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Established in 1998, Landmine Monitor is  
an initiative of the International Campaign  
to Ban Landmines, 1997 Nobel Peace Prize  
Co-Laureate

## LANDMINE MONITOR FACT SHEET

Prepared by Human Rights Watch

# Transparency Measures (Article 7)

May 2006

Article 7 of the Mine Ban Treaty states that "Each State Party shall report to the Secretary General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party" regarding steps taken to implement aspects of the convention. Thereafter, States Parties are obligated to report annually, by 30 April, on the preceding calendar year. Transparency reports are posted to the publicly-accessible website:  
<http://disarmament.un.org/MineBan.nsf>

The following information is updated to 15:00 CET on 3 May 2006. States Parties can submit their report to the following address:  
[aplc.article7report@unog.ch](mailto:aplc.article7report@unog.ch)

**56 States Parties have submitted an annual report for 2005, due by 30 April 2006:** Afghanistan, Albania, Australia, Austria, Bangladesh, Belarus, Belgium, Belize, Bulgaria, Canada, Chile, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, DR Congo, Ecuador, Estonia, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Japan, Kenya, Liechtenstein, Lithuania, Macedonia FYR, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mexico, Monaco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Peru, Qatar, Romania, Slovenia, Spain, Sweden, Tajikistan, Tanzania, Thailand, Tunisia, Turkey, Turkmenistan, United Kingdom, Venezuela.

**Only 10 updates are currently visible to the public on the UN website:** Bangladesh, Belize, Hungary, Liechtenstein, Madagascar, Maldives, Malta, Tajikistan, Tanzania, and Turkmenistan.

**Landmine Monitor strongly encourages States Parties that have submitted reports but are not listed as posted to the UN website to contact in writing the Geneva Office of the UN DDA to inquire about the posting status of their report.**

According to the information available to Landmine Monitor, the following States Parties **HAVE NOT** submitted an update for 2005, due by 30 April 2006: Algeria, Andorra, Angola, Antigua & Barbuda, Argentina, Bahamas, Barbados, Benin, Bolivia, Bosnia & Herzegovina, Botswana, Brazil, Burundi, Burkina Faso, Cambodia, Central African Republic, Chad, Colombia, Comoros, Congo Rep. of, Costa Rica, Denmark, Dominica, Dominican Republic, Djibouti, El Salvador, Eritrea, Fiji, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Holy See, Honduras, Italy, Jamaica, Jordan, Kiribati, Lesotho, Liberia, Luxembourg, Mali, Malawi, Mauritius, Moldova, Nauru, Niger, Nigeria, Niue, Panama, Papua New Guinea, Paraguay, Philippines, Portugal, Rwanda, St. Kitts & Nevis, St. Lucia, St. Vincent & Grenadines, Samoa, San Marino, Senegal, Serbia & Montenegro, Seychelles, Sierra Leone, Slovakia, Solomon Islands, South Africa, Sudan, Suriname, Swaziland, Switzerland, Timor Leste, Togo, Trinidad & Tobago, Uganda, Uruguay, Yemen, Zambia, Zimbabwe.

## ISSUES AND CONCERNS

### Posting of Reports by the Depository

As evidenced by the findings contained in this document, there appear to be technical difficulties in posting reports to the official website in a timely and complete manner. For example, Landmine Monitor is aware of four annual updates for 2004, two initial reports, and 45 annual updates for 2005 that have been submitted by States Parties to the depository but are not publicly available on the website.

It is the collective responsibility of States Parties to rectify this situation. Landmine Monitor encourages States Parties to address this issue immediately with the UN Department of Disarmament Affairs in order to ensure that the standard of transparency reporting established over the past six years of treaty implementation is maintained.

### Initial Reporting

The overall compliance rate of States Parties submitting initial transparency measures reports is an impressive 96 percent. This compares with rates in previous years: 91 percent in 2004, 88 percent in 2003, 75 percent in 2002 and 63 percent in 2001. **Cameroon** submitted its initial report as a State Party at the Sixth Meeting of States Parties in Zagreb in November 2005. **Latvia** submitted its first report as a State Party on 2 May 2006. Neither report has appeared on the UN website.

A total of six States Parties have a pending deadline: **Bhutan** (31 July 2006), **Vanuatu** (28 August 2006), **Ukraine** (28 November 2006), **Haiti** (28 January 2007), **Cook Islands** (28 February 2007), and **Brunei** (30 March 2007).

### Late Initial Reporting

A total of six States Parties are late in submitting their initial reports: **Equatorial Guinea** (due by 28 August 1999), **Cape Verde** (due by 30 April 2002), **Gambia** (28 August 2003), **Sao Tome & Principe** (due by 28 February 2004), **Guyana** (due by 31 July 2004), and **Ethiopia** (due by 28 November 2005).

**Gambia** voluntarily submitted a report as a signatory in 2002, but has not submitted a report as a State Party.

**Equatorial Guinea** is not only grossly non-compliant in fulfilling the treaty's transparency obligation (due 28 August 1999), but it has passed its deadline of 1 March 2003 for destroying any stockpiled antipersonnel mines and has not informed States Parties of compliance with this core obligation. **Cape Verde** (transparency report due by 30 April 2002) is also now past its November 2005 stockpile destruction deadline.

### Annual Reporting for 2004

A total of 38 States Parties are **MORE THAN ONE YEAR LATE** submitting an annual report for 2004, due by 30 April 2005: Andorra, Antigua & Barbuda, Barbados, Benin, Botswana, Central African Republic, Comoros, Dominican Republic, Eritrea, Fiji, Gabon, Ghana, Grenada, Guinea, Honduras, Kenya, Kiribati, Lesotho, Liberia, Macedonia FYR, Nauru, Nigeria, Niue, Panama, Papua New Guinea, Paraguay, Qatar, St. Kitts & Nevis, St. Lucia, St. Vincent & Grenadines, Samoa, Sierra Leone, Solomon Islands, Swaziland, Timor Leste, Togo, Uganda, Uruguay.

Additionally, **Algeria, Bolivia, Chad,** and **Serbia and Montenegro** are reported to have submitted a report for 2004 but these reports are not visible on the UN website.

### **Voluntary Reporting by Signatories and Non States Parties**

In a very encouraging development, several states not party to the Mine Ban Treaty have submitted voluntary Article 7 reports, including **Cameroon** in 2001, **Gambia** in 2002, and **Lithuania** in 2002, when they were signatories. Then non-State Party **Latvia** and signatory **Poland** submitted initial reports in 2003, annual updates in 2004, and continued their efforts and submitted an annual update in 2005.

In June 2005, **Sri Lanka** attended the Mine Ban Treaty intersessional Standing Committee meetings in Geneva, where it announced the submission of its first voluntary Article 7 transparency report. It is described as an "initial report up to 13 June 2005" and utilizes the standard forms. It is quite detailed in many areas, and contains the optional Form J for additional information, but does not report on stockpiled antipersonnel mines. The other states not party to the treaty which have submitted voluntary reports have included stockpile information (Cameroon, Gambia, Latvia, Lithuania and Poland).

At the First Review Conference in Nairobi, non-State Party **China** announced its intention of voluntarily submitting a transparency report in the future. During a visit by the ICBL in May 2005, officials in **Azerbaijan** indicated their willingness to submit a voluntary report. **Morocco** and **Mongolia** have also indicated that they will submit a voluntary Article 7 transparency report.

### **Expanded Reporting on Retained Mines**

Reporting on mines retained for mine clearance training and development which includes types, quantities, and institutions authorized to retain (as currently delineated in Article 7), was expanded at the Sixth Meeting of States Parties on a voluntary basis to include the specific anticipated purpose and then actual use of any retained mines based on a joint proposal by Argentina and Chile in 2005. **Argentina** used the new format in its annual update for 2004. Of the annual reports for 2005, submitted so far by States Parties by 30 April 2006, **Iceland, Nicaragua,** and **Slovenia** utilized the new format. Landmine Monitor strongly encourages States Parties to use the expanded reporting format available at: <http://www.gichd.ch/1166.0.html>

### **Reporting on and Destroying Captured or Newly Discovered Stockpiles**

Some States Parties routinely discover, capture, seize, or receive turned-in arms caches containing antipersonnel mines. Burundi, Sudan, and Turkey have provided some official information on such discoveries. Bangladesh, Bosnia and Herzegovina, Colombia, DR Congo, Kenya, Philippines, Serbia and Montenegro, Uganda, and Yemen have not so far reported. Action #15 of the Nairobi Action Plan states: "When previously unknown stockpiles are discovered after stockpile destruction deadlines have passed, report such discoveries in accordance with their obligations under Article 7, take advantage of other informal means to share such information and destroy these mines as a matter of urgent priority."

The International Campaign to Ban Landmines (ICBL) recommends that States Parties include information on the discovery and destruction of antipersonnel mines (including captured, seized, or turned-in mines) in future Article 7 reports. Form G already contains provisions for listing the destruction of stockpiled antipersonnel mines

and antipersonnel mines in mined areas. It is the suggestion of the ICBL that Form G also contain a section on the destruction of newly captured, seized, or turned-in antipersonnel mines. In addition to the quantity of antipersonnel mines found, the form should allow States Parties to provide information on where and when antipersonnel mines were discovered. Without adequate documentation and accountability as required by Article 7, antipersonnel mines from weapons caches can potentially be misplaced or misused.

### **Voluntary Reporting on Foreign Stocks**

A State Party is required to report on mines “owned or possessed by it, or under its jurisdiction or control.” States Parties should also report on foreign stockpiles in order to be consistent with the spirit of the convention aimed at no possession of antipersonnel mines by anyone. **Tajikistan** is the only State Party to declare the number of antipersonnel mines stockpiled by a non-State Party on its territory. Russian forces hold 18,200 antipersonnel mines in Tajikistan. **Germany, Japan, Qatar**, and the **United Kingdom** state that US antipersonnel mine stocks are not under their national jurisdiction or control and have not reported on these stockpiles.

### **Voluntary Reporting on Claymore-Type and OZM-72 Mines**

Use of Claymore-type mines (directional fragmentation munitions) and OZM-72 is legal under the Mine Ban Treaty as long as they are command-detonated, and not victim-actuated (used with a tripwire). States Parties should voluntarily report on stockpiled Claymore-type and OZM-72 mines and steps taken to ensure their use in command-detonated mode only. **Lithuania, Moldova, New Zealand, Sweden**, and most recently **Belarus** have reported in their Article 7 reports on the measures taken to modify Claymore-type and OZM-72 mines.

### **Reporting on Mines with Sensitive Fuzes and Sensitive Antihandling Devices**

Mines with sensitive fuzing mechanisms (such as tilt rods, breakwires or tripwires) or equipped with sensitive antihandling devices (AHD) which explode from an unintentional act of a person are banned by the treaty, regardless of being labeled as antivehicle mines. Thus, prohibited mines with sensitive fuses or sensitive AHD should be included in Article 7 reporting, including types and numbers possessed, modified, and destroyed. Yet, no State Party that has submitted an Article 7 report has given any details on such mines prohibited by the treaty, even though several have destroyed or modified such mines.