

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

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.

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 2018, the following 16 States not party to the Convention voted in favour: Armenia, Azerbaijan, Bahrain, China, Georgia, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Libya, Marshall Islands, Micronesia, Federated States of, Mongolia, Morocco, Singapore, Tonga and the United Arab Emirates.

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: Democratic People's Republic of Korea, Myanmar, and Syrian Arab Republic. 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 2019, 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, Syrian Arab Republic, 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 possessed 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 contained 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 Parties 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 Parties 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 (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 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.

V. Clearing mined areas

31. At the close of the Third Review Conference, 31 States Parties out of the 59 States Parties that had reported, since the Convention entered into force, areas under their jurisdiction or control in which anti-personnel mines were known or suspected to be emplaced were in the process of implementing Article 5 obligations.

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

(a) Three States Parties that had reported areas under their jurisdiction or control in which anti-personnel mines were known or suspected to be emplaced reported that they had completed implementation of Article 5 of the Convention - Algeria, Mozambique, and Mauritania.

(b) The Convention entered into force for three States Parties that have reported areas under their jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced - Oman, Sri Lanka and the State of Palestine.

(c) One State Party which had initially reported the absence of mined areas under its jurisdiction or control has now reported the presence of new mined areas under its jurisdiction or control – Ukraine.

33. In total, since the entry into force of the Convention, there are 63 States Parties that have reported obligations under Article 5, paragraph 1 of the Convention. Of these, there are now 32 States Parties for which Article 5 obligations remain relevant: Afghanistan, Angola, Argentina, Bosnia and Herzegovina, Cambodia, Chad, Chile, Colombia, Croatia, Cyprus, the Democratic Republic of the Congo, Ecuador, Eritrea, Ethiopia, Iraq, Niger, Oman, State of Palestine, Peru, Senegal, Serbia, Somalia, South Sudan, Sri Lanka, Sudan, Tajikistan, Thailand, Turkey, Ukraine, United Kingdom, Yemen and Zimbabwe.

34. While significant and measurable progress has been achieved in the implementation of Article 5, challenges in implementation remain. Some of the persistent challenges reported by States Parties include lack of financial resources, security concerns, border challenges and matters concerning access to contaminated areas. In other cases – the continued use of anti-personnel mines of an improvised nature has been reported as a significant challenge in implementation of Article 5. This is a challenge which may persist and possibly become more prevalent in the future.

35. In the Maputo Action Plan, the States Parties expressed their resolve to “identify the precise perimeters and locations, to the extent possible, of all areas under its jurisdiction or control that contain anti-personnel mines”. Since the Third Review Conference 15 of the 32 States Parties implementing Article 5 have completed or have reported being in the process of carrying out survey to acquire more clarity on the remaining challenge including: Afghanistan, Angola, Bosnia and Herzegovina, Cambodia, Colombia, Iraq, Oman, Somalia, Sri Lanka, Tajikistan, Thailand, Turkey, United Kingdom, Yemen and Zimbabwe. For example, since the Third Review Conference Angola has completed nationwide resurvey and today has a more accurate picture of the remaining challenge. Likewise, Bosnia and Herzegovina has launched non-technical survey activities to more clearly define the remaining challenge and to develop a concrete completion plan based on more accurate information. While progress in this regard has been recorded, a number of States Parties continue to report large swaths of land as suspected requiring survey. Achieving greater clarity on the actual extent of contamination has been pointed out as an important objective of the States Parties in order to develop clear baselines and comprehensive work plans towards completion and ensure the appropriate prioritization of mine clearance operations.

36. The Maputo Action Plan highlights that “land release methodologies will be evidence-based, accountable and acceptable to local communities, including through the participation of affected communities, including women, girls, boys and men, in the process.” Furthermore, in the Maputo Action Plan, it was agreed that each State Party “will ensure as soon as possible that the most relevant land-release standards, policies and methodologies, in line with the United Nations’ International Mine Action Standards, are in place and applied for the full and expedient implementation of this aspect of the Convention...”. The States Parties have recognised that in doing so, “some States Parties may find themselves in a situation wherein they could proceed with implementation faster in implementation of Article 5”.

37. Since the Third Review Conference, the International Mine Action Standards (IMAS) on Land Release have been further updated to support States Parties in their work to ensure an “evidence-based approach” to survey and clearance. In this regard, the States Parties have pointed to the importance of ensuring that national mine action standards are in line with best practices highlighted in IMAS and are applied routinely by stakeholders. Since the Third Review Conference, 24 of the 32 States Parties reported having established and applied the most relevant land release standards, policies and methodologies in accordance with IMAS: Afghanistan, Angola, Bosnia and Herzegovina, Cambodia, Chad, Chile, Colombia, Croatia,

Ecuador, Ethiopia, Iraq, Niger, Peru, Senegal, Serbia, South Sudan, Sri Lanka, Sudan, Tajikistan, Thailand, Turkey, United Kingdom, Yemen and Zimbabwe. In spite of this, large amounts of area continue to be cleared which could have been released through non-technical and technical survey. To address this, it will be important to improve operational efficiency to ensure completion of mine clearance in the most effective, efficient and expeditious manner.

38. Furthermore, States Parties have recognised that the remaining challenge and progress in implementation could be more clearly presented if all States Parties implementing Article 5 obligations employed terminology contained within, and in a manner consistent with, the IMAS (e.g. “confirmed hazardous area”, “suspected hazardous area”; disaggregating land release data by activity that is nontechnical survey, technical survey and clearance; reporting progress according to the result of each activity, that is land that is cancelled, reduced, cleared).

39. Since the Third Review Conference, there has been an increased recognition by the States Parties of the importance of integrating gender and age considerations throughout the survey and clearance process to ensure that comprehensive information on contamination is collected and to maximize the positive socio-economic impact of clearance efforts. While progress has been made in this regard, it has not been systematic, as there remains an increased need to include gender-focused objectives in organisational strategies and increasing the conduct of gender analysis while ensuring that this information is used to guide operational planning.

40. Since the Third Review Conference, four States Parties – Afghanistan, Colombia, Iraq and Yemen - have reported an increase in the use of anti-personnel mines of an improvised nature by armed non-state actors. In 2018, at the Seventeenth Meeting of the States Parties, the Committee on Article 5 Implementation, in a paper entitled “ Reflections and understandings on the implementation and completion of Article 5 mine clearance obligations”, highlighted that “the definition contained in Article 2.1 makes no distinction between an anti-personnel mine that has been ‘manufactured’ and one that has been ‘improvised’, since negotiators aimed for an effect-based definition” and that in this context, “States Parties affected by the latter type of anti-personnel mines must address them as part of their overall implementation challenge under the Convention including, in the fulfilment of Article 5 and Article 7 (transparency measures) commitments.”⁷ Since the Third Review Conference, the States Parties have carried out efforts to ensure that States Parties affected by anti-personnel mines of an improvised nature understand the need to address these types of anti-personnel mines within the framework of the Convention. In addition to the States Parties highlighted above, at the 22-24 May 2019 intersessional meetings, Nigeria acknowledged their obligation to report in this regard highlighting that a non-technical survey will commence in the most conflict-affected areas.

41. Since the Third Review Conference, the States Parties have recalled what the end-point is in the fulfilment of Article 5 obligations. The Seventeenth Meeting of the States Parties (17MSP) reemphasised that “all areas falling under the definition of a ‘mined area’ and containing ‘anti-personnel mines’ must be addressed in order to meet the obligations under Article 5 of the Convention. Furthermore, the 17MSP reemphasised that this obligation is independent of the difficulty to access a ‘mined area’ or of the type of anti-personnel mines employed (e.g. manufactured or of an improvised nature).”⁸

42. Since the Third Review Conference, the following States Parties have made use of the Article 5 extension request process: Angola, Argentina, Bosnia and Herzegovina, Cambodia,

⁷ Reflections and understandings on the implementation and completion of Article 5 mine clearance obligations, Committee on Article 5 Implementation, APLC/MSP.17/2018/10.

⁸ Ibid.

Chad, Croatia, Cyprus, Ecuador, Ethiopia, Iraq, Mauritania, Niger, Peru, Senegal, Serbia, Sudan, Tajikistan, Thailand, Ukraine, the United Kingdom, Yemen and Zimbabwe. The States Parties have recognised the important opportunity presented by the extension request process and emphasised the importance of States Parties requiring an extension of their deadline to abide by the process established by the Seventh Meeting of the States Parties on the submission and consideration of requests for extension as well as the recommendations regarding the Article 5 extension Process endorsed by the Twelfth Meeting of the States Parties.

43. Since the Third Review Conference, the States Parties reconfirmed the importance of States Parties declaring completion in an unambiguous manner and employing language adopted by the States Parties in the voluntary declaration of completion adopted by the Seventh Meeting of the States Parties to avoid confusion concerning the scope and meaning of the States Parties' achievement. In this regard and with the aim to provide support to States Parties in declaring completion in an unambiguous manner, the Seventeenth Meeting of the States Parties adopted the following recommendations:

(a) States Parties are encouraged to continue the voluntary practice of submitting to a Meeting of the States Parties/Review Conference a declaration of completion that incorporates the language adopted by the Seventh Meeting of the States Parties and Twelfth Meeting of the States Parties. States Parties, when formally declaring completion are encouraged to provide detailed information on the activities carried out throughout the duration of the mine action programme taking into account the elements included the draft table of content for a voluntary declaration of completion.

(b) In keeping with the traditional spirit of cooperation of the Convention, States Parties in a position to declare completion, are encouraged to employ the services of the Convention's Implementation Support Unit in the elaboration of the declaration of completion and consider sustaining a cooperative dialogue with the Committee on Article 5 Implementation concerning the content of the declaration of completion, which could lead to an enhanced declaration of completion.

44. The States Parties further reconfirmed that areas that are known or suspected to contain anti-personnel mines cannot be considered 'residual contamination' and must be addressed under the State Party's obligations under the Convention.⁹

45. At the Seventeenth Meeting of the States Parties, the States Parties reconfirmed their understanding that a State Party may, after declaring completion and after its original or extended deadlines to implement Article 5 have expired, in exceptional circumstances, discover a previously unknown mined area (as defined by Article 2.5 of the Convention), including a newly mined area, under its jurisdiction or control that is known or suspected to contain anti-personnel mines. In such circumstances States Parties will implement the rational response to such situation as adopted by States Parties at the Twelfth Meeting of the States Parties and highlighted in the document entitled "rational response" to mined areas discovered after original or extended deadlines to implement Article 5 have expired". Since the Third Review Conference, Mozambique and Ukraine have found themselves in this specific situation having identified a previously unknown mined area/newly mined area following the expiration of their original or extended deadlines to implement Article 5.

46. Action 10 of the Maputo Action Plan obliges States Parties that have reported mined areas under their jurisdiction or control to provide mine risk reduction and education programmes targeting the most at-risk populations. Since the Third Review Conference, 29 of the 32 States Parties implementing Article 5 reported carrying out mine risk reduction and education programmes. During the thematic panels held during the 22-24 May 2019

⁹ Ibid.

intersessional meetings of the Convention, discussions highlighted the increased number of victims and the laying of new mined areas as well as the importance of ensuring that well-targeted, context-specific mine risk reduction and education programmes making use of relevant up-to-date technology and methodologies with a focus on gender and age are in place and that mine risk education programmes continue to be an important part of mine action and an essential activity to protect civilians. Discussions further emphasised the importance of prioritising risk education in mine action operations and linking risk education to survey, clearance and victim assistance operations as well as to national education systems and education in emergencies and refugee situations to ensure an effective response.

47. In 2015 countries adopted the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs). Since this time the States Parties have recognised the pivotal role of mine action in meeting the SDGs and in particular its role in supporting development and recovery efforts in States affected by conflicts. To this effect, the United Nations Development Programme (UNDP) and the Geneva International Centre for Humanitarian Demining (GICHD) conducted a study in 2017 that revealed that 16 SDGs are of direct or indirect relevance to mine action. The study further emphasised that while SDG 16 – Peace and Justice – is most directly relevant, the re-establishment of safe physical living environment is, however, not only an objective in itself, but also a precondition that makes possible development activities.

48. Likewise, the role of mine action in supporting humanitarian response has been increasingly highlighted along with the importance of building synergies between mine action and humanitarian and development actors to ensure an effective response to the threat presented by anti-personnel mines. This has included efforts, for example, to integrate mine action into relevant development plans as well as in all relevant Humanitarian Response Plans, both as a humanitarian protection activity in itself, and in support of humanitarian response activities.

VI. Assisting the victims

49. At the Third Review Conference, the States Parties reemphasised their commitment to the full, equal and effective participation of mine victims in society. The States Parties recognised the importance of the commitments made under the Cartagena Action Plan and stressed that engagement in other domains is also necessary in view of the States Parties' understanding that victim assistance should be integrated into broader national policies, plans and legal frameworks related to the rights of persons with disabilities, health, education, employment, development and poverty reduction. Mine victims are rights holders under several international human rights instruments, including notably the Convention on the Rights of Persons with Disabilities (CRPD). The Maputo Action Plan contains seven actions specific to victim assistance (actions #12 through to #18). Through these actions, the States Parties committed themselves to address issues identified as being central to the provision of victim assistance.

50. Since the Third Review Conference, with the accession of Sri Lanka to the Convention, the number of States Parties that have reported a responsibility for significant number of mine survivors includes the following 30 States Parties: Afghanistan, Albania, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Croatia, Democratic Republic of the Congo, El Salvador, Eritrea, Ethiopia, Guinea Bissau, Iraq, Jordan, Mozambique, Nicaragua, Peru, Senegal, Serbia, Somalia, South Sudan, Sri Lanka, Sudan, Tajikistan, Thailand, Uganda, Yemen and Zimbabwe.

51. Since the Third Review Conference, most of these States Parties have reported progress in the implementation of all or some of the victim assistance actions of the Maputo

Action Plan including having carried out data collection efforts and assessments of the needs of victims, put forward efforts to expand services, enacted legislation and implemented policies to support mine victims, carried out efforts to ensure inclusion and socio-economic reintegration of mine victims, having put in place interministerial coordination mechanisms and established victim assistance action plans, amongst other activities. The Committee on Victim Assistance has noted the importance of States Parties continuing to provide detailed information on progress in implementation as well as on challenges in progressing with implementation. Since the Third Review Conference, of the 30 States Parties which have indicated a responsibility for a significant number of mine survivors all but two of these States have reported information on progress in victim assistance: Guinea Bissau and Eritrea.

52. Since the Third Review Conference, the number of new victims from explosive ordnance globally has increased due primarily to the new use of anti-personnel mines of an improvised nature in states in conflict situations. States Parties have reported that some of the greatest challenges affecting their progress in implementing victim assistance efforts include the lack of inter-agency coordination, lack of reliable data, lack of services and technical expertise in remote areas, lack of financial and technical resources and lack of an overall awareness of the broader rights of mine survivors, amongst others.

53. At the Third Review Conference, the States Parties recognised the importance of data collection in order to assess needs and identify gaps in support and develop measurable plans containing time bound and measurable objectives. Since the Third Review Conference, a number of States Parties such as Albania, Cambodia, El Salvador, Jordan, Sudan and Tajikistan, amongst others, have reported having a system in place to carry out needs assessments which identify mine victims, register new victims and identify their needs and priorities, as well as challenges that hinder service delivery to mine victims. Others have reported being in the process of conducting survey, verification and consolidation of data. While progress has been made in a number of States Parties, other States Parties have reported obstacles in carrying out this initial step and few States Parties had reported on time-bound and measurable objectives they seek to achieve through the implementation of national policies, plans and legal frameworks that will tangibly contribute, to the full, equal and effective participation of mine victims in society in accordance with Action 13 of the Maputo Action Plan.

54. During the thematic panels held during the 22-24 May 2019 intersessional meetings, discussions on victim assistance highlighted the importance of ensuring that ongoing injury surveillance systems are strengthened to monitor the physical impact of explosive ordnance and support the identification of at-risk populations, predict patterns and recognize risk factors. A critical aspect of this is ensuring that States Parties ensure the collection of timely data on the physical impact of mines, disaggregated by effect, cause, age, sex, date, and location and that this data is operationalized in the response.

55. Since the Third Review Conference, a majority of the States Parties with responsibility for significant numbers of mine victims have invested efforts in developing inclusive plans of action, increasingly integrating victim assistance into broader plans related to disabilities, health and social welfares. For example, Thailand reported implementing a Master Plan for Mine Victim Assistance, which enhanced the integration of victim assistance provisions into policies and programmes of ministries of health and social development. Sudan has developed a comprehensive plan – National Strategic Framework on Victim Assistance for the period of 2016 to 2019 - and allocated substantial national resources for its implementation. Still others such as Iraq have reported being in the process of developing inclusive plans of action. However, a number of States Parties have reported challenges in achieving the full objectives of action plans primarily due to shortages in resources and technical capacities.

56. Since the Third Review Conference, many States Parties have reported progress in ensuring accessibility to services. One example is Tajikistan where efforts have been launched to remove physical barriers, by enforcing new accessibility standards not only in its capital but also in the different provinces including by training hundreds of architects and authorities responsible for constructions of public buildings in the country. Likewise, Iraq has been working on the expansion of rehabilitation support to mine survivors and all those in need, including by reconstruction of rehabilitation centres that have been damaged and developing national capacities throughout the country. A number of States Parties have continued to report challenges in ensuring accessibility of services as well as socio-economic reintegration support for mine survivors and persons with disabilities in remote areas.

57. Since the Third Review Conference, a number of States Parties have reported on efforts to strengthen inclusion and raise awareness of the needs of mine victims. Increased participation of mine survivors and other persons with disabilities as well as their representative organisations in victim assistance or disability programmes has been reported in a number of States Parties such as Afghanistan, Bosnia and Herzegovina, Cambodia, Colombia, El Salvador, Iraq, Mozambique, Peru, Senegal, Serbia and Sudan. This participation has been accepted as critical in ensuring the effective socio-economic reintegration of mine survivors into their communities.

58. The Sustainable Development Goals (SDGs) have been seen as highly complementary to a rights-based approach to victim assistance under the Convention, offering opportunities for continued efforts of strengthening collaboration between the Convention and other relevant frameworks that support mine victims and persons with disabilities. The States Parties have recognised the continued importance of States increasing and consolidating synergies between the Convention and other instruments associated with health, development, disability, rule of law and human rights, amongst others.

59. Since the Third Review Conference, the Committee on Victim Assistance has continued its efforts to reach out to broader frameworks through their participation in meetings of the Human Rights Council, the World Health Assembly, and the Convention on the Rights of Persons with Disabilities. The Committee continued to promote the link of victim assistance with broader frameworks by supporting recommendations being put forward by the WHO on matters such as assistive technology and emergency trauma care, as well as, for example, recommending the development of a general comment on Article 11 of the Convention on the Rights of People with Disabilities (CRPD).

60. Since the Third Review Conference, it has been increasingly recognised that a gender and age sensitive approach when collecting casualty data, and providing access and delivering services, is essential to effective victim assistance and to ensure that efforts are “leaving no-one behind.” However, it has also been recognised that the systematization of data collection and operationalization of information collected improved.

61. Since the Third Review Conference, a number of national stakeholder dialogues have been held to strengthen the national response to victim assistance and raise awareness of the rights of persons with disabilities, including mine survivors, acquired through wider rights recognition for protected groups, e.g. disability status. For example, Iraq, South Sudan and Uganda held national stakeholder meetings to look at the current status of victim assistance efforts, remaining challenges and to propose a way forward for implementation. The inclusive and participatory nature of these National stakeholder dialogues allowed for an important exchange of information between partners to determine the best manner in which to proceed with implementation. Some of the results have included the increased understanding and awareness of the rights-based approach to assistance to and matters related to persons with disabilities, including mine survivors, the importance of gender and age-based approaches, the relevance of timely data provided in disaggregated fashion and the

need for affordable and accessible support. States Parties and participating organisations have expressed the value of these type of robust national dialogues.

62. Since the Third Review Conference, an increased number of States Parties are reporting in a manner disaggregated by gender and age and on efforts to integrate victim assistance into broader frameworks. Nonetheless, continued engagement with States Parties will be important to ensure that the trend continues and to continue ensuring rights-based approaches to victim assistance.

63. On the margins of the Seventeenth Meeting of the States Parties, the Committee on Victim Assistance held a Victim Assistance Experts Meeting focusing on the implementation of the Maputo Action Plan and in particular Action 15 which commits States Parties to, taking into account their own local, national and regional circumstances, “do their utmost to strengthen local capacities, enhance coordination with subnational entities as relevant and appropriate, and increase availability of and accessibility to appropriate comprehensive rehabilitation services, economic inclusion opportunities and social protection measures for all mine victims”. The Victim Assistance Experts Meeting was the first time the Committee had convened such a meeting since 2013. Participants highlighted the importance of hosting such events to promote the exchange of ideas and best practices with other victim assistance practitioners and accelerate implementation of the victim assistance commitments of the Convention.

64. Since 2018, the Implementation Support Unit (ISU) has been able to reinstate its inter-ministerial process support to all relevant States Parties and has undertaken process support visits to Cambodia, Somalia, Sri Lanka and Zimbabwe. Process support aims to advance the State’s inter-ministerial efforts to establish SMART objectives and develop victim assistance plans. This work has been carried in coordination with the Committee on Victim Assistance.

VII. Cooperation and Assistance

65. 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.

66. 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.

67. 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. 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.

68. 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 seized 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.

69. In the Maputo Action Plan, the States Parties indicated that “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 they face and their 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.

70. 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 conclusions 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.

71. 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 States Parties' respective deadlines as soon as possible.

72. 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.

73. 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).

74. 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.

75. 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.

76. 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.

77. 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 contribute to the efficient implementation of the Convention.

78. In addition to this, since the Third Review Conference in some cases mine clearance cooperation has been carried out by States Parties 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 in areas along the 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.

79. 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.

VIII. Measures to ensure compliance

80. 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.

81. 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.”

82. 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.

83. There are now 72 States Parties that have reported that they have adopted legislation in the context of Article 9 obligations, and 38 States Parties that had reported that they consider existing national laws to be sufficient to give effect to the Convention. The remaining 54 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.

84. 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.

85. 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.

86. 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.

87. 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.

IX. Transparency and the exchange of information

88. At the Third Review Conference, the States Parties recognised that transparency and the open exchange of information, through both formal and informal mechanisms under the Convention and other informal means, are essential to achieving the Convention's aims. The States Parties also recognised that dialogue informed by accurate and high-quality information can support cooperation and assistance and accelerate the Convention's implementation.

89. The States Parties have recalled that the submission of Article 7 transparency reports is an obligation for all States Parties. This is particularly important for States Parties in the process of destroying stockpiled anti-personnel mines in accordance with Article 4, for those States Parties in the process of clearing mined areas in accordance with Article 5, for those States Parties that are retaining anti-personnel mines for purposes permitted by Article 3, for those with a responsibility for a high number of survivors and for those that are in the process of implementing Article 9.

90. At the Fourteenth Meeting of the States Parties, the States Parties adopted a Guide to Reporting¹⁰ to support the reporting efforts of the States Parties and improve the quantity and quality of reporting. Since the establishment of the Guide to Reporting, improvements in the quality of reports have been seen. The States Parties have reemphasized the benefits that could be obtained in applying the "Guide to reporting" and encouraged its use by the States Parties in implementing their Article 7 obligations.¹¹ Since the Third Review Conference, 20 of the 32 States Parties implementing Article 5 that submitted reports employed all or elements of the Guide to Reporting. The Committees on Article 5 Implementation and Victim Assistance of the Convention have continued encouraging States to employ the Guide to Reporting to ensure clarity on the status of implementation.

91. On 18 February 2016, the Committee on Victim Assistance convened an *Informal Discussion on Reporting on Victim Assistance Commitments under the Anti-Personnel Mine Ban Convention*. Observing that reporting on victim assistance commitments under the Maputo Action Plan may be complex, the Committee sought to offer a platform for States

¹⁰ Guide to Reporting, APLC/MSP.14/2015/WP.2.

¹¹ Final Report of the Fifteenth Meeting of the States Parties, APLC/MSP.15/2016/10, paragraph 37.

Parties to discuss challenges reported on the implementation of Actions 12-14 of the Maputo Action Plan, and opportunities to overcome these challenges. At the meeting, the Committee also noted a call from States Parties to consider simplifying victim assistance reporting methods across relevant disarmament conventions.

92. As a result of consultations, the Committee on Victim Assistance developed the *Guidance on Victim Assistance Reporting* which aims to support States Parties in providing comprehensive information on progress in implementing their victim assistance commitments, as well as highlighting the synergies of reporting with different international instruments concerning victims of exploded ordnance, disability and human rights. Since the Third Review Conference, almost half of the relevant States Parties have submitted comprehensive reports on victim assistance.

93. At the Third Review Conference, it was agreed that all States Parties will provide high quality and updated information annually, as required by the Convention, and provide additional information in a voluntary manner. At the close of the Third Review Conference, all 161 States Parties that had ratified or acceded to the Convention had submitted initial transparency information in accordance with Article 7, paragraph 1, of the Convention had done so. The only exceptions were Oman and Tuvalu. Since the Third Review Conference, Oman submitted its initial transparency report, as did two additional States that acceded to the Convention – State of Palestine and Sri Lanka. Thus, all States but Tuvalu have submitted an initial transparency report as required.

94. At the Third Review Conference, it was also agreed that “States Parties without implementation obligations will make use of the simplified tools for fulfilling their Article 7 obligations.” In 2019, of the 45 States Parties without implementation obligations, 13 made use of the simplified tool for fulfilling their Article 7 obligations.

95. Since the Third Review Conference, the overall reporting rate has been below 50 percent. However, among mine-affected countries implementing core obligations of the Convention, reporting rates have increased. The States Parties have noted that an online reporting tool option, as proposed by the Committee on the Enhancement of Cooperation and Assistance, may support States Parties in their reporting efforts.

96. Since the Third Review Conference, greater attention has been given by the States Parties to the importance of ensuring the collection of disaggregated data by sex and age and ensuring that the data is employed to inform programming in all areas of implementation. In the majority of cases, States Parties submitting reports under Article 7 have submitted information disaggregated by gender and age, in particular when it comes to mine victims and mine risk education beneficiaries.

97. Since the Third Review Conference, States Parties have agreed that renewed attention will need to be given to the ongoing fulfilment of transparency obligations. The Committees of the Convention have all indicated the importance of transparency and the exchange of information for the fulfilment of their mandates. The Committees have focused part of their work on promoting improvements and the strengthening of transparency and exchange of information by States Parties.

X. Implementation support

Implementation Support Unit

98. The Fourteenth Meeting of the States Parties adopted a number of measures to strengthen the financial governance and transparency of the ISU. Some of the important measures taken include the adoption of a multi-annual work plan for the ISU, establishment of a financial security buffer, the establishment of an annual pledging conference for support

to the work of the ISU and the management of expenditures related to core support and of the financial security buffer. These measures were captured in the “Decision on strengthening financial governance and transparency within the ISU” adopted by the Fourteenth Meeting of the States Parties.

99. At the Third Review Conference, the States Parties agreed that all States Parties in a position to do so will provide necessary financial resources for the effective operation of the Implementation Support Unit and take responsibility for the mechanisms they have established. Since the Third Review Conference annually, approximately 27 States Parties have supported the work of Implementation Support Unit.

100. The ISU continues to report regularly and in accordance with the “Directive from the States Parties to the ISU” as well as with other decisions of the States Parties. In accordance with the decision of the 14MSP, quarterly reports have been submitted by the ISU to the Coordinating Committee on the activities and finances of the ISU.

101. The States Parties annually recognised the important support function provided by the ISU to the President, the Committees, the Sponsorship Programme Coordinator, to individual States Parties as well as to others and consistently called for States Parties to continue their support to the ISU.

102. Since the Third Review Conference, through financial support provided by Switzerland, the ISU continued to be hosted by the Geneva International Centre for Humanitarian Demining, ensuring that there was no cost to the States Parties associated with the logistical and administrative support to the ISU.

Meetings of the States Parties

103. Article 11 of the Convention states that “the States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention (...)” and that Meetings of the States Parties subsequent to the First Meeting of the States Parties will be convened annually until the First Review Conference. At the Third Review Conference, the States Parties agreed to hold annual Meetings of the States Parties until the Fourth Review Conference.

104. The Fourteenth Meeting of the States Parties was held in Geneva from 30 November to 4 December 2015 and presided over by H.E. Bertrand de Crombrughe, Ambassador and Permanent Representative of Belgium to the United Nations Office at Geneva. The Fifteenth Meeting of the States Parties was held in Santiago, Chile, from 28 November to 1 December 2016 and presided over by, H.E. Heraldo Muñoz Valenzuela Minister of Foreign Affairs of Chile (represented by H.E. Marta Mauras, Ambassador and Permanent Representative of Chile to the United Nations Office at Geneva). The Sixteenth Meeting of the States Parties was held in Vienna, Austria from 18-20 December 2017 and presided over by H.E. Thomas Hajnoczi, Ambassador and Permanent Representative of Austria to the United Nations Office at Geneva. The Seventeenth Meeting of the States Parties was held in Geneva from 26-30 November 2018 and presided over by H.E. Suraya Dalil, Ambassador and Permanent Representative of Afghanistan to the United Nations Office at Geneva. The Fourth Review Conference was held in Oslo, Norway from 25 – 29 November 2019 and presided over by Hans Brattskar, Ambassador and Permanent Representative of Norway to the United Nations Office at Geneva.

105. Since the Third Review Conference, the States Parties have continued to make use of the Meetings of the States Parties as mechanisms to advance implementation of the Convention. At each Meeting, the States Parties considered final conclusions on the implementation of the mandate of the President, the Committee on Article 5 Implementation, the Committee on Victim Assistance, the Committee on the Enhancement of Cooperation and Assistance and the Committee on Cooperative Compliance. These reports measured

annual progress made by States Parties in the pursuit of the Convention's core aims between Meetings of the States Parties, highlighting relevant actions of the Maputo Action Plan, and highlighting priority areas of work for the States Parties, the Committees and the President. In addition, programmes for the Meetings of the States Parties provided an opportunity for States Parties implementing key provisions of the Convention to provide updates in fulfilling their obligations.

106. Since the Third Review Conference, Meetings of the States Parties have hosted a number of panel discussions including a high level session on Victim Assistance during the 14MSP, a panel on Comprehensive Mine Action and Peace: Cooperation towards a Mine Free World during the 15MSP, a panel on 20 Years of Success: Fulfilling the Promise of the Convention by 2025 and a panel on "Keeping people at the heart of the Convention: Effective Victim Assistance" at the 16MSP. These panels offered an opportunity for States Parties to reflect on important matters concerning the implementation of the Convention.

107. Since the Third Review Conference, the Convention has faced challenges caused by non-payment and late payment of assessed contributions by States as well as by the structure of the financial arrangements for the Convention. These structural issues have forced the States Parties to take a number of cost-cutting measures, including undesirable measures such as reducing the number of meeting days due to insufficient funds to hold meetings as planned. Since 2016 a number of measures have been established in the context of the Convention to ensure the financial predictability and sustainability including the inclusion of a contingency line in cost estimates and measures related to timely payment and non-payment of contributions as well as cost-cutting measures on an ad-hoc basis. The President of the Fourth Review Conference presented a report and recommendations containing a number of actions to be adopted by the Fourth Review Conference.

Intersessional Meetings

108. Since the Third Review Conference, the States Parties have continued to hold intersessional meetings between Meetings of the States Parties. Since the Third Review Conference, the intersessional meetings have continued to prove a valuable informal forum to exchange information on progress made and remaining challenges and to discuss matters related with the implementation of the Convention. Since the Third Review Conference, thematic panels have been introduced to address pertinent issues related to the Convention's implementation, including a thematic discussion on "Partnerships: State of Play" during the June 2015 intersessional meetings, "Achieving Completion: A Mine Free World by 2025: the last stretch" during the May 2016 Intersessional meetings, "Meeting on Aspirations of 2025" during the June 2017 intersessional meetings and "Implementation of Article 5 of the Anti-Personnel Mine Ban Convention" during the June 2018 intersessional meetings. The intersessional meetings on 22-24 May 2019 included a full day of informal thematic discussions on current challenges to implementation of the Convention, including mine clearance and completion deadlines; new use of anti-personnel mines and national reporting; risk education and protection of civilians; victim assistance; integrating a gender perspective in mine action; and cooperation and assistance.

109. Since the Third Review Conference, the intersessional meetings have been held over a period of 2 days offering an opportunity for States Parties to provide updates on their implementation efforts. With the focus having been placed on a more tailored approach to implementation by individual states and Committees valuing more and more direct interaction with individual States, several Committees have taken advantage of the intersessional meetings to hold bilateral meetings with national mine action directors in Geneva.

110. Since the Third Review Conference, the Geneva International Centre for Humanitarian Demining has continued to host the intersessional meetings with financial

support from Switzerland, thus ensuring that there was no cost to the States Parties associated with the organisation of these meetings.

Coordinating Committee

111. At the Third Review Conference, the States Parties highlighted the important role of the Coordinating Committee in coordinating the work flowing from, and related to, formal and informal meetings of the States Parties. Since the Third Review Conference, the Coordinating Committee met eight to ten times per year to fulfil its mandate. Throughout this period, the Coordinating Committee maintained its historic practice of involving the ICBL, the ICRC, and the United Nations as represented by the United Nations Office for Disarmament Affairs, the GICHD, the President-Designate and the Coordinator of the informal Sponsorship Programme.

112. The States Parties continued to note the important work of the Convention's Committees in supporting the Convention's implementation. In particular, since the Third Review Conference, the collaboration between the Committees and implementing States Parties has strengthened, ensuring a greater flow of information between States Parties implementing commitments under the Convention and Convention's machinery.

Sponsorship Programme

113. Since the Third Review Conference, the Sponsorship Programme has continued to permit widespread representation at meetings of the Convention. The States Parties have continued to recognise the importance of the Sponsorship Programme to ensure broad participation from representatives of States Parties that may not be in a position to participate without sponsorship support.

114. During each year from 2014-2018, the informal Sponsorship Programme supported the participation of an average of 17 delegates representing an average of 16 States at each set of intersessional meetings or to each Meeting of the States Parties. Sponsorship funding has continued to decrease over the years but has retained steady support from a few States Parties.

115. Since the Third Review Conference, the Sponsorship Programme has encouraged States Parties to consider gender and diversity in the composition of their delegations. However, States Parties note that a disproportionate number of the persons sponsored have been male.

Participation of other actors

116. The States Parties continued to recognise and further encourage the full participation in and contribution to the implementation of the Convention by the ICBL, ICRC, national Red Cross and Red Crescent Societies and their International Federation, the UN, the GICHD, international and regional organisations, mine survivors and their organisations, mine clearance operators and other civil society organisations. The States Parties benefited greatly from the sense of partnership that exists on the part of the wide range of actors that have committed to working together to ensure the full and effective implementation of the Convention.

117. Since the Third Review Conference, the Convention's implementation machinery has taken a more individual country-focused approach, engaging on a one on one basis with representatives of States Parties and of organisations working in States Parties. The importance of interaction with and coordination by all stakeholders supporting States Parties in implementing their obligations in country, including mine clearance operators as well as actors involved in supporting and promoting the rights of mine victims and persons with

disabilities, has increasingly been recognised. This will be an essential element in the continued successful implementation of the Convention.
