level national ownership”. The States Parties have recognised that while national ownership will not guarantee that resources will flow in response to needs, demonstrating national ownership makes it significantly more likely that cooperation will flourish between those with needs and those in a position to provide assistance.

4. Since the Third Review Conference, a number of States Parties have continued demonstrating a high level of national ownership through the development of national strategies and plans, reporting on progress made and remaining challenges as well as through the provision of significant financial contributions to the implementation of their commitments under the Convention. Still in other cases, States Parties have an opportunity to demonstrate higher levels of national ownership by ensuring the development of inclusive national strategies and work plans for completion and, where possible, providing increased national resources to meeting their commitments under the Convention.

5. In the Maputo Action Plan, the States Parties indicated the importance of “States Parties in a position to provide assistance and those seeking to receive assistance, where relevant and to the extent possible, will enter into partnerships for completion [...] engaging regularly in a dialogue on progress and challenges in meeting goals.” Since the Third Review Conference, the States Parties have recognised the importance of partnerships and ensuring that the conversation between stakeholders at the international and national level is robust and regular. Since the Third Review Conference, the Committee on the Enhancement of Cooperation and Assistance has launched the “Individualised Approach” which aims to facilitate a platform for individual affected states to provide – on a voluntary, informal basis – detailed information on the challenges it faces and its requirements for assistance with the aim of fulfilling their obligations under the Convention in an effective and expedient way. The Individualised Approach provides an opportunity to connect with the donor community (including possible partners for South-South or regional cooperation), mine clearance operators, and other stakeholders and establish an initial dialogue that could help facilitate the establishment of partnerships. Since its establishment, seven States Parties have participated in the individualised approach - Angola, Croatia, Ecuador, Serbia, Somalia, Sri Lanka, Sudan, Tajikistan and Zimbabwe.

6. In 2018, the Committee on the Enhancement of Cooperation held consultations with a wide range of actors including those States that participated in the Individualised Approach (IA) to receive feedback and continue improving the process. Some of the key conclusion included the following:

- (a) The IA is a valuable complement to the work of the Convention and offers an important platform for States Parties to share their progress and challenges with States and organisations and to share their needs for cooperation and assistance;
- (b) The IA should not be viewed as a one-off event but forms part of the State Party’s wider transparency, communication and resource mobilization efforts;
- (c) Follow-up to the IA meetings is necessary in order to gain from the momentum generated during the meeting;
- (d) Collaboration with national and international stakeholders in-country in the development and planning of the IA has proven extremely valuable;
- (e) The IA cannot replace a lively and robust national dialogue but should complement it.

7. At the 22-24 May 2019 intersessional meetings, the Committee on the Enhancement of Cooperation and Assistance highlighted the importance of increased dialogue in order to ensure that the States Parties, as a community, make significant progress towards achieving the 2025 ambitions of the States Parties and to do so in an inclusive, effective and efficient manner. In this regard, and in complement to the Individualised Approach, the Committee recognised the importance of considering permanent in-country platforms to enable a regular dialogue on implementation and challenges between all stakeholders at a national level. To support States Parties in this regard, the Committee presented a paper providing a sample model for the establishment of National Mine Action Platforms (NMAP). The goal of the

NMAP is to ensure an inclusive approach to the implementation of the Convention by meeting the following objectives: facilitating multi-stakeholder collaboration and coordination through a consultative and participatory process; providing a platform among stakeholders for honest, open and transparent discussions on challenges or obstacles to implementation to encourage collective problem solving; fostering an enabling environment for the conduct of mine action through advocacy and awareness-raising on the remaining challenges and plans for implementation as well as the importance of integrating mine action into development policies, planning and programmes; providing a forum for national consultations and consensus building, priority identification and policy formulation, implementation and monitoring of activities and identification of needs and challenges with an emphasis on ensuring progress toward the State's respective deadlines as soon as possible.

8. Since the Third Review Conference, the Landmine Monitor has recorded from 2014-2017 funding to mine action from donors at approximately USD1.9 billion with an upsurge in funding in 2017 (430.7 million (2014), 376.5 million (2015), 482.9 million (2016), 673.2 million (2017)) emphasising that a small number of countries receive the majority of funding (65%) including Iraq, Syria, Colombia, Afghanistan and Lao People's Democratic Republic.

9. In 2017, the Council of the European Union adopted a Decision in support of the implementation of the Convention and the Maputo Action Plan providing financial support for up to 10 national stakeholder consultations on mine clearance and victim assistance matters. Since the Third Review Conference, victim assistance national stakeholder dialogues have been held in Iraq, South Sudan and Uganda and mine clearance national stakeholder dialogues have been held in Bosnia and Herzegovina and in Senegal. The national stakeholder dialogues were well received and their value in supporting the national programmes was recognised by participants. The stakeholder dialogues succeeded in gathering stakeholders and provided a platform to discuss the status of implementation, and to design a way forward, in an inclusive manner. Stakeholder dialogues also provided an opportunity to discuss ways in which cooperation and assistance could be strengthened through improved reporting, planning and coordination. In addition to these dialogues, a Global Conference on Assistance to Victims of Anti-Personnel Mines and Other Explosive Remnants of War, and Disability rights was held in Amman, Jordan, on 10-12 September 2019. The Conference sought to provide national disability rights and victim assistance experts, decision makers and persons with disabilities including mine survivors, with opportunities to further explore challenges and good practices in aligning victim assistance efforts with the Convention on the Rights of Persons with Disabilities (CRPD) and the Sustainable Development Goals (SDGs).

10. Since the Third Review Conference, the States Parties have continued to highlight the importance of high-quality national mine action strategies and work plans to foster cooperation and assistance. The States Parties have further indicated that strategies and work plans should include concrete and costed milestones based on "relevant and accurate information on contamination and the socio-economic impact of anti-personnel mines – including information which is collected from affected women, girls, boys and men, and is analysed from a gender perspective – and that promote and encourage gender mainstreaming". Since the Third Review Conference, a number of States Parties including Afghanistan, Angola, Bosnia and Herzegovina, Cambodia, Somalia, Sri Lanka, Tajikistan, Turkey and Zimbabwe have launched and/or reviewed National Strategies for implementation of their commitments under the Convention, with the support of national and/or international partners.

11. In recognition of the pivotal role of mine action in meeting the Sustainable Development Goals, since the Third Review Conference, States Parties have been encouraged to make efforts to promote the inclusion of mine action into ongoing development plans and other relevant national plans which may benefit resource mobilization efforts. Since the Third Review Conference, UNDP and the GICHD have made efforts to raise awareness in various fora of the relevance of mine action to other sectors to promote cooperation.

12. The States Parties continue to recognise that addressing the needs and guaranteeing the rights of mine victims requires a long-term commitment through sustained political, financial and material resources to improve broader healthcare, social and economic support

services, in line with donor development priorities as appropriate. States Parties continue to recognise the importance of collaboration with wider health, human rights, disability and development systems to address the needs of victims in an efficient, effective and sustainable fashion as well as the importance of cooperation between disarmament instruments which have victim assistance responsibilities to highlight relevant, mutually beneficial opportunities and ensure that activities are mutually reinforcing.

13. In the Maputo Action Plan, it was agreed that “all States Parties will develop and promote bilateral, regional and international cooperation, including through South-South cooperation and by sharing national experiences and good practices, resources, technology and expertise to implement the Convention.” Since the Third Review Conference, a number of exchange visits to share expertise and other cooperation efforts between mine-affected States Parties have taken place. An example of this are the many delegations that have visited Cambodia to learn about the application of land release methodologies and best practices including from, for example, Colombia. These exchanges between States Parties implementing Article 5 contributes to the efficient implementation of the Convention.

14. In addition to this, since the Third Review Conference in some cases mine clearance has been carried out jointly between States that, for example, share a common border. An example of this is the cooperative work carried out by Ecuador and Peru and by Cambodia and Thailand on their common border. In this regard, the implementation of Article 5 can contribute to security and confidence building measures between States Parties. Furthermore, in the past five years, mine clearance has also been considered as a component of peace agreements, for example in Colombia, which highlight the importance of mine clearance as a tangible contribution to support peace efforts.

15. While a number of efforts have been carried out to foster cooperation and assistance, it is evident that efforts must continue in-country and at the international level to ensure that cooperation and assistance can be channelled in a way that would ensure significant progress towards the 2025 aspirations of the States Parties. A more coordinated effort will be required by States in a position to provide assistance to support States Parties that have demonstrated a high level of national ownership and who have put forth clear plans to address their remaining challenges. As highlighted in Action 21 of the Maputo Action Plan, this support should be provided in a way that partnerships ensure a clear definition of responsibilities with parties being accountable to one another, the setting of clear measurable targets and a regular dialogue throughout implementation and, where possible, multiyear commitments.

II. Measures to ensure compliance

16. The States Parties had previously acknowledged that the primary responsibility for ensuring compliance rests with each individual State Party. Article 9 of the Convention accordingly requires each State 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 or control.

17. The Maputo Action Plan commits each State Party that has not yet done so to, “as soon as possible and no later than by the Fourth Review Conference, take all appropriate legal, administrative and other measures to prevent and suppress any activity that is prohibited the Convention undertaken by persons or on territory under its jurisdiction or control.”

18. At the close of the Third Review Conference, there were 63 States Parties that had reported that they had adopted legislation in the context of article 9 obligations and that there were 37 States Parties that had reported that they considered existing national laws to be sufficient to give effect to the Convention. The remaining 61 States Parties, i.e. almost 40 percent of States Parties, had not yet reported having either adopted legislation in the context of Article 9 obligations or that they considered existing laws were sufficient to give effect to the Convention. Since the Third Review Conference:

(a) Three States Parties – Oman, Sri Lanka and the State of Palestine – acceded to the Convention. Oman indicated that it adopted legislation in accordance with Article 9. Sri

Lanka and the State Palestine have not yet indicated having adopted legislation or that they consider existing laws to be sufficient in the context of Article 9;

(b) Eight States Parties indicated that they have adopted legislation in accordance with Article 9 – Afghanistan, Bulgaria, Fiji, Finland, Kenya, Paraguay, Saint Kitts and Nevis and Sudan;

(c) Three States Parties indicated that they consider existing laws to be sufficient: Angola, Côte d'Ivoire and Thailand.

19. There are now 72 States Parties that have reported that they have adopted legislation in the context of Article 9 obligations, and 39 States Parties that had reported that they consider existing national laws to be sufficient to give effect to the Convention. The remaining 53 States Parties have not yet reported having either adopted legislation in the context of article 9 obligations or that they considered existing laws were sufficient to give effect to the Convention. Since the Third Review Conference, subsequent Presidents of the Convention have communicated with these States Parties to draw their attention to this outstanding obligation and encourage reporting on this matter as soon as possible. In the Maputo Action Plan, States Parties committed to address this matter ahead of the Fourth Review Conference.

20. In the Maputo Action Plan, it was agreed that all States Parties with, alleged or known non-compliance with the Convention's prohibitions, "will provide information on the situation to all States Parties in the most expeditious, comprehensive and transparent manner possible and work together with other States Parties in a spirit of cooperation to resolve the matter in an expeditious and effective manner, in accordance with Article 8." Since the Third Review Conference, States Parties have emphasised the importance of continuing to condemn any use of anti-personnel mines by any actor to ensure that the stigmatization of the use of anti-personnel mines remains strong.

21. At the Third Review Conference, the Committee on Cooperative Compliance was established to address matters concerning compliance with Article 1.1 and to consider any follow-up that might be appropriate to assist States Parties to work together in the Convention's traditional spirit of cooperation. Since the Third Review Conference, the Committee on Cooperative Compliance has considered allegations of non-compliance with Article 1.1 which have surfaced in South Sudan, Sudan, Ukraine, and Yemen. The Committee has regularly requested these States Parties to provide updates on their investigations and on national circumstances preventing investigations, as well as on their engagement in the work of the Convention. The Committee has welcomed the continuous engagement of these States. One State Party – South Sudan – has investigated the allegations and concluded that the allegations were not credible and that the area in question is likely to be free from landmine contamination. In view of the information received from South Sudan, the Committee recommended to the States Parties not to further pursue the examination of the allegations. The remaining cases have indicated that security remains the challenge in addressing the allegations but indicated that they will continue communicating with the Committee and the States Parties on their efforts in this regard.

22. Since the Third Review Conference, the Committee on Cooperative Compliance has established a continuous and open dialogue with civil society concerning cases of alleged use of anti-personnel mines. The Committee has met regularly with Human Rights Watch and the International Campaign to Ban Landmines to discuss allegations of use of mines.

23. While the cases of alleged non-compliance by a State Party with Article 1.1 of the Convention are rare, the States Parties are determined to remain vigilant to ensure that the norms of the Convention are upheld by all. Likewise, some States Parties have highlighted the need to ensure that States Parties comply in full with all the obligations of the Convention including carrying out mine clearance, as soon as possible.