



THE MINE BAN CONVENTION

PROGRESS AND CHALLENGES
IN THE SECOND DECADE



ICRC



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The Convention on the Prohibition of Anti-Personnel Mines is slowly, but surely, creating a world free of the scourge of anti-personnel mines. Its benefits are being felt not only among the populations of States Parties but also among people in States that have not yet adhered to the Convention, but where the use of these horrific weapons is becoming more and more infrequent. The new reality that this Convention is creating is a world in which there are fewer victims of anti-personnel mines facing a lifelong struggle to raise their families, fewer children without hands striving to learn a trade, and fewer people suffering from hunger because their fields are too dangerous to cultivate. Since 1997, we have come a long way towards improving the lives of people in war-torn countries.

Though progress is slower than intended when the Convention was negotiated, measurable strides have been made that are providing real benefits for individuals and communities. The norms set out in the Convention have effectively stigmatized the use of anti-personnel mines. In addition, the Convention's successful implementation practices are being emulated in other treaty frameworks, including those of the UN Convention on Certain Conventional Weapons, the new Convention on Cluster Munitions and the UN Convention on the Rights of Persons with Disabilities. The Convention's Second Review Conference, held in Cartagena, Colombia, in 2009, provided a major opportunity for refocusing the world's attention on the ongoing human costs of anti-personnel mines. More than a decade after its entry into force, the Mine Ban Convention has an impressive record of success.

However, the Convention is currently facing important challenges in several areas of implementation, which are described in the rest of this document. The key challenge to success in most areas is resources, whether from national

governments, donor States or international agencies. The Second Review Conference directly addressed the key challenges in the areas of victim assistance, stockpile destruction and mine clearance. The Cartagena Action Plan¹ for 2010-14 contains strong commitments to improving results in these areas and provides a useful framework for implementation efforts during this period. Successful implementation of the Action Plan will save lives and improve conditions in affected communities around the world.

To ensure success, a continued investment of time, expertise and resources by States, regional and international agencies and clearance organizations will be required. The International Committee of the Red Cross (ICRC) and National Red Cross and Red Crescent Societies are playing a key role in promoting the universalization and implementation of the Mine Ban Convention. They work in countries that are affected to reduce the suffering caused by landmines and explosive remnants of war. Their efforts include both risk-reduction activities aimed at preventing accidents and alleviating the effects of weapon contamination on the communities affected and support for medical care and rehabilitation services for war victims and the disabled, including mine-blast survivors.

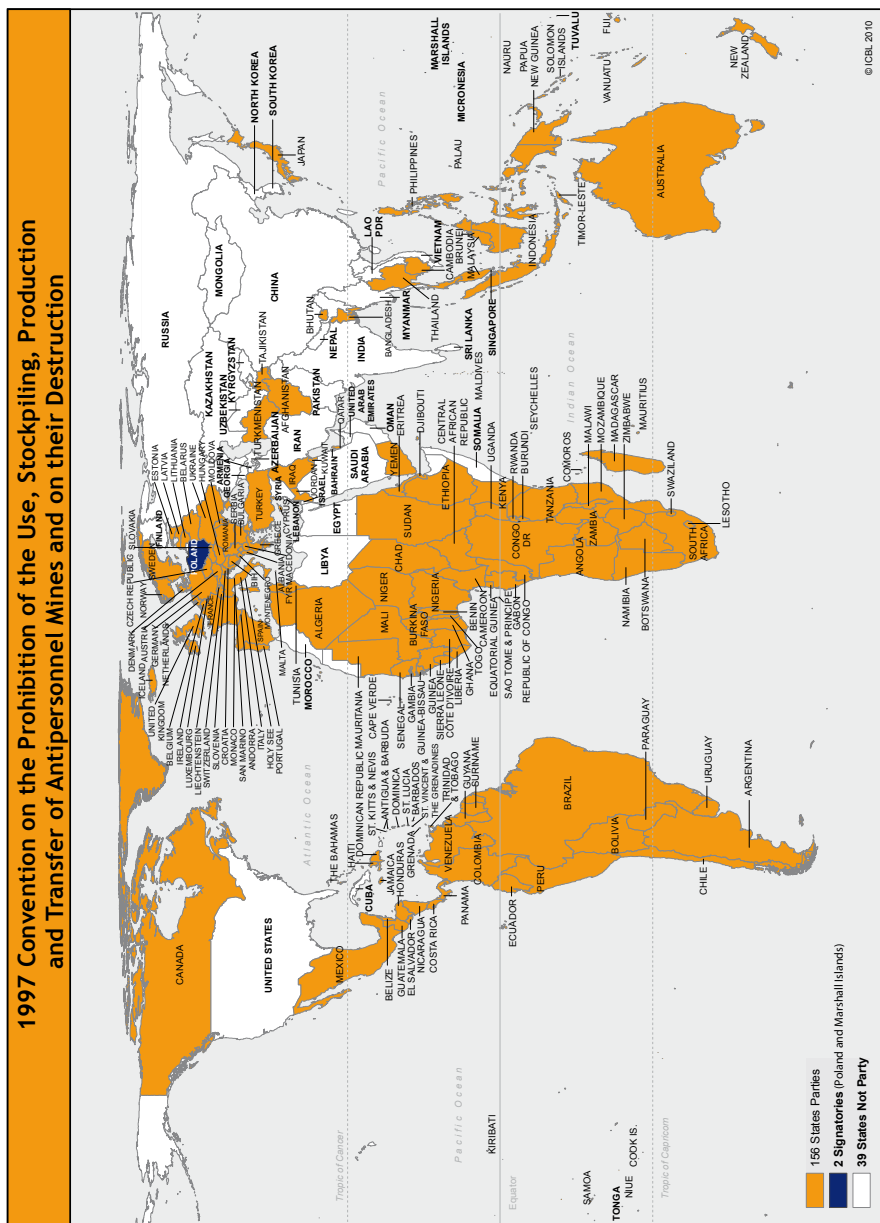
The International Red Cross and Red Crescent Movement adopted a new strategy on landmines, cluster munitions and other explosive remnants of war at its biennial Council of Delegates in November 2009.² The strategy reaffirms the Movement's aim of preventing civilian suffering caused by weapons that continue to kill and injure long after their first use. To achieve this, it commits all components of the Movement to promoting international humanitarian law treaties in this field, to conducting operational activities that alleviate the effects of these weapons and to providing assistance for victims.

1 <http://www.icrc.org/eng/resources/documents/misc/landmines-cartagena-action-plan-100110.htm>

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

Universalizing the Convention and its norms

States Parties and States not party to the Convention



Achievements

A total of 156 States are now party to the Convention; two others³ have signed, but not yet ratified it. The Convention has had a significant impact on worldwide anti-personnel mine use, production and trade. Among States, the use of anti-personnel mines is now rare – with only one instance reported in 2009 and 2010 – and use by non-State armed groups is declining. Production of anti-personnel mines has ceased in 39 States, five of which are not party to the Convention. The legal trade in these weapons is virtually non-existent.

Remaining challenges

There are still 39 States that remain outside the Mine Ban Convention, some of which have large stockpiles of anti-personnel mines. According to Landmine Monitor's estimates, 12 States are still producing mines or retaining the right to do so.⁴ While the use of anti-personnel mines by States has been rare in recent years and these weapons have become increasingly stigmatized, universal adherence to the Convention is vital to ensure that mines being stockpiled or produced are never used and that the mine ban norm becomes truly universal.

Priorities for 2009-2014

The Cartagena Action Plan adopted at the Second Review Conference provides for an ambitious and concrete five-year roadmap to implement and universalize the Mine Ban Convention. Poland and Finland have committed themselves to ratification in 2012. The United States of America is currently conducting a comprehensive review of its anti-personnel mines policy with a view to possible adherence to the Mine Ban Convention. The Russian delegation stated at the 10th Meeting of States Parties that it did not exclude the possibility of joining the Convention but that its accession would depend on resolving technical, financial and other problems.

³ Poland and the Marshall Islands.

⁴ *Landmine Monitor 2010, International Campaign to Ban Landmines*, p. 1.



STOCKPILE DESTRUCTION

What are the Convention's stockpile destruction requirements?

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

Achievements

Until 2008, compliance with the obligation to destroy stockpiled anti-personnel mines was nearly perfect. Since 1999, States Parties have destroyed more than 45 million anti-personnel mines, almost all before their deadline; in a couple of cases there has been a short delay.⁵ Before the Mine Ban Convention was adopted, more than 130 States possessed anti-personnel mines. Today, it is estimated that 35 States not party to the Mine Ban Convention stockpile more than 160 million anti-personnel mines.⁶

Remaining challenges

Nonetheless, compliance with the obligation to destroy stockpiles is one of the key challenges facing the treaty today. Although only four States Parties still have stockpiles, all of these (Belarus, Greece, Turkey and Ukraine) have already missed their non-extendable four-year deadline (in 2008 and 2010). Together, these States hold at present around 11 million anti-personnel mines.

⁵ *Ibid.*, p. 4.

⁶ *Ibid.*, p. 15.

Priorities for 2009-2014

States that have not complied with their obligation to destroy their remaining stockpiles should be called on to do so urgently and to announce a fixed schedule for completing this task as soon as possible. All States Parties must help ensure – in particular through international cooperation and assistance – that the current challenges to compliance are resolved.



MINE CLEARANCE

What is mine clearance?

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

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

Mine clearance is the only permanent solution to the threat posed by mines and explosive remnants of war. The clearance of contaminated land is a vital task that enables people to lead lives free from the fear of hidden anti-personnel mines and returns land to productive use, allowing post-conflict reconstruction and socio-economic development to take place. In practice, when contaminated areas are cleared, deminers remove not only mines, but also any other type of unexploded or abandoned ordnance they may find.

What are the Convention's mine-clearance requirements?

States Parties must clear all mined areas under their jurisdiction or control “as soon as possible but not later than ten years after the entry into force of [the] Convention for that State.” In the meantime, measures to protect civilians – such as marking, fencing and monitoring of mined areas and risk-reduction measures – are required. While each mine-affected State party to the Convention is responsible for clearing all mined areas on its own territory, it may request and receive help in doing so from other States Parties.

The Convention provides that States Parties may request an extension of their 10-year mine-clearance deadline. The first mine-clearance deadlines under the Convention came due in 2009 for 24 States and in 2010 for six States.

Achievements

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

As of 1 March 2011, 17 States Parties had reported or otherwise declared that they had cleared all the mined areas under their jurisdiction or control: Albania, Bulgaria, Costa Rica, Djibouti, the former Yugoslav Republic of Macedonia, France, Greece, Guatemala, Honduras, Malawi, Nicaragua, Niger, Rwanda, Suriname, Swaziland, Tunisia and Zambia.

In addition, the majority of affected States Parties have developed and are implementing national mine-clearance plans in order to meet their deadlines and are reporting regularly on their progress towards this goal. More than 10 years after the Convention's entry into force, other States continue to provide hundreds of millions of dollars per year to support mine-action programmes in affected countries.

Clearance deadlines for States Parties that still have mined areas under their jurisdiction or control

2011 (1)	
1 November	Republic of the Congo
2012 (8)	
1 January	Guinea-Bissau
1 February	Eritrea
1 March	Chile, Jordan
1 April	Algeria
1 July	Denmark
1 August	Uganda
1 November	Democratic Republic of the Congo
2013 (5)	
1 January	Angola, Zimbabwe
1 March	Afghanistan, Gambia
1 July	Cyprus
2014 (7)	
1 January	Chad
1 March	Mozambique, Serbia, Turkey
1 April	Burundi, Sudan
1 October	Venezuela
2015 (2)	
1 March	Yemen
1 June	Ethiopia
2016 (3)	
1 January	Mauritania
1 February	Bhutan
1 March	Senegal

2017 (2)	
1 March	Peru
1 October	Ecuador
2018 (2)	
1 February	Iraq
1 November	Thailand
2019 (3)	
1 March	Bosnia and Herzegovina, Croatia, United Kingdom
2020 (3)	
1 January	Argentina, Cambodia
1 April	Tajikistan
2021 (1)	
1 March	Colombia

Remaining challenges

The first deadlines for mine clearance came due in 2009, 10 years after the Convention's entry into force. At that time, a large number of States Parties with deadlines in 2009 requested extensions: 15 of the 24 States Parties requested and were granted extensions of one to 10 years.⁷ In 2009, four States Parties (Argentina, Cambodia, Tajikistan and Uganda) with deadlines in 2009 and 2010 were granted requests for extensions. In 2010, six States Parties were granted requests for extensions (Chad, Colombia, Denmark, Guinea-Bissau, Mauritania and Zimbabwe), three of them obtaining a prolongation of their previously extended deadlines. So far, 22 States Parties have requested one or more extensions of their clearance deadlines. This makes clear that the fulfilment of mine-clearance obligations is now one of the main challenges facing the Convention.

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

Priorities for 2009-2014

The Cartagena Action Plan reaffirms the need for States Parties to meet their mine-clearance obligations within the initial 10-year deadline or their extended deadlines. Extension requests need to be managed in a way that maintains the credibility of the Convention and promotes

⁷ These States were: Bosnia-Herzegovina, Chad, Croatia, Denmark, Ecuador, Jordan, Mozambique, Nicaragua, Peru, Senegal, Thailand, the United Kingdom, Venezuela, Yemen and Zimbabwe.

the completion of clearance within the shortest possible extension period. To ensure clearance of mined areas within future deadlines, States Parties will need to address a number of challenges:

- The reliable identification of mined areas, which is an obligation for mine-affected States Parties, is essential for determining the extent of contamination and for establishing a realistic demining plan with clear timelines. It is also a prerequisite for assessing the resources needed to carry out the plan and seeking the assistance that may be required. Although progress is being made in this field, several mine-affected countries still display a significant lack of knowledge about the extent of their mine problem. **Action Point 14 of the Cartagena Action Plan calls on all States Parties that have reported mined areas under their jurisdiction or control to do their utmost to determine the boundaries of all mined areas and to develop an appropriate and realistic national plan for mine clearance.**
- The exclusion of 'suspected' mined areas that are not dangerous is necessary in a number of countries. Historically, non-technical surveys have often unintentionally inflated the number and the size of suspected hazardous areas, with the result being that much effort has been spent clearing land that was never contaminated. To accelerate the process of mine clearance and ensure that resources are used in the most efficient way possible, **Action Point 15 of the Cartagena Action Plan calls on States Parties to employ the full range of methods available to safely release land**, including non-technical methods and technical surveys for determining more accurately the areas that contain mines and require clearance. It is important that this be done in accordance with an agreed, verifiable and inclusive process that takes into consideration not only the views of operators and national authorities, but also those of mine-affected communities. This process should result in faster and more cost-effective land release without compromising the safety of civilians.



VICTIM ASSISTANCE

What obligations do States Parties have towards mine victims?

Every State is primarily responsible for the well-being of its citizens. Therefore, mine-affected States Parties bear the main responsibility for caring for mine victims within their territory. However, the Mine Ban Convention recognizes the difficulties faced by mine-affected States Parties, most of which are developing countries with inadequate health and social services and some of which are also recovering from years or decades of war.

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

The following 26 States Parties have reported that they face the task of caring for hundreds, thousands or tens of thousands of landmine survivors:

Afghanistan, Albania, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Croatia, the Democratic Republic of the Congo, El Salvador, Eritrea, Ethiopia, Guinea-Bissau, Iraq, Jordan, Mozambique, Nicaragua, Peru, Senegal, Serbia, Sudan, Tajikistan, Thailand, Uganda and Yemen.

What is the aim of victim assistance?

Victim assistance is a process aiming to ensure that landmine survivors can participate fully and effectively in their societies. The injuries caused by anti-personnel mines often result in the amputation of one or more limbs and in other permanent disabilities, with serious social, psychological and economic consequences for the victims, their families and their communities.

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

- understanding the extent of the challenges faced through data collection and information management;
- establishing adequate emergency and continuing medical care, including first aid and surgical management;
- providing physical rehabilitation services, including physiotherapy, prosthetics and assistive devices;
- advancing social reintegration/inclusion of mine victims through psychological and social support, such as counselling, peer support and sports activities;
- promoting economic reintegration/inclusion of mine victims, including through education and the creation of economic opportunities;
- establishing and implementing legislation and public policies that promote and protect the rights of mine survivors and other people with disabilities.

Assistance for mine victims must not discriminate against persons wounded, injured or disabled by means other than mines. Any difference in treatment should be based solely on medical need. Assistance to mine victims must be treated as an integral part of national public-health and social-services systems. However, health-care facilities in mine-affected areas may require particular support because treating mine victims imposes a significant burden on resources that may already be strained. Strengthening these facilities will benefit not only mine victims, but also other persons with injuries or disabilities and the population at large in mine-affected communities. This, coupled with the implementation of victim-assistance commitments, also contributes to overall development objectives in mine-affected countries.

Achievements

In the Nairobi Action Plan adopted by the First Review Conference in 2004, States Parties were able to reach important conclusions, as shown above, regarding what the

requirement to assist victims entails. This has contributed to more focused and strategic work on victim assistance over the last five years, including the development of useful tools such as questionnaires and progress indicators. These efforts have provided a basis for monitoring and measuring future improvements in victim-assistance work.

Since 2004, most of the 26 States Parties with the most significant number of survivors have established and begun implementing actions plans addressing the six areas of victim assistance identified in the Nairobi Action Plan. In several of these States, interaction and cooperation between the different national ministries and agencies responsible for various aspects of victim assistance have been strengthened. Also, growing numbers of victim-assistance experts and practitioners have been included in efforts to implement the Convention. Mine survivors continue to play an active role in this work, at the national and international levels.

Remaining challenges

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

Despite positive developments in specific countries or communities, the majority of mine victims have yet to see significant improvements in their situation.⁸ Much of the progress made in the last 10 years has been in establishing the structures, processes and tools necessary to support national implementation of victim assistance. This is an important first step, but its transformation into tangible improvement in the quality and quantity of services has yet to occur in most mine-affected areas.

⁸ See the conclusions of the survey carried out by Handicap International in 2009, *Voices from the Ground: Landmine and Explosive Remnants of War Survivors Speak Out on Victim Assistance* (http://en.handicapinternational.be/Voices-from-the-Ground_a616.html).

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

Priorities for 2009-2014

Victim assistance was identified as a top priority for the Second Review Conference held in 2009 in Cartagena, Colombia. States Parties adopted an ambitious five-year action plan, including **a commitment to step up their efforts to ensure that mine victims have access to the services they need in order to be able to participate fully and effectively in society.**

The specific actions that States Parties have committed themselves to implementing include:

- collecting the data necessary to identify the needs of mine victims and the availability and quality of relevant services (Action Point 25);
- actively involving landmine victims and their organizations in the development, implementation, monitoring and evaluation of victim-assistance plans, policies and programmes (Action Point 23);
- increasing the availability and accessibility of medical and social services for mine victims, in particular by expanding services in rural and remote areas and ensuring that services are affordable and physically accessible (Action Point 31);
- developing and enforcing pertinent laws and policies and raising awareness of the rights of people with disabilities, including mine survivors (Action Point 33);
- developing a comprehensive plan of action and budget that address the rights and needs of mine victims, while ensuring that this plan is integrated into broader relevant national policies, plans and legal frameworks (Action Point 27);

- strengthening national ownership and developing and implementing capacity building and training plans in order to promote and enhance the capacity of mine victims, organizations and national institutions in charge of delivering services and implementing national policies (Action Point 30);
- establishing more rigorous mechanisms for reporting, monitoring and evaluating victim assistance (Action Point 28).

Appeal on Victim Assistance to States participating in the Cartagena Summit on a Mine Free World

For nearly two decades the suffering, courage and commitment of landmine survivors has inspired and motivated the successful national and international effort to forever ban these horrific weapons. The plight of victims of cluster munitions has led to a similar international process. We welcome and are proud to have been a part of these historic efforts.

Those who have suffered lifelong injuries caused by landmines, the families of those who have died, affected communities and professionals who assist the victims had reason to hope that the clear commitment to victim assistance in the Convention on the Prohibition of Anti-Personnel Mines would lead to a substantial improvement in the lives of survivors. For most, these hopes have not yet been fulfilled.

Although the overall number of new landmine casualties has gone down globally, and has been dramatically reduced in countries that are party to the Convention, far too many people die at the site of their injuries and while being transported long distances for emergency medical care. Concrete implementation of the Convention's victim assistance goals has been a major challenge for all States. Most survivors have yet to see a substantial improvement in their lives and in access to medical care, physical rehabilitation, psychological support, social services, education and employment. Despite the many real improvements in specific countries or communities, it is still difficult to measure significant progress globally or in many affected countries. A decade after the birth of the Convention, too many landmine survivors are still unable to support their families and fully participate in their societies. The Cartagena Summit on a Mine-Free World, the Convention's Second Review Conference, can and must be the turning point at which this reality begins to change.

Change can happen when all States Parties prioritize victim assistance in affected areas within the context of enhanced health, social, physical rehabilitation and psychological support systems and services. Change will come when education and employment opportunities become more accessible and affordable for all in need. Change will come when respect for the rights and dignity of persons with disabilities becomes a universal norm, reflected in national laws and policies, and when all States adhere to the Convention on the Rights of Persons with Disabilities. Change will come from increased national ownership, adequate financial allocations, long-term commitment, the establishment and effective implementation of measurable and time-bound national objectives and increased international support for relevant structures in affected communities. Change will come when landmine victims and persons with disabilities participate in the development and operation of programmes affecting their lives.

Norway, as President-Designate, and Colombia, as host, of the Cartagena Summit have called for a special focus on victim assistance at the Review Conference. This has again raised the hopes of survivors, the families of those killed and injured, affected communities and those who assist them that the promises of this historic Convention will be fully realized. We appeal to all States Parties to assume their responsibility to fulfil the promise of this Convention to landmine victims. We urge States to adopt an action-oriented set of commitments for 2010-2014 and a political declaration that responds to these concerns. The courage of landmine survivors that inspired this Convention must move States participating in the Cartagena Summit to do more, to invest more and to achieve more for individual victims, their families and communities in the next five years.

**Signed as participants, in their personal capacities,
in “Delivering on the promises:
A meeting of victim assistance practitioners, survivors and
other experts”**

Oslo, 23-25 June 2009

**Hosted by the International Committee of the Red Cross and
the Norwegian Red Cross**



RESOURCE MOBILIZATION

Although funding for mine clearance has remained relatively stable and at a high level since the late 1990s, the bulk of the assistance is provided to only a few of the most affected States. States Parties that are not as severely affected, but whose clearance obligations could be met with a relatively small amount of additional resources, have often found it difficult to obtain the necessary support. Those requesting extensions of their mine-clearance deadlines consistently cite the lack of adequate funding for their national mine-action programme as a major obstacle. Furthermore, plans for mine clearance that accompany extension requests are often based on the expectation of a significant increase in available resources. If current and extended deadlines are to be met, **States Parties in a position to assist, other donors and the mine-affected States Parties themselves will need to increase the resources provided for mine clearance in the coming years.**

While there has been a trend towards mainstreaming support for mine action into humanitarian and development programmes, the results of this have been inadequate. It is therefore important to maintain a high level of dedicated funding for mine clearance in the future to ensure fulfilment of the mine-clearance obligations that are at the core of the Convention's humanitarian objectives. The Tenth Meeting of States Parties in December 2010 established a new **Standing Committee on International Cooperation and Assistance**, whose aim will be, in particular, to strengthen the partnership between mine-affected States Parties and donors and to match identified needs with available resources. The Standing Committee could serve as a forum for States to share experiences and successful practices relating to the mobilization and use of resources. It could also help ensure that information on accessing and making the best use of existing resources is available in a convenient and timely manner to all States.

MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.



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