

BAN POLICY

1999–2009 Overview

More than three-quarters (156 countries) of the world's states are party to the Mine Ban Treaty, although the most recent to join (**Palau**) was in November 2007. Major powers such as **China, India, Pakistan, Russia**, and the **United States** have still to join, yet one of the treaty's most significant achievements has been the degree to which any use of antipersonnel mines by anyone has been stigmatized throughout the world.

During the course of the past decade, the use of antipersonnel mines, especially by governments, has become rare. In 1999, Landmine Monitor recorded probable use of landmines by 15 states. In the decade since then a total of 21 governments have likely used antipersonnel mines, but only four since 2004 (**Georgia, Nepal, Myanmar**, and the **Russian Federation**). This year's report, as in 2007 and 2008, confirms use by only two states: Myanmar and Russia. The normative effect of the treaty's comprehensive ban has also resulted in decreased use by non-state armed groups (NSAGs). Over the past 10 years, at least 59 NSAGs across 13 countries have committed to halt use of antipersonnel mines.

There have been no confirmed instances of use of antipersonnel mines by States Parties to the Mine Ban Treaty. However, Landmine Monitor reported that there were serious and credible allegations that **Ugandan** forces used antipersonnel mines in the **Democratic Republic of the Congo (DRC)** in 2000, and that **Zimbabwean** forces used mines in the DRC in 1999 and 2000, although both strongly denied it.

The only confirmed serious violations of the treaty have been in stockpile destruction. **Belarus, Greece**, and **Turkey** missed their stockpile destruction deadlines of 1 March 2008, and all three remained in serious violation of the treaty as of September 2009. Through 2007, only four States Parties missed their stockpile destruction deadlines: **Afghanistan, Cape Verde, Guinea**, and **Turkmenistan**.

More than 50 states are known to have produced antipersonnel mines, but 38 have since ceased production, including four countries that are not party to the Mine Ban Treaty: **Egypt, Finland, Israel**, and **Poland**. Landmine Monitor identifies 13 states as producers of antipersonnel mines: **China, Cuba, India, Iran, Myanmar, Nepal, North Korea, Pakistan, Russia, Singapore, South Korea, the US**, and **Vietnam**. In some cases, the country is not actively producing mines, but reserves the right to do so. As few as three countries may have been producing antipersonnel mines in 2008.

A de facto ban on the transfer of antipersonnel mines has been in effect since the mid-1990s; this prohibition is attributable to the mine ban movement and the stigma that the Mine Ban Treaty has attached to the weapon. Landmine Monitor has never conclusively documented any state-to-state transfers of antipersonnel mines. For the past decade, global trade in antipersonnel mines has consisted solely of a low-level of illicit and unacknowledged transfers.

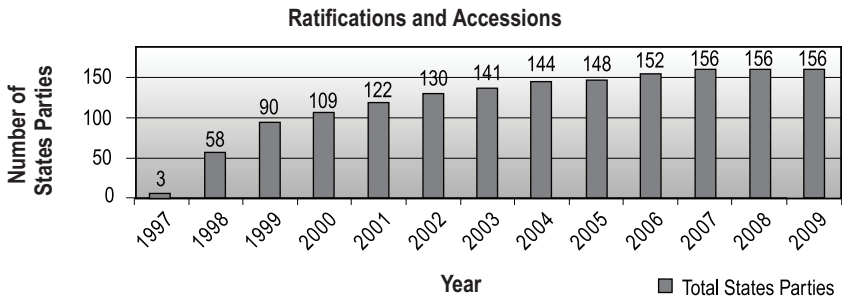
In the mid-1990s, prior to the Mine Ban Treaty, more than 130 states possessed stockpiles estimated at more than 260 million antipersonnel mines. Landmine Monitor now estimates that as many as 35 states not party to the treaty stockpile about 160 million antipersonnel mines. In addition, four States Parties are still in the process of destroying some 12 million stockpiled antipersonnel mines.

2008–2009 Key Developments

- Three States Parties completed stockpile destruction: **Ethiopia, Indonesia, and Kuwait**.
- No use, production, or transfer of antipersonnel mines was recorded by any State Party.
- States not party **Myanmar** and **Russia** continued to use antipersonnel mines, as did non-state armed groups in at least seven countries, including three States Parties (**Afghanistan, Colombia, and Peru**) and four states not party to the treaty (**Myanmar, India, Pakistan, and Sri Lanka**).
- In December 2008, 94 states signed the Convention on Cluster Munitions which comprehensively bans the use, production, stockpiling, and transfer of cluster munitions. The number of signatories stood at 98 as of 1 September 2009, of which 17 had ratified.

Universalization

The Mine Ban Treaty entered into force on 1 March 1999, becoming binding international law. Since entry into force, states must accede and cannot simply sign the treaty with intent to ratify later.¹ Outreach by States Parties to the treaty, the ICBL, and others has helped to expand the ban on antipersonnel mines to many countries that at one time expressed difficulties with joining. Of the 156 States Parties, 131 signed and ratified the treaty, and 25 acceded.² Thirty-nine countries are not yet States Parties, including two that signed long ago but have not yet ratified (**Marshall Islands** and **Poland**).



Not a single state has joined the Mine Ban Treaty since Palau acceded on 18 November 2007; the treaty entered into force for Palau on 1 May 2008. Others which have joined since the First Review Conference of the Mine Ban Treaty in 2004 are **Iraq** (adherence in August 2007), **Kuwait** (July 2007), **Indonesia** (February 2007), **Montenegro** (October 2006), **Brunei** (April 2006), **Cook Islands** (March 2006), **Haiti** (February 2006), **Ukraine** (December 2005), **Vanuatu** (September 2005), **Bhutan** (August 2005), **Latvia** (July 2005), and **Ethiopia** (December 2004). Most of these nations were stockpilers of antipersonnel mines, several were users of the weapon, and several are contaminated by antipersonnel mines.

¹ For a state that ratifies (having become a signatory prior to 1 March 1999) or accedes now, the treaty enters into force for that state on the first day of the sixth month after the date on which it deposited its instrument of ratification with the Depositary. That state (now a party) is then required to make its initial transparency report to the UN Secretary-General within 180 days (and annually thereafter), destroy stockpiled antipersonnel mines within four years, and destroy antipersonnel mines in the ground in areas under its jurisdiction or control within 10 years. It is also required to take appropriate domestic implementation measures, including imposition of penal sanctions.

² The 25 accessions include Montenegro, which technically “succeeded” to the treaty after the dissolution of Serbia and Montenegro. Of the 131 ratifications, 43 came on or before entry into force of the treaty on 1 March 1999 and 88 came afterward.

Of the two remaining signatories, **Poland** decided in February 2009 that it would ratify in 2012, rather than 2015 as it had announced in January 2007. The **Marshall Islands** re-engaged in the Mine Ban Treaty process in 2008 by attending key treaty meetings, but it has not committed to ratify within a specific period.

For the tenth anniversary of the entry into force of the Mine Ban Treaty, a series of regional conferences was held to promote universalization and effective implementation of the treaty in the lead-up to the Second Review Conference (also known as the Cartagena Summit) in Cartagena, Colombia, 30 November–4 December 2009. Regional conferences took place in Nicaragua (February), Thailand (April), Tajikistan (July), South Africa (September), and Albania (October).

UN General Assembly Resolution 63/42

One opportunity for states to indicate their support for the ban on antipersonnel mines is their vote on the annual UN General Assembly (UNGA) resolution calling for universalization and full implementation of the Mine Ban Treaty. UNGA Resolution 63/42 was adopted on 2 December 2008 by a vote of 163 in favor, none opposed, and 18 abstentions.³ Of the 39 states not party to the treaty, 18 voted in favor,⁴ 18 abstained, and three were absent.⁵

Since the first UNGA resolution supporting the Mine Ban Treaty in 1997, the number of states voting in favor has ranged from a low of 139 in 1999 to a high of 164 in 2007. The number of states abstaining has ranged from a high of 23 in 2002 and 2003 to a low of 17 in 2005 and 2006.⁶ Several states that used to consistently abstain or be absent now vote in favor, including **Azerbaijan**, **China**, **Kazakhstan**, **Lao People's Democratic Republic** (Lao PDR), the **Marshall Islands**, and **Morocco**.

Ten-year review by region: universalization

As of 1 September 2009, the percentage of nations in each region that were States Parties to the Mine Ban Treaty was as follows: Africa 98%; Europe 95%; Americas 94%; Asia-Pacific 60%; Commonwealth of Independent States (CIS) 42%; and Middle East and North Africa 39% (see table below).

Africa: Somalia is the only country in the region that has not joined the Mine Ban Treaty. By the First Review Conference in November 2004, all signatories had ratified except **Ethiopia**, and all non-signatories had acceded except Somalia. Ethiopia ratified in December 2004. Somalia voted in favor of the pro-Mine Ban Treaty UNGA resolution for the first time in December 2007.

Americas: Cuba and the **US** are the only countries in the region that have not joined the Mine Ban Treaty. By the First Review Conference in November 2004, all signatories had ratified, except **Haiti**, which did so in February 2006. In February 2004, the Bush Administration

³ Eighteen States abstained from voting on UNGA Resolution 63/42 in December 2008: Cuba, Egypt, India, Iran, Israel, Kyrgyzstan, Lebanon, Libya, Myanmar, Nepal, North Korea, Pakistan, Russia, South Korea, Syria, US, Uzbekistan, and Vietnam. With the exception of Nepal, none of these states have voted in favor of a pro-Mine Ban Treaty resolution since 1999. Nepal abstained for the first time in 2007, after voting in favor of the resolution in past years, except in 2004 and 2006 when it was absent.

⁴ This included two signatory countries (Marshall Islands and Poland) and 16 non-signatories: Armenia, Azerbaijan, Bahrain, China, Finland, Georgia, Kazakhstan, Lao PDR, Micronesia, Mongolia, Morocco, Oman, Singapore, Sri Lanka, Tuvalu, and UAE.

⁵ The three absent were Saudi Arabia, Somalia, and Tonga. Somalia and Tonga have supported the resolution in the past, while Saudi Arabia has always been absent. Eight States Parties were also absent: Central African Republic, Chad, Fiji, Gambia, Kiribati, Seychelles, Sierra Leone, and Saint Kitts and Nevis.

⁶ Voting results by year on the annual UNGA resolution calling for the universalization and full implementation of the Mine Ban Treaty: 1997 (Resolution 52/38 A) – 142 in favor, none against, 18 abstaining; 1998 (Resolution 53/77 N) – 147 in favor, none against, 21 abstaining; 1999 (Resolution 54/54 B) – 139 in favor, one against, 20 abstaining; 2000 (Resolution 55/33 V) – 143 in favor, none against, 22 abstaining; 2001 (Resolution 56/24 M) – 138 in favor, none against, 19 abstaining; 2002 (Resolution 57/74) – 143 in favor, none against, 23 abstaining; 2003 (Resolution 58/53) – 153 in favor, none against, 23 abstaining; 2004 (Resolution 59/84) – 157 in favor, none against, 22 abstaining; 2005 (Resolution 60/80) – 158 in favor, none against, 17 abstaining; 2006 (Resolution 61/84) – 161 in favor, none against, 17 abstaining; and 2007 (Resolution 62/41) – 164 in favor, none against, and 18 abstaining.

completed a review of US landmine policy, announcing that the US did not intend to join the Mine Ban Treaty at any point, abandoning the objective of the previous administration to join in 2006. Cuba's policy has not changed in the past decade.

Asia-Pacific: 16 countries remain outside the Mine Ban Treaty, more than in any other region. However, since 2004, six Asia-Pacific states have joined—more than in any other region. This includes ratification by four signatories (**Brunei, Cook Islands, Indonesia, and Vanuatu**) and two accessions (**Bhutan and Palau**).

Since 2003, **China** has shown increased interest in the Mine Ban Treaty, and has voted in favor of the annual pro-ban treaty UNGA resolution since 2005. Since the First Review Conference in 2004, **India** has sent an observer to every Meeting of States Parties and every intersessional Standing Committee meeting. Since 2007, **Vietnam** has more frequently attended meetings of the Mine Ban Treaty, and welcomed the efforts of others to ban the weapon.

In 2004, **Lao PDR** decided that it would join the Mine Ban Treaty at some point, but did not set a timeline. Lao PDR voted in favor of the annual UNGA resolution for the first time in 2007 and did so again in 2008. **Mongolia** announced in 2004 its intention to accede to the Mine Ban Treaty by 2008, but did not do so.

Commonwealth of Independent States: Five of the 12 countries in the region are States Parties. At entry into force in March 1999, only one was a State Party (**Turkmenistan**), and another two were signatories (**Moldova and Ukraine**). By the First Review Conference in November 2004, there were four States Parties, as **Tajikistan** acceded in October 1999, **Moldova** ratified in September 2000, and **Belarus** acceded in September 2003. **Ukraine** ratified in December 2005. **Armenia** and **Georgia** have consistently supported the annual pro-ban UNGA resolution and attended Mine Ban Treaty meetings. **Azerbaijan** has shown greater support for the treaty in recent years, notably by submitting voluntary Article 7 reports in 2008 and 2009, and voting in favor of the UNGA resolution every year since 2005. **Kazakhstan** voted in favor of the UNGA resolution in 2007 and 2008, after abstaining every previous year.

Europe: Finland and Poland, which has signed but not ratified, are the only countries in the region that are not party to the treaty. By the First Review Conference in November 2004, 39 were States Parties. All of the signatories had ratified except Poland. Three of the non-signatories had acceded (**Estonia, Serbia and Montenegro, and Turkey**). **Latvia** acceded in July 2005, and **Montenegro** joined in October 2006 after its separation from Serbia. In September 2004, Finland announced that it would join the Mine Ban Treaty in 2012, six years later than its previously stated goal. In February 2009, Poland also set 2012 as the year it would join.

Middle East and North Africa: Seven of the 18 countries in the Middle East and North Africa are States Parties. At entry into force in March 1999, three countries were States Parties (**Jordan, Qatar, and Yemen**) and two were signatories (**Algeria and Tunisia**). Tunisia ratified in July 1999 and Algeria in October 2001. **Kuwait** acceded in July 2007 and **Iraq** in August 2007. **Morocco** has declared itself in *de facto* compliance with the Mine Ban Treaty: it has submitted three voluntary Article 7 reports and voted in favor of the annual pro-ban UNGA resolution each year since 2004. **Bahrain, Oman, and the United Arab Emirates (UAE)** have also expressed support for the treaty and regularly voted for the UNGA resolution.

2008–2009 key developments by region: universalization

Africa: Somalia, the only state outside the Mine Ban Treaty in Sub-Saharan Africa, did not make any notable steps towards joining the treaty, and was absent from the pro-ban UNGA vote in December 2008. Somalia did not attend the September 2009 regional conference in South Africa for the lead-up to the Second Review Conference.

Americas: **Nicaragua** hosted the Managua Workshop in February 2009, the first in the series of regional meetings prior to the Review Conference, which neither **Cuba** nor the **US** attended. As of August 2009, the Obama Administration had not made a statement on its landmine policy.

Asia-Pacific: **Thailand** hosted the Bangkok Workshop in April 2009, the second regional meeting prior to the Review Conference. Eighteen countries participated, including non-signatories **Lao PDR, Myanmar, Singapore, Sri Lanka, and Vietnam**.

Having signed and then ratified the Convention on Cluster Munitions, **Lao PDR** appeared to be moving closer to joining the Mine Ban Treaty. It attended the Ninth Meeting of States Parties in November 2008, the intersessional Standing Committee meetings in May 2009, and the Bangkok Workshop. For the second consecutive year, it voted in favor of the pro-ban UNGA resolution in December 2008. In May 2009, Lao PDR said it was considering submission of a voluntary Article 7 transparency report.

In 2008, the **Marshall Islands** re-engaged in the Mine Ban Treaty process, including attending its first annual Meeting of States Parties in November. The **Federated States of Micronesia** said in December 2008 that it was very close to acceding to the Mine Ban Treaty; a draft resolution approving accession has been awaiting congressional approval since mid-2008.

Mongolia did not meet its stated objective of joining the Mine Ban Treaty in 2008, but in mid-2009, Mongolia's Defense Minister and Foreign Minister told the ICBL that they would work to accelerate the accession process. **Vietnam** attended as an observer the Ninth Meeting of States Parties, as well as the Bangkok Workshop.

Commonwealth of Independent States: In July 2009, **Tajikistan** hosted the third regional meeting leading up to the Second Review Conference, and Kazakhstan, Kyrgyzstan and Uzbekistan attended.

Middle East and North Africa: **Egypt** attended the regional conference in South Africa but **Libya** did not. **Morocco** submitted its third voluntary Article 7 report and voted for the annual pro-ban UNGA resolution.

Ten-year review: universalization and non-state armed groups

There has been a growing awareness of the need to involve NSAGs in the global efforts to ban antipersonnel mines. In the past five years, States Parties to the Mine Ban Treaty have discussed the issue more regularly.

A significant number of NSAGs have indicated their willingness to observe a ban on antipersonnel mines. This has taken place through unilateral statements, bilateral agreements, signature to the Deed of Commitment administered by Geneva Call,⁷ and most recently through the "Rebel Group Declaration of Adherence to International Humanitarian Law on Landmines" developed by the Philippines Campaign to Ban Landmines.⁸

At least 59 NSAGs have committed to halt use of antipersonnel mines over the past 10 years.⁹ The exact number is difficult to determine, since NSAGs may split into factions with different policies, go out of existence, or merge with a state.¹⁰

⁷ Geneva Call is a Swiss-based NGO. Under the Deed of Commitment a signatory agrees to prohibit use, production, stockpiling, and transfer of antipersonnel mines, and to undertake and cooperate in mine action. Geneva Call has received signatures from NSAGs in Burundi, India, Iran, Iraq, Myanmar/Burma, the Philippines, Somalia, Sudan, Turkey, and Western Sahara.

⁸ This declaration of adherence unilaterally commits the signatory to the spirit of the Mine Ban Treaty, CCW Amended Protocol II on landmines, and Protocol V on Explosive Remnants of War (ERW) (see below), as well as customary international humanitarian law rules regarding use of mines and explosive devices. As of July 2008, it had been signed by three rebel groups in the Philippines. In February 2008, the Rebolusyonaryong Partido ng Manggagawa-Mindanao/Revolutionary People's Army (RPMM/RPA) was the first group to sign the declaration, followed by the Rebolusyonaryong Partido ng Manggagawa-Pilipinas/Revolutionary People's Army (RPMP/RPA) (Nilo de la Cruz faction) in May 2008, and the Marxista-Leninistang Partido ng Pilipinas (MLPP) and its Rebolusyonaryong Hukbong Bayan (RHB) military wing in July 2008.

⁹ As of 2009, 39 have through the Deed of Commitment, 18 by self declaration, and 4 by Rebel Declaration (two signed both the Rebel Declaration and the Deed of Commitment). Prior to 2000 several declarations were issued regarding the landmine ban by non-state armed groups, some of whom later signed the Deed of Commitment and the Rebel Declaration.

¹⁰ Of 17 Somali groups which signed the Deed of Commitment from 2002–2005, Geneva Call considers 10 to be active as of 2009. Four other former Deed of Commitment signatories are now part of governments which are parties to the Mine Ban Treaty, and therefore bound by the Mine Ban Treaty. At least two other Deed of Commitment signatories in Myanmar/Burma are no longer militarily active.

Since 1999, NSAGs in 13 countries have agreed to abide by either a comprehensive ban on antipersonnel mines or a ban on use. Geneva Call has received signatures to the Deed of Commitment from NSAGs in Burundi, India, Iran, Iraq, Myanmar/Burma, the Philippines, Somalia, Sudan, and Turkey, as well as Western Sahara. NSAGs have agreed to a ban on use of antipersonnel mines through bilateral agreements with governments in Angola, Burundi, DRC, Nepal, the Philippines, Senegal, and Sudan. Four armed groups which had indicated their willingness to ban antipersonnel mines are now part of state governing structures in three States Parties: Burundi, Iraq, and Sudan.

Since the First Review Conference, NSAGs agreeing to ban antipersonnel mines include: the Juba Valley Alliance in Somalia (January 2005), the Polisario Front in Western Sahara (November 2005), the Kurdistan Workers Party (Partiya Karkerên Kurdistan, PKK) in Turkey (July 2006), the Chin National Front/Army of Burma (July 2006), the Kuki National Organization in India (August 2006), the National Forces of Liberation (Forces Nationales de Libération) in Burundi (September 2006), the Communist Party of Nepal/Maoist (November 2006), three more Myanmar/Burma groups—Lahu Democratic Front, Palaung State Liberation Army, Pa'O People's Liberation Organization/Pa'O Peoples Liberation Army (April 2007), the 18 members of the United Jihad Council in Kashmir (October 2007), the Democratic Party of Iranian Kurdistan (December 2007), the Rebolusyonyong Partido ng Manggagawa-Mindanao/Revolutionary People's Army in the Philippines (February 2008), the Rebolusyonyong Partido ng Manggagawa-Pilipinas/Revolutionary Proletarian Army-Alex Boncaya Brigade in the Philippines (May 2008), the Marxista-Leninistang Partido ng Pilipinas/Rebolusyonyong Hukbong Bayan in the Philippines (July 2008), plus the groups in the following section on key developments in 2008–2009.

2008–2009 key developments: universalization and non-state armed groups

In October 2008, the Moro Islamic Liberation Front (MILF) signed the “Rebel Group Declaration of Adherence to International Humanitarian Law on Landmines.” In March 2009, in northeast India, the Zomi Re-unification Organisation signed the Geneva Call Deed of Commitment. In April and June 2009, three factions of the Komala party (the Kurdistan Organization of the Communist Party of Iran, the Komala Party of Kurdistan, and the Komala Party of Iranian Kurdistan) signed the Geneva Call Deed of Commitment.

Use of Antipersonnel Mines

Ten-year review: use by government forces

One of the most significant achievements of the Mine Ban Treaty has been the degree to which any use of antipersonnel mines by any actor has been stigmatized throughout the world. During the course of the past decade, the use of antipersonnel mines, especially by governments, has become a rare phenomenon. Landmine Monitor identified the probable use of antipersonnel mines by 15 governments in its initial report in 1999; 12 in its 2000 report; 13 in its 2001 report; 14 in its 2002 report; nine in its 2003 report; four in its 2004 report; four in its 2005 report; three in its 2006 report; two in its 2007 report; two in its 2008 report; and two in this 2009 report.

Landmine Monitor has identified 21 governments that have probably used antipersonnel mines since 1999, but only four since 2004 (**Georgia, Nepal, Myanmar, and Russia**).¹¹ The armed forces of Myanmar and Russia have used antipersonnel mines each year over the past decade. It appears that Georgian armed forces used antipersonnel mines on occasion every year from 2001 to 2004, and again in 2006, although the government has denied using them. In **Nepal**, government forces used antipersonnel mines and improvised explosive devices (IEDs) in the decade-long conflict that ended in 2006.

¹¹ Since 1999 there has been confirmed use by 16 governments: Afghanistan, Angola, DRC, Eritrea, Ethiopia, India, Iraq, Israel, Kyrgyzstan, Myanmar, Nepal, Pakistan, Russia, Sri Lanka, Uzbekistan, and FR Yugoslavia. There is compelling evidence that five more used antipersonnel mines: Burundi, Georgia, Rwanda, Sudan, and Uganda. All five of these states denied use.

Since 1999, there have been three instances in which government forces have made very extensive use of antipersonnel mines: **India** and **Pakistan** during the period of tensions from December 2001 to mid-2002; **Russia** in Chechnya in 1999 and 2000; and **Ethiopia** and **Eritrea** in their border conflict from 1998 to mid-2000.

There have been no confirmed instances of use of antipersonnel mines by States Parties to the Mine Ban Treaty. However, Landmine Monitor reported that there were strong and credible allegations that forces of **Uganda** used antipersonnel mines in the DRC in 2000, and that **Zimbabwe** forces used mines in the DRC in 1999 and 2000, although both denied it. In addition, a number of countries used antipersonnel mines after signing the Mine Ban Treaty, but before ratification and entry into force. **Angola** openly admitted using antipersonnel mines until 2002, **Ecuador's** Article 7 reporting on mined areas indicated that it laid mines in 1995–1998, and **Ethiopia** tacitly acknowledged use during its 1998–2000 border war. There were also credible use allegations concerning signatories **Burundi**, **Guinea-Bissau**, **Rwanda**, **Senegal**, and **Sudan**, although all denied it.¹²

Ten-year review: use by non-state armed groups

The number of countries in which NSAGs have been using antipersonnel mines has also decreased markedly over the past decade. Landmine Monitor identified use by NSAGs in 13 countries in its first annual report in 1999, then in 18 countries in its 2000 report, 19 countries in its 2001 report, 14 countries in its 2002 report, 11 countries in its 2003 report, 16 countries in its 2004 report, 13 countries in its 2005 report, 10 countries in its 2006 report, eight countries in its 2007 report, nine countries in its 2008 report, and seven countries in this 2009 report.

Since 1999, Landmine Monitor has identified NSAG use of antipersonnel mines in at least 28 countries, as follows:

- **Africa:** Angola, Burundi, DRC, Guinea-Bissau, Namibia, Senegal, Somalia, Sudan, and Uganda;
- **Americas:** Bolivia, Colombia, Ecuador, and Peru;
- **Asia-Pacific:** Afghanistan, Bhutan, India, Myanmar, Nepal, Pakistan, the Philippines, and Sri Lanka;
- **Commonwealth of Independent States:** Georgia (including Abkhazia) and Russia (including Chechnya, Dagestan, and North Ossetia);
- **Europe:** Former Yugoslav Republic of Macedonia (FYR Macedonia), Turkey, and the Former Republic of Yugoslavia (FR Yugoslavia); and
- **Middle East and North Africa:** Iraq and Lebanon.

There have also been very sporadic and isolated incidents of new use in a number of other countries by rebel groups, criminal elements, and other NSAGs.

The rebel groups that have made the most extensive use of antipersonnel mines and mine-like IEDs since 1999 are probably the Revolutionary Armed Forces of Colombia (FARC) and the Liberation Tigers of Tamil Elam (LTTE) in Sri Lanka, followed by the Karen National Liberation Army (KNLA) in Myanmar/Burma.

Since 2004, Landmine Monitor has identified NSAG use each year only in **Colombia**, **India**, **Myanmar/Burma**, and **Pakistan**. In addition, it noted NSAG use in **Iraq** in its reports issued from 2005–2008; in **Chechnya** in reports issued from 2005–2007; in **Afghanistan** in reports issued from 2007–2009; in **Peru** and **Sri Lanka** in reports issued from 2008–2009; and in **Burundi**, **Nepal**, and **Somalia** in reports issued from 2005–2006.

2008–2009 key developments: use

Government forces

From 2008–2009, the armed forces of **Myanmar** and **Russia** continued to use antipersonnel mines. Myanmar's military forces used antipersonnel mines extensively, in numerous areas of the country, as they have every year since Landmine Monitor began reporting in 1999. Among

¹² For more details on government use of antipersonnel mines from 1999–2004 see *Landmine Monitor Report 2004*.

government forces, the security forces of Myanmar have probably been the most prolific users of antipersonnel mines in the world since 2004.

In June 2006, Russian officials confirmed to Landmine Monitor that Russian forces continued to use antipersonnel mines in Chechnya, both newly emplaced mines and existing defensive minefields. In discussions with Landmine Monitor since 2006, Russian officials have declined to state that use of antipersonnel mines has stopped. Landmine Monitor will continue to cite Russia as an ongoing user of antipersonnel mines until an official denial is made and confirmed by the facts on the ground.

Thailand made a serious allegation of new use of antipersonnel mines by **Cambodia** on their border in October 2008 in an incident in which two Thai Rangers were injured. Cambodia stated that the incident occurred in a confirmed minefield on Cambodian territory, and it created a Fact Finding Commission to review the incident. It would appear from available evidence that this incident may have involved new use of antipersonnel mines, but Landmine Monitor is not able to determine who was responsible for laying the mines.

Georgia and **Russia** accused each other of using antipersonnel mines during their conflict in August 2008, but several investigations by Human Rights Watch found no evidence of mine use. There were also allegations, mostly by opposition forces, of use since May 2008 by the armed forces of **Armenia**, **Sri Lanka**, and **Yemen**, but Landmine Monitor could not verify them.¹³

Non-state armed groups

Use of antipersonnel mines by NSAGs declined modestly in the past year. NSAGs used antipersonnel mines or mine-like IEDs in at least seven countries, including three States Parties (Afghanistan, Colombia, and Peru) and four states not party to the treaty (India, Myanmar/Burma, Pakistan, and Sri Lanka). This is two fewer countries than cited in the previous edition of Landmine Monitor, with the removal of Ecuador and Iraq.

Some NSAG use may have taken place in Iraq, the Philippines, Somalia, Thailand, Turkey, and Yemen, but Landmine Monitor has been unable to confirm from available information.

Insurgent and rebel groups have used improvised explosive devices (IEDs) in increasing numbers. An IED that is victim-activated (i.e. it explodes from the contact, presence, or proximity of a person) is considered an antipersonnel mine and prohibited under the Mine Ban Treaty. An IED that is command-detonated (i.e. the user decides when to explode it) is not prohibited by the treaty, but use of such devices is often in violation of international humanitarian law, such as when civilians are directly targeted. Command-detonated bombs and IEDs have been frequently reported by the media, militaries and governments as “landmines.” This has led to some confusion, and Landmine Monitor has consistently attempted to determine if an IED was victim-activated or detonated by some other means.

In **Afghanistan**, new use of antipersonnel mines by the Taliban has been reported. Notably, in June 2008, there were several reports of Taliban mine use in the Arghandab district of Kandahar province. In **Colombia**, FARC continued to be the largest user of landmines in the country, and among the largest in the world, causing hundreds of casualties each year. The National Liberation Army (ELN) also used mines. In **India**, there were a few reports of victim-activated explosive weapons being used, including in Manipur in an area known to be a United National Liberation Front stronghold. Government forces reportedly recovered antipersonnel mines from other armed groups in the northeast of India during the year. In **Myanmar/Burma**, the Karen National Liberation Army, the Karenni Army, the Democratic Karen Buddhist Army, and several other NSAGs continued to use antipersonnel mines.

¹³ Last year, Landmine Monitor noted that knowledgeable sources in Sri Lanka who wished to remain anonymous, including those engaged in mine action activities in the field, alleged that Sri Lankan security forces used antipersonnel landmines in 2007 and 2008. Although Landmine Monitor was not able to confirm the allegations, it said it considered this the first serious charge of use of antipersonnel mines by government forces in Sri Lanka since the 2002 Cease Fire Agreement. Representatives of the Ministry of Foreign Affairs and the Sri Lanka Army strongly denied the allegations when asked by Landmine Monitor.

In **Pakistan**, NSAGs sporadically used antipersonnel mines in Balochistan, some districts of the North-West Frontier Province, and the Federally Administered Tribal Areas in attacks on Pakistani security forces and civil administration, and in sectarian, inter-tribal and inter-family conflicts. In May 2009, Taliban groups were reported to have used antipersonnel landmines in the Swat Valley. In **Peru**, remnants of Shining Path (Sendero Luminoso) have reportedly used victim-activated explosive devices, referred to as “explosive traps,” to protect illegal coca fields. In August 2008, Peru launched an offensive in Vizcatan province against the Shining Path during which members of the security forces were reportedly injured by these explosive traps. In **Sri Lanka**, as the war intensified in 2008 and 2009, culminating in the defeat of the LTTE in May 2009, it appears that the LTTE laid very large numbers of antipersonnel mines in defense of its military installations throughout the north of the island. The Sri Lanka Army reportedly found many newly laid mines, IEDs, and booby-traps, especially between late November 2008 and March 2009.

In **Iraq**, insurgent forces used command-detonated IEDs extensively, but no specific incidence of victim-activated mine use was found during the year, despite documented instances of discoveries and seizures of antipersonnel mines by Iraqi and foreign forces. In the **Philippines**, there were no confirmed instances of use of antipersonnel mines by NSAGs, although some incidents in news reports appear to have involved victim-activated devices. The Armed Forces of the Philippines (AFP) continued to allege use of banned explosive devices by the New People’s Army. In August 2008, the AFP also alleged use of antipersonnel mines by the MILF in North Cotabato and Maguindanao. Both the New People’s Army and MILF rejected the allegations. In **Somalia**, despite the ready availability of antipersonnel mines, Landmine Monitor has not identified any confirmed reports of new use of antipersonnel mines in several years by any armed organization operating in the country. Landmine Monitor analysis of news reports indicates that most if not all of the explosive attacks were command-detonated.

In **Thailand**, the insurgency in the south has made extensive use of command-detonated IEDs and there may have been isolated instances of use of homemade landmines or victim-activated IEDs. **Turkey** reported that in 2008, 158 military personnel and civilians were killed or injured by landmines laid by the PKK/Kurdish Freedom and Democracy Congress (Kongreya Azad z Demokrasiya Kurdistana)/Kurdistan People’s Congress (Kongra Gel). But it did not differentiate between casualties caused by antipersonnel mines, antivehicle mines or IEDs, nor between victim-activated and command-detonated mines/IEDs. There were also media reports of use of antipersonnel mines, but it has not been possible to verify the nature of the devices, who laid them, or the date of placement. In **Yemen**, the government has on a few occasions accused the Al-Houthi rebels of using antipersonnel mines, but there has been no independent confirmation.

There were reports of NSAG use of antivehicle mines in Afghanistan, Iraq, Niger, Pakistan, Palestine, Somalia, and Sri Lanka.

NSAGs reportedly used command-detonated IEDs in Afghanistan, Algeria, Iraq, India, Pakistan, the Philippines, Russia, Somalia, Sri Lanka, Thailand, and Turkey.

Production of Antipersonnel Mines

More than 50 states are known to have produced antipersonnel mines.¹⁴ Thirty-eight states have ceased production of antipersonnel mines,¹⁵ including four countries that are not party to the Mine Ban Treaty: **Egypt**, **Finland**, **Israel**, and **Poland**. **Taiwan** passed legislation banning production in June 2006. Among those who have stopped manufacturing are a majority of the

¹⁴ There are 51 confirmed current and past producers. Not included in that total are five States Parties that have been cited by some sources as past producers, but deny it: Croatia, Nicaragua, Philippines, Thailand, and Venezuela. In addition, Jordan declared possessing a small number of mines of Syrian origin in 2000. It is unclear if this represents the result of production, export, or capture.

¹⁵ Thirty-four States Parties to the Mine Ban Treaty that once produced antipersonnel mines include: Albania, Argentina, Australia, Austria, Belgium, BiH, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, France, Germany, Greece, Hungary, Iraq, Italy, Japan, Netherlands, Norway, Peru, Portugal, Romania, Serbia, South Africa, Spain, Sweden, Switzerland, Turkey, Uganda, UK, and Zimbabwe.

big producers from the 1970s to 1990s. With the notable exceptions of **China, Russia** and the **US**, the former biggest producers and exporters are now States Parties to the Mine Ban Treaty.

Landmine Monitor identifies 13 states as producers of antipersonnel mines: **China, Cuba, India, Iran, Myanmar, Nepal, North Korea, Pakistan, Russia, Singapore, South Korea**, the **US**, and **Vietnam**. In some cases, the country is not actively producing mines, but reserves the right to do so. As few as three countries may have been producing antipersonnel mines in 2008.¹⁶

No countries were added or removed from the list of producers in this reporting period. Since it began reporting in 1999, Landmine Monitor removed **Egypt, Iraq, Turkey**, and **FR Yugoslavia** from its list of producers. **Nepal** was added to the list in 2003 following admissions by military officers that production was occurring in state factories. More recently, Nepal officials have denied past or current production, and the situation remains unclear (see 2008–2009 key developments: production section below).

NSAGs in **Colombia, India, Myanmar/Burma**, and **Peru** are known to produce victim-activated improvised mines. The sophistication of such mines varies greatly. Prior to its defeat in 2009, the LTTE in **Sri Lanka** probably produced the most sophisticated antipersonnel mines among NSAGs.

2008–2009 key developments: production

- **China:** In April 2008, several sources in Beijing told Landmine Monitor that facilities to produce antipersonnel mines are idle, or have shut down, or have been converted for production of other products. There has been no official confirmation of this information.
- **India:** In its first ever response to a Right to Information Act (RTI) request on landmines, the Ministry of Defence confirmed that it was actively producing antipersonnel mines in 2007 and 2008, including NM-14 and NM-16 mines, as well as the APER 1B mine. Landmine Monitor is not familiar with the APER 1B mine, presumably an antipersonnel mine. India has in the past informed Landmine Monitor that it does not produce remotely-delivered mines.
- **Nepal:** In December 2008, an Army General told the ICBL that Nepal had no capacity to produce landmines, nor did it ever have such capacity. Similarly, in March 2008, an army official told Landmine Monitor that Nepal did not produce or use any victim-activated mines or IEDs, and in 2007, an army officer denied any past or current antipersonnel mine production, while acknowledging that soldiers frequently made command-detonated IEDs. These comments contradicted statements made in 2003 and 2005, when Nepali officials told Landmine Monitor that Nepal produced antipersonnel mines. While it does not appear that Nepal is currently producing antipersonnel mines, the conflicting information about past production remains to be clarified. Landmine Monitor will continue to list Nepal as a producer until Nepal makes an official, formal statement that it does not produce antipersonnel mines and does not intend to do so in the future.
- **South Korea:** South Korea reported that it did not engage in any production of antipersonnel mines in 2008. In June 2008, South Korea told Landmine Monitor that a government-managed research project on alternatives to antipersonnel mines was scheduled for 2009 to 2012. A private company, the Hanwha Corporation, began production of self-destructing antipersonnel mines in 2006, manufacturing 18,900 in 2006 and 2007.
- **US:** In May 2008, the Vice Chief of Staff of the US Army stated that the XM-7 Spider Networked Munition would be procured in a configuration that only allowed command detonation. Previously, the Spider system contained a feature that would

¹⁶ India and Pakistan acknowledge ongoing production, and it seems certain Myanmar is actively producing. South Korea reported production in 2006 and 2007, but not in 2008. China, Iran, Nepal, the US, and Vietnam have all said they are not currently producing. It is unclear if Cuba, North Korea, Russia, and Singapore are actively producing.

permit it to function in a victim-activated mode, making it incompatible with the Mine Ban Treaty. This would have constituted the first production of antipersonnel mines by the US since 1997.

- **Vietnam:** In May 2008, representatives of the Army and the Ministry of Foreign Affairs told a visiting Canadian governmental delegation that Vietnam has not produced mines since the Mine Ban Treaty came into force. However, the Ministry of Foreign Affairs official also emphasized that Vietnam reserves the right to use and produce landmines in the future.

Ten-year review: production

- **Cuba:** Cuba has not provided any information about its production of antipersonnel mines. The state-owned Union of Military Industries is believed, in the absence of any denial or clarification from the government, to continue to produce antipersonnel mines.
- **Egypt:** At the First Review Conference of the Mine Ban Treaty in 2004, Egypt's Deputy Assistant Foreign Minister stated that the Egyptian government had imposed a moratorium on all production activities related to antipersonnel mines. This was the first time that Egypt publicly and officially announced a moratorium on production. Egyptian officials had unofficially said for a number of years that Egypt stopped producing antipersonnel mines in 1988.
- **India:** India has been actively producing antipersonnel mines that are compliant with Convention on Conventional Weapons (CCW) Amended Protocol II. In October 2000, India said that it had designed a remotely-delivered antipersonnel mine system, for trial evaluation and prototype production. But, in August 2005, India told Landmine Monitor that it was not producing remotely-delivered antipersonnel mines.
- **Iran:** The Director of the Iran Mine Action Center told Landmine Monitor in August 2005 that Iran does not produce landmines, echoing an assertion from the Ministry of Defense in 2002 that Iran had not produced antipersonnel mines since 1988. However, mine clearance organizations in Afghanistan have since 2002 found many hundreds of Iranian antipersonnel mines date-stamped 1999 and 2000.
- **Iraq:** Iraq produced antipersonnel mines in the past, including in the period leading up to the 2003 invasion. An Iraqi diplomat told Landmine Monitor in 2004 that all mine production capacity had been destroyed in the Coalition bombing campaign. Iraq confirmed this in its initial Article 7 report in August 2008.
- **Myanmar:** In 2007, Landmine Monitor learned that Myanmar was producing blast mines based on the US M-14 plastic mine design, in addition to the previously identified MM1 (modeled on the Chinese Type 59 stake-mounted fragmentation mine), the MM2 (similar to the Chinese Type 58 blast mine), and a Claymore-type directional fragmentation mine.
- **Pakistan:** Pakistan has been actively producing antipersonnel mines that are compliant with CCW Amended Protocol II, including for the first time, remotely-delivered mine systems.
- **Russia:** Russia stated in December 2000 that it was decommissioning facilities for the production of antipersonnel blast mines.
- **Singapore:** In 2002, the Norwegian Petroleum Fund removed Singapore Technologies Engineering (STE) from its investment portfolio due to STE's involvement in the production of antipersonnel mines. The New Zealand Superannuation Fund divested from STE in 2006. In April 2007, the Netherlands' biggest pension fund, ABP, announced that it had stopped investing in landmine-producing companies, including STE.

- **South Korea:** South Korea reported that it did not produce any antipersonnel mines, other than Claymore mines, from 2000 to 2005. It gave assurances only command-detonated Claymores were made. It produced self-destructing antipersonnel mines for the first time in 2006, and again in 2007.
- **US:** The US cancelled planned production of two weapons that would have been inconsistent with the Mine Ban Treaty: RADAM in fiscal year 2002 and Spider with battlefield override feature in 2008.
- **Vietnam:** Vietnam began stating in 2005 that it no longer produces antipersonnel mines, but it reserves the right to do so in the future.

Global Trade in Antipersonnel Mines

A *de facto* ban on the transfer of antipersonnel mines has been in effect since the mid-1990s. For the past decade, global trade in antipersonnel mines has consisted solely of a low-level of illicit and unacknowledged transfers.

A significant number of states outside the Mine Ban Treaty have formal moratoria on the export of antipersonnel mines, including **China, India, Israel, Kazakhstan, Pakistan, Poland, Russia, Singapore, South Korea,** and the **US**. In December 2007, the US extended its comprehensive antipersonnel mine export moratorium, in place since 1992, for another six years, until 2014. In July 2008, Israel extended its export moratorium for another three years. Other past exporters have made statements declaring that they do not export now, including **Cuba, Egypt,** and **Vietnam**. **Iran** also claims to have stopped exporting, despite evidence to the contrary.

In this reporting period, there were only a small number of reports of trafficking in antipersonnel mines. Perhaps most notably, in 2008 **Niger** discovered more than 1,000 abandoned mines on the Niger-Chad border, which it believed were lifted from minefields by smugglers for resale. Niger also initiated a program to buy mines from arms traffickers to prevent them from falling into the hands of rebels.

Ten-year review: trade

The most disturbing developments regarding transfers of antipersonnel mines were the reports by the UN Monitoring Group on Somalia that both **Ethiopia** and **Eritrea**—States Parties to the Mine Ban Treaty—provided antipersonnel mines to forces in **Somalia** in 2006, and possibly in other years as well.¹⁷ Both Ethiopia and Eritrea strongly denied the allegations. The Monitoring Group also reported that mines continued to be available at arms markets in Somalia.

Local inhabitants and the media have reported that antipersonnel mines are available on the clandestine market in the Federally Administrated Tribal Areas of Pakistan. There have been reports of mines being smuggled from Afghanistan into Pakistan, and from Sudan into the DRC.

Landmine Monitor received information in 2002, 2003, and 2004 that demining organizations in Afghanistan were removing and destroying many hundreds of Iranian YM-I and YM-I-B antipersonnel mines, date-stamped 1999 and 2000, from abandoned Northern Alliance frontlines.

There were reports of attempts by representatives of Pakistan Ordnance Factories to sell antipersonnel mines to British journalists posing as representatives of private companies in both November 1999 and April 2002.

¹⁷ Two Presidents of the Meetings of States Parties made inquiries about these reports, but the ICBL has regretted the fact that States Parties have not vigorously pursued these serious and specific allegations as potential violations of the Mine Ban Treaty.

Antipersonnel Mine Stockpiles and Their Destruction (Article 4)

States Parties

As of August 2009, 149 of the 156 States Parties to the Mine Ban Treaty have stated that they do not have stockpiles of antipersonnel mines. Eighty-six States Parties have completed the destruction of their stockpiles.¹⁸ Sixty-three States Parties declared that they did not possess stockpiles of antipersonnel mines, except in some cases those retained for research and training purposes.¹⁹

An additional two states, **Equatorial Guinea** and the **Gambia**, have not yet formally declared the presence or absence of stockpiles, but are not believed to possess any mines. One other state, **Iraq**, has reported uncertainty about the existence of a stockpile (see below). Four States Parties are in the process of destroying stocks: **Belarus**, **Greece**, **Turkey**, and **Ukraine**.

States Parties collectively have destroyed about 44 million stockpiled antipersonnel mines, including more than 1.6 million from May 2008 to May 2009.²⁰ In addition, treaty signatory **Poland** destroyed 651,117 antipersonnel mines in 2008. The most recent States Parties to complete their stockpile destruction obligation are **Kuwait** (declared in July 2009), **Ethiopia** (April 2009), and **Indonesia** (November 2008).

Overall, compliance with this core obligation of the treaty has been impressive. Most States Parties have completed destruction far in advance of their deadlines. Through 2007, only four States Parties missed their deadlines: **Turkmenistan**, **Guinea**, **Cape Verde**, and **Afghanistan**.²¹

¹⁸ New to this list are Ethiopia, Indonesia, and Kuwait. As of 31 August 2009, the following states have completed the destruction of their antipersonnel mine stockpiles: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, DRC, Republic of the Congo, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, El Salvador, Ethiopia, France, Gabon, Germany, Guinea, Guinea-Bissau, Honduras, Hungary, Indonesia, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lithuania, Luxembourg, FYR Macedonia, Malaysia, Mali, Mauritania, Mauritius, Moldova, Montenegro, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Peru, Philippines, Portugal, Romania, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sudan, Suriname, Sweden, Switzerland, Tajikistan, Tanzania, Thailand, Tunisia, Turkmenistan, Uganda, UK, Uruguay, Yemen, Venezuela, Zambia, and Zimbabwe.

¹⁹ New to this list are Haiti and Palau. The following States Parties have declared not possessing antipersonnel mine stockpiles (note: a number of these apparently had stockpiles in the past, but used or destroyed them prior to joining the Mine Ban Treaty, including Eritrea, Rwanda, and Senegal): Andorra, Antigua and Barbuda, Bahamas, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei, Burkina Faso, Central African Republic, Comoros, Cook Islands, Costa Rica, Côte d'Ivoire, Dominica, Dominican Republic, Eritrea, Estonia, Fiji, Ghana, Grenada, Guatemala, Guyana, Haiti, Holy See, Iceland, Ireland, Jamaica, Kiribati, Lesotho, Liberia, Liechtenstein, Madagascar, Malawi, Maldives, Malta, Mexico, Monaco, Nauru, Niger, Niue, Panama, Palau, Papua New Guinea, Paraguay, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, São Tomé e Príncipe, Senegal, Seychelles, Solomon Islands, Swaziland, Timor-Leste, Togo, Trinidad and Tobago, and Vanuatu.

²⁰ Turkey destroyed most of the mines, nearly 1.3 million. Greece destroyed 225,962; Kuwait 91,432; Ethiopia 32,650; and Indonesia 11,603. In addition, Iraq reported in July 2008 that it had destroyed 200,125 stockpiled antipersonnel mines since 2003, but did not indicate how many each year.

²¹ Turkmenistan reported the completion of its stockpile destruction on 28 February 2003, just ahead of its deadline, but also reported that it was retaining 69,200 antipersonnel mines for training purposes. The ICBL and a number of States Parties severely criticized this as an unacceptably high number of retained mines that constituted continued stockpiling of the weapon. In February 2004, Turkmenistan said it would destroy the mines, which it did later in the year. It turned out Turkmenistan had in fact been retaining 572,200 individual antipersonnel mines, as most of the retained mines were of the remotely-delivered type and Turkmenistan had been counting only the containers and not the mines inside. Guinea and Cape Verde had not revealed that they possessed small stockpiles of antipersonnel mines. This fact was discovered only when reports came out of the completion of destruction, in Guinea's case seven months after its April 2003 deadline, and in Cape Verde's case eight months after its November 2005 deadline. Guinea's mines were destroyed with the assistance of the US, and Cape Verde's with NATO assistance. Afghanistan was unable to meet its March 2007 deadline for stockpile destruction, telling States Parties that while it had destroyed 486,226 stockpiled antipersonnel mines, two depots of antipersonnel mines still remained in Panjsher province. The provincial authorities apparently did not make the mines available for destruction in a timely fashion. Afghanistan then finished destruction in October 2007. For more details, see Stephen D. Goose, "Goodwill Yields Good Results: Cooperative Compliance and the Mine Ban Treaty," in Jody Williams, Stephen D. Goose and Mary Wareham, (eds.), *Banning Landmines: Disarmament, Citizen Diplomacy, and Human Security* (Lanham: Rowman & Littlefield, 2008), pp. 105–126.

However, this record has been tarnished by three States Parties—**Belarus**, **Greece**, and **Turkey**—that missed their stockpile destruction deadlines of 1 March 2008. All three remain in serious violation of the treaty.

Belarus finished destroying its 294,775 non-PFM type antipersonnel mines in 2006, but still possesses 3.37 million PFM-type mines. It is in the process of finalizing a new joint project with the European Commission to complete stockpile destruction. It has not established a new completion date. **Greece** did not even begin destroying mines until November 2008, and had destroyed only 225,962 mines as of May 2009. It hoped to destroy the remaining 1.36 million mines by the end of 2009. **Turkey** destroyed 1.6 million antipersonnel mines between 2006 and April 2009, leaving a total of 1.32 million to destroy. It intends to complete destruction in 2010.

Ukraine informed States Parties in May 2009 that it was unlikely to meet its 1 June 2010 stockpile destruction deadline. It still possesses 5.95 million PFM-type mines and 149,096 POM-2 mines. It destroyed 101,088 PFM-1 mines in 1999 and 404,903 PMN-type mines in 2002 and 2003, as well as more than 254,000 other antipersonnel mines.

Thus, as of mid-2009, more than 12 million antipersonnel mines remained to be destroyed by four States Parties, including **Belarus** (3.4 million), **Greece** (1.4 million), **Turkey** (1.3 million), and **Ukraine** (6.1 million).

It is not clear if **Iraq** has a stockpile of antipersonnel mines. In its initial Article 7 report, dated 31 July 2008, Iraq stated that while it had not yet identified any stockpiles, “this matter will be further investigated and if required, corrected in the next report.” Its subsequent report in May 2009 did not include any information on stockpiles or destruction. Iraq stated in its July 2008 report that it had destroyed 200,125 stockpiled antipersonnel mines since 2003.

Stockpile Destruction Deadlines

| | |
|---------|-----------------|
| Belarus | 1 March 2008 |
| Greece | 1 March 2008 |
| Turkey | 1 March 2008 |
| Ukraine | 1 June 2010 |
| Iraq | 1 February 2012 |

States not party

Landmine Monitor estimates that as many as 35 states not party to the Mine Ban Treaty stockpile more than 160 million antipersonnel mines.²² The vast majority of these stockpiles belong to just three states: **China** (estimated 110 million), **Russia** (estimated 24.5 million), and the **US** (10.4 million). Other states with large stockpiles include **Pakistan** (estimated six million) and **India** (estimated four to five million).

Poland, a signatory state, declared a stockpile of 1,055,971 mines at the end of 2002, but had reduced it to 333,573 mines by the end of 2008, including the destruction of 651,117 mines in 2008.

In 2008, **China** continued to destroy stockpiled antipersonnel mines that had either expired or were not compliant with CCW Amended Protocol II. It has reported destruction of more than 2 million such mines since the late 1990s. It reported in September 2008 that new techniques would allow it to accelerate the process of destroying obsolete mines.

In November 2008, **Russia** stated that “about 10 million anti-personnel mines” had been destroyed in “recent years.” It has apparently been destroying about one million mines per year since 2005. In November 2004, Russia for the first time revealed that it had a stockpile of 26.5 million antipersonnel mines, stating that it had destroyed 19.5 million since 2000.

In May 2008, an army official in **Vietnam** informed a Canadian delegation that Vietnam’s stockpile of antipersonnel mines will expire in a few years, and stated that Vietnam has gradually started to destroy the mines.

²² Of the 39 states not party, four have stated that they do not stockpile any antipersonnel mines: Marshall Islands, Micronesia, Tonga, and Tuvalu. Some other states not party may not have stocks. Officials from the UAE have provided contradictory information regarding its possession of stocks. A Libyan defense official said in 2004 that Libya no longer stockpiles, but that information has not been confirmed. Bahrain and Morocco state that they only have small stockpiles used solely for training purposes.

Non-state armed groups

Compared to a decade ago, very few NSAGs today have access to factory-made antipersonnel landmines. This is directly linked to the halt in trade and production, and the destruction of stocks, brought about by the Mine Ban Treaty. Some NSAGs have access to the mine stocks of previous regimes (such as in **Afghanistan, Iraq, and Somalia**).

In addition to producing their own improvised mines, NSAGs in states not party to the Mine Ban Treaty have also acquired mines by lifting them from the ground, capturing them, stealing them from arsenals, and purchasing them from corrupt officials.

During this reporting period, NSAGs and criminal groups were reported to possess stocks of antipersonnel mines in **Afghanistan, Colombia, India, Iraq, Myanmar/Burma, Pakistan, Peru, Sri Lanka, and Turkey**. Most often, Landmine Monitor identifies whether an NSAG possesses stocks through reports of seizures by government forces.

At least two NSAGs which have signed the Geneva Call Deed of Commitment destroyed some stocks of antipersonnel mines during the reporting period. In Puntland (**Somalia**), in April 2009, Mines Advisory Group and a Puntland police explosive ordnance disposal team destroyed 78 Pakistani-made P4 mines in Bosasso. In **Iraq**, in September 2008, the PDKI destroyed 392 antipersonnel mines in Koya, northern Iraq.

Reporting on and destroying captured, seized, or newly discovered stockpiles

Action #15 of the Nairobi Action Plan states: “When previously unknown stockpiles are discovered after stockpile destruction deadlines have passed, [all States Parties will] 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.” States Parties took this a step further by agreeing to adopt a modified voluntary reporting format for reporting on these mines.

Some States Parties routinely discover, capture, seize, or receive turned-in arms caches containing antipersonnel mines. In this reporting period, the following countries officially noted new discoveries or seizures of antipersonnel mines in their Article 7 reports: **Afghanistan, Bulgaria, Burundi, Cambodia, Republic of the Congo, Niger, Sudan, Tajikistan, and Uganda**. In addition, there were government or media reports of discoveries or seizures of antipersonnel mines in **Colombia, Iraq, Peru, and Turkey**, although these were not included in Article 7 reporting.

Afghanistan reported that 62,498 stockpiled antipersonnel mines were discovered and destroyed during calendar year 2008, in 160 events in 20 provinces. It previously reported that 81,595 stockpiled antipersonnel mines were destroyed in 2007, including many that were discovered, seized, or handed over during the year. **Cambodia** has declared that a total of 133,478 antipersonnel mines were newly found and destroyed from 2000–2008, including 13,665 in 2008.

The **Republic of the Congo** reported that on 3 April 2009 it destroyed 4,000 PPM-2 and PMN mines discovered in abandoned ammunition storage areas. **Niger** destroyed 1,772 antipersonnel mines in August and October 2008. The mines apparently came from two sources, with some discovered on the border with Chad and some purchased from traffickers. **Sudan** reported that caches containing 523 antipersonnel mines were discovered in various locations of Southern Sudan and destroyed from October–December 2008.

Since the First Review Conference in 2004, the following States Parties have reported new discoveries or seizures of mines in their Article 7 reports: **Afghanistan, Angola, Bangladesh, Bosnia and Herzegovina (BiH), Bulgaria, Burundi, Cambodia, Republic of the Congo, Niger, Senegal, Serbia, Sudan, Tajikistan, Uganda, and Yemen**. There have also been official or media reports of new discoveries or seizures of antipersonnel mines in **Algeria, DRC, Kenya, and the Philippines**, in addition to **Colombia, Iraq, Peru, and Turkey**.

It is a State Party’s responsibility to account for the disposition of captured, seized, or turned-in antipersonnel landmines. States Parties should reveal in Article 7 reports the details of newly found antipersonnel landmines, depending on whether they are maintained for a period as stockpiled mines (Form B), transferred for destruction or training purposes (Form D), actually

destroyed (Form G), or retained for training purposes (Form D). This reporting should occur for discoveries and seizures made both before and after the completion of stockpile destruction programs.

Mines Retained for Research and Training (Article 3)

Article 3 of the Mine Ban Treaty allows a State Party to retain or transfer “a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques...The amount of such mines shall not exceed the minimum number absolutely necessary for the above-mentioned purposes.”

Ten-year review: mines retained

The ICBL, and a number of States Parties, have consistently questioned the need for live mines for training purposes. At least 23 states that once stockpiled antipersonnel mines have declared that they no longer possess any mines, even for research and training purposes. Several states have indicated that some or all of their retained mines are fuzeless.

Over the years, States Parties have had extensive discussions about “the minimum number absolutely necessary.” During the Oslo negotiations in 1997 and during Standing Committee discussions since 1999, most States Parties have agreed that, for those that decide to retain mines, the minimum number of mines retained should be in the hundreds or thousands or less, but not tens of thousands.

With strong urging from the ICBL, State Parties agreed at the First Review Conference in 2004 that those retaining mines should report in detail each year on the intended purposes and actual uses of those mines. In 2005, States Parties agreed to a new, voluntary Article 7 form to facilitate such reporting.

Despite these measures, the ICBL has continued to express concern in recent years that a large number of States Parties are still retaining mines, but apparently not using them for permitted purposes. For these States Parties, the number of mines retained remains the same year after year, indicating none are consumed (destroyed) during training or research activities, and no or few details are provided about how the mines are being used. Some states retain mines even though they are not known to engage in any research or training activities.

Mines Retained for Research and Training, 2002–2008

| Reporting Period | No. of States Parties reporting retained mines | No. of retained mines (approximately) | No. of States Parties reporting retained mines consumed | No. of retained mines consumed | No. of States Parties not retaining mines |
|------------------|--|---------------------------------------|---|--------------------------------|---|
| 2008 | 71 | 197,000 | 29 | 20,449 | at least 78 |
| 2007 | 71 | 216,000 | 35 | 14,758 | at least 77 |
| 2006 | 69 | 228,000 | 29 | 12,416 | at least 77 |
| 2005 | 69 | 227,000 | 14 | 3,702 | at least 71 |
| 2004 | 74 | 248,000 | 24 | 6,761 | at least 64 |
| 2003 | 66 | 233,000 | 17 | 3,112 | at least 62 |
| 2002 | 62 | 280,000 | 15 | 3,806 | at least 55 |

The ICBL told States Parties in April 2007 that it “is increasingly convinced that there is widespread abuse” of the Article 3 exception. It said, “It appears that many States Parties are retaining more antipersonnel mines than ‘absolutely necessary’ and are not using mines...for the permitted purposes. It is time for States Parties to think about this as a serious compliance issue,

and not just a reporting or transparency issue...Some States Parties have yet to use their retained mines at all; they are simply sitting in storage—the equivalent to continued stockpiling...Unless a State Party is clearly retaining the minimum number of antipersonnel mines, is actively utilizing the mines for the permitted purposes, and is being fully transparent about the process, there may rightly be concerns that the mines are in essence still being stockpiled and could be used for war fighting purposes.²³

At least 15% of States Parties retaining mines in 2008 have not reported a reduction in mines retained since the treaty's entry into force for these states. Even more states have reported consuming mines only sporadically, with many reporting no consumption for two or more consecutive years.

Since 2005, the number of States Parties not retaining mines for research and training purposes has exceeded the number choosing to retain. The total number of mines retained has decreased substantially, from about 280,000 in 2002 to about 197,000 in 2008. This has reflected not only the consumption of retained mines during training and development activities, but also the decision by many states to significantly reduce—and in some cases completely eliminate—mines retained as they have deemed the mines excessive to their needs.

At least 30 States Parties have reviewed and decided to reduce their number of retained mines, or even eliminate the mines altogether (as **Moldova** and **FYR Macedonia** did in 2006).²⁴ Among those who decided to significantly reduce their number of retained mines in 2007 and 2008 were **Algeria, Ecuador, Guinea-Bissau, Iraq, Serbia, Sudan, Thailand, Ukraine, and Zambia**.

2008 key developments: mines retained

In 2008, 71 of the 156 States Parties retained a total of more than 197,000 antipersonnel mines in accordance with Article 3.

At least 78 States Parties have chosen not to retain any mines for training. During this reporting period, **Haiti** and **Palau** formally indicated for the first time in their initial Article 7 reports that they were not retaining any antipersonnel mines. Seven other States Parties may not retain mines, but greater clarity and confirmation of their status is needed. **Botswana, Cape Verde, and Equatorial Guinea** have never declared a number of mines retained in an Article 7 report.²⁵ **Cambodia, DRC, Nigeria, and Senegal** have declared in the past that they were not retaining any mines for research and training, but have reported information in their recent Article 7 reports that makes their status uncertain.²⁶

²³ ICBL Intervention on Article 3—Mines Retained for Training, delivered by Stephen D. Goose, Head of ICBL Delegation, Standing Committee on the General Status and Operation of the Convention, Geneva, 27 April 2007.

²⁴ States that decided to reduce the number of mines they retained include: Argentina, Algeria, Australia, Bulgaria, Chile, Croatia, Denmark, Ecuador, Guinea-Bissau, Iraq, Italy, Lithuania, Macedonia, Mauritania, Moldova, Peru, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sudan, Thailand, Turkmenistan, Uganda, Ukraine, UK, Venezuela, and Zambia. Eleven of these originally intended to keep 10,000 or more mines.

²⁵ Cape Verde and Equatorial Guinea are thought not to possess any antipersonnel mines for training, but have never submitted their initial Article 7 reports formally declaring this fact. Botswana indicated in its 2001 Article 7 report, the only one it has ever submitted, that it would retain a "small quantity" of antipersonnel mines, without providing details. An official told Landmine Monitor in 2001 that this consisted of seven inert antipersonnel mines.

²⁶ Cambodia has not reported any mines retained for training, but has indicated that antipersonnel mines removed from the ground each year have been used for research and training purposes. In past years, the DRC has reported that information on mines retained for training purposes was "not applicable," but in 2008 and 2009 it reported instead that the information was not yet available, leaving it unknown as to whether the DRC is considering retaining or has already retained an unspecified number of mines for research and training purposes. Nigeria listed 3,364 "British made [antipersonnel] AP mines" as retained in its most recent Article 7 report, but Nigeria had previously reported destroying all 3,364 of its retained mines in 2005 and declared that it was no longer retaining mines. Senegal for the first time reported in its 2007 Article 7 report that 24 antipersonnel mines, taken from demining operations or discovered among rebel stockpiles, were used for training purposes before their destruction. It has repeated this in its 2008 and 2009 reports, identifying the same mine types each year; it is unclear if this indicates additional mines used for training or refers to the initial instance.

Three States Parties retain more than 10,000 antipersonnel mines: **Turkey, Bangladesh, and Brazil** (ordered by number of mines retained). Together, these three states account for almost 20% of all mines retained under the treaty. A further six States Parties retain between 5,000 and 10,000 mines: **Sweden, Greece, Australia, Algeria, Croatia, and Belarus**. (See table below for details).

States Parties with highest number of retained mines under Article 3

| State Party | No. of retained mines | No. of mines previously destroyed in 2008 |
|-------------|-----------------------|---|
| Turkey | 15,125 | 50 |
| Bangladesh | 12,500 | 0 |
| Brazil | 10,986 | 1,395 |
| Sweden | 7,364 | 167 |
| Greece | 7,224 | 0 |
| Australia | 6,785 | 213 |
| Algeria | 6,090 | 8,940 |
| Croatia | 6,038 | 65 |
| Belarus | 6,030 | 0 |
| Total | 78,142 | 10,830 |

The majority of States Parties that retain mines, a total of 38, retain between 1,000 and 5,000 mines.²⁷ Another 24 States Parties retain fewer than 1,000 mines.²⁸

In 2008, 29 States Parties reported retaining fewer mines than in 2007, resulting in an overall decrease of 20,449 mines.²⁹ This includes mines consumed during training and research activities, as well as reductions of mines considered excess to needs. **Algeria**, which in 2007 had the second highest number of retained mines of all States Parties, destroyed 8,940 mines, leaving 6,090 remaining. **Guinea-Bissau** destroyed 100 of its 109 retained mines, indicating that no research or training activities were currently underway. **Iraq** decided to retain 297 mines, 937 less than the total previously reported. **Serbia** reported a reduction of 1,976 mines, to a total of 3,589. **Sudan**, which completed its stockpile destruction in March 2008, reported retaining 1,938 mines, which is 3,059 less than last reported. Additionally, **Brazil** and the **Czech Republic** reported consuming a significant number of mines in 2008 in the course of training activities, reducing their totals by 1,395 and 2,156 respectively.

²⁷ Thirty-eight States Parties retain between 1,000 and 5,000 antipersonnel mines: Afghanistan, Angola, Argentina, Belgium, Bhutan, BiH, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, France, Germany, Indonesia, Japan, Kenya, Mozambique, Namibia, Netherlands, Nicaragua, Peru, Romania, Serbia, Slovakia, Slovenia, South Africa, Spain, Sudan, Tanzania, Thailand, Tunisia, Uganda, Venezuela, Yemen, and Zambia.

²⁸ Twenty-four States Parties retain fewer than 1,000 antipersonnel mines: Benin, Burundi, Colombia, Republic of the Congo, El Salvador, Eritrea, Ethiopia, Guinea-Bissau, Honduras, Iraq, Ireland, Italy, Jordan, Latvia, Luxembourg, Mali, Mauritania, Portugal, Rwanda, Togo, UK, Ukraine, Uruguay, and Zimbabwe.

²⁹ Twenty-nine states reported retaining fewer mines than in 2007: Afghanistan (62), Algeria (8,940), Argentina (112), Australia (213), Belgium (42), Brazil (1,395), Canada (24), Chile (70), Republic of Congo (50), Croatia (65), Czech Republic (2,156), France (8), Germany (7), Guinea-Bissau (100), Iraq (937), Ireland (3), Italy (32), Japan (392), Serbia (1,976), Slovenia (1), Spain (197), Sudan (3,059), Sweden (167), Tanzania (322), Thailand (12), Tunisia (20), Turkey (25), Ukraine (12), and Zimbabwe (50). Of these 29 states, 22 explicitly reported the number of mines consumed since 2007, while seven listed a lower total number of retained mines without any further explanation.

At least 42 States Parties did not report consuming any mines for permitted purposes in 2008.³⁰ In 2007, a total of 38 states did not report consuming any mines; in 2006, 44 states; in 2005, 51 states; in 2004, 36 states; in 2003, 26 states; and in 2002, 29 states did not consume any mines.

Twelve States Parties have not reported consuming any mines for permitted purposes since entry into force for that country: **Angola, Bangladesh, Belarus, Benin, Bhutan, Burundi, Cyprus, Djibouti, Greece, Indonesia, Togo, and Venezuela**. During this reporting period, several states, including **Algeria, Republic of the Congo, Guinea-Bissau, and Serbia** reported a reduction in the number of their retained mines for the first time since the treaty entered into force for them.

For 2008, at least two states reported an increase in retained antipersonnel mines through the discovery of previously unknown stocks, including **Peru** (increase of 47) and **Mozambique** (520). Another two states—**BiH** (655) and the **United Kingdom** (UK) (294)—reported an increase in the number of mines retained without explanation.³¹

In 2008, only 18 States Parties made use of the expanded voluntary Form D in their Article 7 reports to provide details on the intended purposes and actual uses on mines retained: **Afghanistan, Argentina, Belgium, Canada, Chile, Croatia, Czech Republic, Germany, Guinea-Bissau, Indonesia, Japan, Latvia, Mauritania, Portugal, Rwanda, Serbia, Turkey, and the UK**.³² However, several other States Parties provided such information on regular Form D or elsewhere in their Article 7 reports.

Transparency Reporting (Article 7)

The overall compliance rate of States Parties submitting initial transparency measures reports is an impressive 98%. This compares to 97% in 2007, 96% in 2006 and 2005, 91% in 2004, 88% in 2003, and 75% in 2002. Three States Parties have yet to submit long overdue initial reports: **Equatorial Guinea** (due 28 August 1999), **Cape Verde** (due 30 April 2002), and the **Gambia** (due 28 August 2003).

Two States Parties have submitted initial reports since the publication of *Landmine Monitor Report 2008*: **Haiti** and **Palau**. Haiti submitted its initial report in March 2009, over two years late, and Palau submitted its report by its October 2008 deadline. There are no States Parties with pending deadlines for an initial report.

As of the end of August 2009, only 88 States Parties had submitted annual updates for calendar year 2008. A total of 64 states had not submitted updates.³³ This equates to a compliance rate of 58%, a rate that will likely go up somewhat in the coming months.

³⁰ The number cannot be precise because as of the end of August 2009, 15 states that previously declared retained mines had not submitted an Article 7 update for calendar year 2008. The 42 States Parties that did not report consuming retained antipersonnel mines in 2008 are: Angola, Bangladesh, Belarus, Benin, Bhutan, BiH, Bulgaria, Burundi, Colombia, Cyprus, Denmark, Djibouti, Ecuador, El Salvador, Eritrea, Ethiopia, Greece, Honduras, Indonesia, Jordan, Kenya, Latvia, Luxembourg, Mali, Mauritania, Mozambique, Namibia, Netherlands, Nicaragua, Peru, Portugal, Romania, Rwanda, Slovakia, South Africa, Togo, Uganda, UK, Uruguay, Venezuela, Yemen, and Zambia.

³¹ The total number of retained mines reported in Denmark's Article 7 report submitted in 2009 is one higher than last year. However, the actual total is unclear, as the types of mines listed add up to the same number as in its previous report.

³² Additionally, other states, including France, Moldova, Nicaragua, Peru, Romania, Sudan, Tajikistan, and Tunisia, have used the voluntary Form D in past years.

³³ The 64 States Parties not submitting updates were: Angola, Antigua and Barbuda, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei, Burkina Faso, Cameroon, Central African Republic, Comoros, Cook Islands, Costa Rica, Djibouti, Dominica, El Salvador, Fiji, Gabon, Ghana, Grenada, Guinea, Guyana, Honduras, Iceland, Jamaica, Kenya, Kiribati, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritius, Namibia, Nauru, Netherlands, Niue, Palau, Panama, Papua New Guinea, Paraguay, Philippines, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, São Tomé e Príncipe, Seychelles, Sierra Leone, Solomon Islands, South Africa, Suriname, Swaziland, Timor-Leste, Togo, Turkmenistan, Uruguay, and Vanuatu.

The compliance rate for annual updates has been dropping steadily in recent years. The final rate of compliance was 62% for calendar year 2007, 64% for 2006, 71% for 2005, 74% for 2004, 79% for 2003, and 70% for 2002.

Several states not party to the Mine Ban Treaty have submitted voluntary Article 7 reports as a demonstration of their commitment to the goals of the Mine Ban Treaty.³⁴ **Poland**, a signatory, has submitted voluntary reports every year since 2003, most recently in April 2009. **Morocco** submitted its third voluntary report in April 2009, and **Azerbaijan** submitted its second voluntary report in July 2009. **Mongolia** (in 2007) and **Sri Lanka** (in 2005) have also submitted voluntary reports. In these reports, only Poland and Mongolia have included information on their stockpiles of antipersonnel mines, while Morocco, Azerbaijan, and Sri Lanka have not done so.³⁵ Other countries have stated their intention to submit voluntary reports, including **Armenia**, **China**, and, in May 2009, **Lao PDR**.

National Implementation Measures (Article 9)

Article 9 of the 1997 Mine Ban Treaty states, “Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited” by the treaty. The ICBL believes that all States Parties should have legislation that includes penal sanctions for any potential future violations of the treaty, and provides for full implementation of all aspects of the treaty.

Only 59 of the 156 States Parties have passed new domestic laws to implement the treaty and fulfill the obligations of Article 9.³⁶ This is an increase of two States Parties in this reporting period: **Burundi** and **Togo**. Additionally, **Ireland**, which originally enacted domestic legislation to enforce the treaty in 1996, passed updated legislation in 2008 (the Cluster Munitions and Anti-Personnel Landmines Act, 2008).

A total of 26 States Parties report that steps to enact legislation are underway. **Sudan** joined this group this year. Some states have been reporting legislation is underway for a number of years without any specific updates on progress.³⁷

³⁴ While still signatories, a number of current States Parties submitted voluntary reports, including Cameroon in 2001, Gambia in 2002, and Lithuania in 2002. Before becoming a State Party, Latvia submitted voluntary reports in 2003, 2004, and 2005.

³⁵ In May 2009, Morocco told Landmine Monitor that this was because Morocco has no stocks. Permanent Mission of Morocco to the UN in Geneva, “Response to Questions from the Canadian NGO Mines Action Canada,” 18 May 2009. In December 2008, Sri Lanka told the ICBL that it would endeavor in 2009 to submit an update to its report including information on stockpiles, but it has not done so. Interview with Sumede Ekanayake, Counsellor, Permanent Mission of Sri Lanka to the UN in Geneva, Geneva, 28 November 2008.

³⁶ A total of 59 States Parties have enacted implementation legislation: Albania, Australia, Austria, Belgium, Belize, BiH, Brazil, Burkina Faso, Burundi, Cambodia, Canada, Chad, Colombia, Cook Islands, Costa Rica, Croatia, Czech Republic, Djibouti, El Salvador, France, Germany, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritania, Mauritius, Monaco, New Zealand, Nicaragua, Niger, Norway, Peru, Saint Vincent and the Grenadines, Senegal, Serbia, Seychelles, South Africa, Spain, Sweden, Switzerland, Tanzania, Togo, Trinidad and Tobago, UK, Yemen, Zambia, and Zimbabwe.

³⁷ Legislation has been reported to be in progress for more than two years in the following states: Bangladesh, Benin, Bolivia, Republic of the Congo, DRC, Jamaica, Kenya, Madagascar, Malawi, Mozambique, Namibia, Nigeria, Philippines, Rwanda, Suriname, Swaziland, Thailand, and Uganda. Among these, only the DRC, Mozambique, Philippines, and Thailand reported specific progress in 2008, indicating that they hoped to have legislation enacted soon. Other states reported to be in progress more recently include: Brunei, Ecuador, Haiti, Kuwait, Palau, Sudan, and Vanuatu. Chile, while stating in May 2009 that it believes its existing laws to be sufficient, has also reported that it is in the process of enacting additional legislation.

A total of 40 States Parties have indicated that they do not believe any new law is required to implement the treaty.³⁸ **Ethiopia** and **Ukraine** joined this category in the past year.³⁹

Landmine Monitor is unaware of any progress in 31 States Parties to enact appropriate domestic measures to implement the Mine Ban Treaty.⁴⁰

Special Issues of Concern

Since the inception of the Mine Ban Treaty, the ICBL has identified special issues of concern regarding interpretation and implementation of aspects of Articles 1, 2, and 3. These have included: what acts are permitted or not under the treaty's ban on assistance with prohibited acts, especially in the context of joint military operations with states not party; foreign stockpiling and transit of antipersonnel mines; the applicability of the treaty to antivehicle mines with sensitive fuzes or sensitive antihandling devices; and the acceptable number of mines retained for training purposes (see Mines Retained for Research and Training section above).

Ever since the treaty entered into force in 1999, States Parties have regularly discussed these issues at the intersessional Standing Committee meetings and Meetings of States Parties, and many have tried to reach common understandings, as urged by the ICBL and the ICRC.⁴¹ States Parties agreed in the Nairobi Action Plan in 2004, and in the subsequent Progress Reports from the annual Meetings of States Parties, that there should be ongoing discussion and exchange of views on these matters.⁴²

However, too few states have expressed their views in recent years, especially with respect to Articles 1 and 2. For detailed information on States Parties policies and practices on these matters of interpretation and implementation, which the ICBL considers essential to the integrity of the Mine Ban Treaty, see past editions of Landmine Monitor.

Article 1: Joint military operations and the prohibition on assistance

Article 1 of the 1997 Mine Ban Treaty obligates State Parties to “never under any circumstances ...assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.”

Initially, there was a lack of clarity, however, regarding what types of acts are permitted or prohibited within the context of the prohibition on assistance, particularly with respect to joint military operations with states not party to the treaty. States Parties recognized the need to

³⁸ A total of 40 States Parties have deemed existing law sufficient or do not consider new legislation necessary: Algeria, Andorra, Antigua and Barbuda, Argentina, Belarus, Bhutan, Bulgaria, Central African Republic, Cyprus, Denmark, Dominican Republic, Estonia, Ethiopia, Greece, Guinea-Bissau, Holy See, Indonesia, Kiribati, Lesotho, FYR Macedonia, Mexico, Moldova, Montenegro, Netherlands, Panama, Papua New Guinea, Paraguay, Portugal, Qatar, Romania, Samoa, San Marino, Slovakia, Slovenia, Solomon Islands, Tajikistan, Tunisia, Turkey, Ukraine, and Venezuela.

³⁹ Ethiopia indicated this in its 2009 Article 7 report. Ukraine is listed in this category in the draft Review of the Operation and Status of the Convention for the Second Review Conference, Annex X, and in the ICRC's Article 9 table, citing information provided by its mission in October 2008.

⁴⁰ The 31 states without progress toward national implementation measures include: Angola, Afghanistan, Bahamas, Barbados, Botswana, Cameroon, Cape Verde, Comoros, Côte d'Ivoire, Dominica, Equatorial Guinea, Eritrea, Fiji, Gambia, Gabon, Ghana, Grenada, Guinea, Guyana, Iraq, Liberia, Maldives, Nauru, Niue, Saint Kitts and Nevis, Saint Lucia, São Tomé e Príncipe, Sierra Leone, Timor-Leste, Turkmenistan, and Uruguay. Several of these states have reported legislation in progress in the past, but they have provided no recent updates, leaving it unclear as to whether work is still underway.

⁴¹ The Final Report and President's Action Program agreed upon at the Fifth Meeting of States Parties in Bangkok in September 2003 states that “the meeting called upon States Parties to continue to share information and views, particularly with respect to articles 1, 2, and 3, with a view to developing understandings on various matters by the First Review Conference.” The co-chairs of the Standing Committee on the General Status and Operation of the Convention (Mexico and the Netherlands) at the February and June 2004 intersessional meetings undertook significant consultations on reaching understandings or conclusions on these issues, but a number of States Parties remained opposed, and no formal understanding was reached at the First Review Conference.

⁴² The Nairobi Action Plan 2005–2009 indicates that the States Parties will “exchange views and share their experiences in a cooperative and informal manner on the practical implementation of the various provisions of the Convention, including Articles 1, 2 and 3, to continue to promote effective and consistent application of these provisions.”

address ambiguities about the prohibition and over the years have shared views on policy and practice. A general, albeit informal, understanding of how Article 1 applies to joint military operations and the meaning of “assist” has emerged during the years of discussion.

A total of 44 States Parties have declared that they will not participate in planning and implementation of activities related to the use of antipersonnel mines in joint operations with a state not party to the Mine Ban Treaty who may use antipersonnel mines.⁴³ Among those who have made statements consistent with this since the First Review Conference in 2004 are **Albania, Chad, Estonia, FYR Macedonia, Moldova, Slovenia, and Yemen**. More specifically, a prevailing view has emerged that States Parties may not:

- participate in the planning for use of antipersonnel mines;
- agree to rules of engagement that permit use of the weapon;
- accept orders to use, request others to use, or train others to use the weapon;
- knowingly derive military benefit from the use of the weapon by others; or
- provide security, storage, or transportation for antipersonnel mines.

In terms of state practice, no State Party is known to have engaged in any of these activities since the First Review Conference but, in the period from 1999 to 2004, Landmine Monitor expressed concerns about a number of States Parties assisting with the use of antipersonnel mines by others, including **Rwanda, Uganda, and Zimbabwe** with various forces in the **DRC**; **Sudan** with militia in the south of the country; and **Namibia** with Angolan troops before **Angola** became a State Party.

Eight States Parties have declared that only “active” or “direct” participation in joint operations in which antipersonnel mines are used is prohibited: **Australia, Canada, Czech Republic, New Zealand, Sweden, the UK, Zambia, and Zimbabwe**. However, each country’s understanding of what constitutes “active” or “direct” assistance varies.⁴⁴ Over the years, the ICBL has raised concerns with these states about their national declarations and/or clauses in their national implementation legislation with respect to joint operations and “assist.”⁴⁵

Statements since May 2008

In November 2008, Algerian officials told Landmine Monitor that **Algeria** does not participate in joint military operations, but should it ever do so with a state not party, it will under no circumstances use antipersonnel mines.

In July 2008, **BiH** told Landmine Monitor that during joint military operations with its allies, it cannot be engaged in the process of planning and preparing military action where antipersonnel mines will be used.

⁴³ Forty-four States Parties have declared that they will not participate in planning and implementation of activities related to the use of antipersonnel mines in joint operations with a state not Party to the Mine Ban Treaty who may use antipersonnel mines: Albania, Australia, Belgium, BiH, Brazil, Bulgaria, Canada, Chad, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Germany, Hungary, Italy, Japan, Kenya, Luxembourg, FYR Macedonia, Malaysia, Mexico, Moldova, Namibia, Netherlands, New Zealand, Norway, Portugal, Qatar, Senegal, Slovenia, South Africa, Spain, Sweden, Switzerland, Tajikistan, Tanzania, Turkey, UK, Uruguay, Yemen, Zambia, and Zimbabwe.

⁴⁴ In May 2009, Landmine Monitor produced an eight-page fact sheet, “The Prohibition on Assistance in the Mine Ban Treaty (Article 1,)” that contains a summary of state practice and the views of the individual States Parties that have addressed the issue. See www.lm.icbl.org.

⁴⁵ A highly regarded legal commentary on the Mine Ban Treaty examined Australia’s National Declaration and a statement by Zimbabwe on the prohibition on “assist,” and concluded that “it is not clear how these interpretations can be legally sustained. Reservations are prohibited by Article 19” of the treaty. The commentary draws particular attention to Australia’s position that the treaty would allow “indirect support such as the provision of security for the personnel of a State not party to the Convention engaging in such [prohibited] activities,” including presumably the laying of antipersonnel mines by the state not party. Stuart Maslen, *Commentaries on Arms Control Treaties, Volume 1, The Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction* (Oxford: Oxford University Press: 2004), pp. 92–95.

Foreign stockpiling and transit of antipersonnel mines

With a few exceptions, States Parties have agreed that the Mine Ban Treaty prohibits “transit” and foreign stockpiling of antipersonnel mines. With respect to transit, the main issue is whether a state not party’s aircraft, ships, or vehicles carrying antipersonnel mines can pass through (and presumably depart from, refuel in, restock in) a State Party, including on their way to a conflict in which those mines would be used. Nearly all states that have addressed the issue, as well as the ICBL and ICRC, believe that if a State Party permits transit of antipersonnel mines, it is violating the Article 1 ban on assistance to an act prohibited by the treaty, and possibly violating the Article 1 prohibition on transfer.

A total of 32 States Parties have declared they prohibit transfer through, foreign stockpiling on, or authorizing foreign antipersonnel mines on national territory.⁴⁶ **Canada, Germany, Japan, and Norway** believe that the Mine Ban Treaty does not prohibit the transit of antipersonnel mines, at least in certain circumstances. Canada has stated that it nevertheless discourages the use of Canadian territory, equipment, or personnel for the purpose of transit of antipersonnel mines. Germany and Japan view the issue in terms of the US mines stored in their countries, and maintain that because they do not exercise jurisdiction or control over the mines, they cannot prohibit transit.

With respect to foreign stockpiling of antipersonnel mines, three States Parties required the **US** to remove US stocks on their soil: **Italy** (announced in May 2000), **Norway** (November 2002), and **Spain** (November 1999). **Tajikistan** has reported it is negotiating with Russia regarding removal of its 18,200 stockpiled mines. Tajikistan is the only State Party to declare in its Article 7 report the number of antipersonnel mines stockpiled on its territory by a state not party. However, **Germany, Japan, Qatar, and the UK** have stated that US antipersonnel mine stocks in their countries are not under their national jurisdiction or control, and thus not covered by the Mine Ban Treaty.

Statements since May 2008

In March 2009, an official of **Indonesia** wrote to Landmine Monitor that “transit is also an activity that is prohibited under the Convention.”⁴⁷

At the June 2008 intersessional Standing Committee meetings, **Zambia** stated its understanding that transit of antipersonnel mines is prohibited. In July 2007 (but not previously reported by Landmine Monitor), **Nigeria** wrote that its draft implementation legislation “prohibits transfer of anti-personnel mines through any part of the Nigerian territory.”⁴⁸

Article 2: Mines with sensitive fuzes and sensitive antihandling devices

Since the conclusion of the negotiations of the Mine Ban Treaty, many States Parties, the ICBL, and the ICRC have emphasized that, according to the treaty’s definitions, any mine—even if it is labeled as an antivehicle mine—equipped with a fuze or antihandling device that causes the mine to explode from an unintentional or innocent act of a person is considered to be an antipersonnel mine and therefore prohibited.

However, for a small number of States Parties this remains a contentious issue. The way that States Parties agree—or disagree—on what mines are banned may have a significant impact on how the Mine Ban Treaty is implemented and universalized.

⁴⁶ Thirty-two States Parties prohibit transfer or foreign stockpiling: Albania, Austria, BiH, Brazil, Cameroon, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Guinea, Hungary, Italy, FYR Macedonia, Malaysia, Mexico, Moldova, Namibia, New Zealand, Portugal, Samoa, Senegal, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, UK, Yemen, and Zambia.

⁴⁷ Email from Andy Rachmianto, Deputy Director, Directorate for International Security and Disarmament, Indonesian Department of Foreign Affairs, 23 March 2009.

⁴⁸ Letter from Dr. Martin I. Uhomobhi, Ambassador of Nigeria to the UN in Geneva, 10 July 2007.

At least 28 States Parties have expressed the view that any mine, despite its label or design intent, capable of being detonated by the unintentional act of a person is an antipersonnel mine and is prohibited.⁴⁹ Among those that have made statements consistent with this view since the First Review Conference are **Argentina, BiH, Croatia, Estonia, Germany, Guatemala, Kenya, FYR Macedonia, Moldova, Slovenia, and Yemen.**

Five States Parties (**Czech Republic, Denmark, France, Japan, and the UK**) have said that the Mine Ban Treaty does not apply to antivehicle mines at all, regardless of their employment with sensitive fuzes or antihandling devices.

There appears to be agreement, with some exceptions, that a mine that relies on a tripwire, breakwire, or a tilt rod as its sole firing mechanism should be considered an antipersonnel mine. However, the **Czech Republic** has stated it does not consider the use of tripwires with an antivehicle mine to be a violation of the Mine Ban Treaty.⁵⁰ **Sweden** has antivehicle mines with tilt rods, but has not formally expressed a view on their legality under the Mine Ban Treaty.

Several States Parties have reported that they have removed from service and destroyed certain antivehicle mines and/or ordnance items that, when used with mines, can cause them to function as antipersonnel mines. **Belgium** has banned pressure and tension release firing devices (igniters) used as booby-traps. **Bulgaria** destroyed its stock of antivehicle mines with antihandling devices. **Canada, France, Hungary, Mali, and the UK** have removed tilt rod fuzes from their inventories. The **Netherlands** and the **UK** retired from service mines with breakwire fuzes. **France** has destroyed other unspecified pressure and tension release fuzes. **Germany** and **Slovakia** have retired and destroyed antilift mechanisms that could be attached to mines. **Slovakia** has prohibited the use of the Ro-3 fuze as an antihandling device.

Statements since May 2008

At the intersessional Standing Committee meetings in June 2008, five countries spoke on Article 2: **Austria, Canada, the Netherlands, Norway, and Zambia.**

Austria expressed its view that if a mine explodes from the presence, proximity or contact of a person, it is banned, regardless of any other purpose or design of the mine, and that States Parties should remove any such mines from their inventories and destroy them. It stated its willingness to have States Parties elaborate a formal understanding on the matter.

Canada stated that any mine that can be victim-activated is an antipersonnel mine and prohibited.

The Netherlands agreed that any mine that functions as an antipersonnel mine is banned, including antivehicle mines with sensitive fuzes and antihandling devices that can explode from the unintentional act of a person.

Norway also stressed that any mine that functions as an antipersonnel mine, that can explode from human contact, is banned. It stated, "It does not matter whether the main purpose of usage for that mine is directed toward vehicles. It does not matter whether it is called something else than anti-personnel mine." It called for the issue to be dealt with directly within the framework of the Mine Ban Treaty.

Zambia stated that it joins others in calling for a common understanding that any mine that can be set off unintentionally by a person, thereby functioning as an antipersonnel mine, is banned, including antivehicle mines with sensitive fuzes or sensitive antihandling devices.

⁴⁹ The 28 States Parties expressing the view that any mine that functions as an antipersonnel mine is prohibited are: Argentina, Australia, Austria, Bolivia, BiH, Brazil, Canada, Colombia, Croatia, Estonia, Germany, Guatemala, Kenya, Ireland, FYR Macedonia, Mexico, Moldova, Mozambique, Netherlands, New Zealand, Norway, Peru, Slovakia, Slovenia, South Africa, Switzerland, Yemen, and Zambia. In addition, Albania has not taken a legal position, but has stated that it is destroying its antivehicle mines with sensitive fuzes.

⁵⁰ The Czech Republic has also acknowledged possessing tilt rod fuzes, but has stated that the mines that are capable of using them are considered to be obsolete and will be retired within 15 years. Slovenia, while stating that antivehicle mines with fuzes that cause them to function as an antipersonnel mines are prohibited, has also acknowledged possessing TMRP-6 mines that are equipped with both pressure and tilt rod fuzes; it is considering how to deal with them.

In July 2008, **BiH** told Landmine Monitor that it will consider ways to ensure that mines such as TMRP-6 antivehicle mines with tilt rods cannot be victim-activated and function as antipersonnel mines.

Claymore and OZM-72 command-detonated mines

Certain types of mines are not prohibited by the Mine Ban Treaty in all instances because they are designed to be capable of being both command-detonated by electric means (which is permissible under the treaty) and victim-activated by using mechanical pull/tension release tripwire fuzes (which is prohibited by the treaty). In the past, options for both means of utilization have often been packaged with the mine.

In order to be compliant and fully transparent, States Parties should take steps, and report on them in Article 7 reports, to ensure that the means for victim-activation is permanently removed and that their armed forces are instructed as to their legal obligations.

The most common mines in this category are Claymore-type directional fragmentation munitions. The M18A1 (produced originally by the US but also widely copied or license-produced by other countries), MON series (produced in the former USSR and other Warsaw Pact countries), and the MRUD (produced in FR Yugoslavia) are the most well known and widely held examples of Claymore-type directional fragmentation mines.

Several States Parties have extended this command and target activation distinction to a type of bounding fragmentation mine, the OZM-72, which also possesses these inherent dual-use capabilities.

A total of 31 States Parties have declared that they retain stocks of Claymore-type and/or OZM-72 mines.⁵¹

Some States Parties have chosen to physically modify the mines to accept only electric detonation and some have physically removed and destroyed the tripwire assembly and appropriate blasting cap. **Belarus, Denmark, Lithuania, Moldova, New Zealand, and Sweden** have reported on the measures taken to modify these mines in their Article 7 reports. In 2006, Belarus destroyed the victim-activated components of its 5,536 MON mines and 200,826 OZM-72 mines.

Thirty States Parties have declared that they do not possess or have destroyed Claymore-type and/or OZM-72 mines.⁵²

The vast majority of States Parties have not declared whether their forces possess these types of mines. While the majority of these States Parties have declared that they do not possess any antipersonnel mine stockpiles, in some cases it cannot be presumed that this includes dual-use command-detonated mines.

Treaty-Related Meetings

Ninth Meeting of States Parties

States Parties, observer states, and other participants met for the Ninth Meeting of States Parties to the Mine Ban Treaty in Geneva, Switzerland from 24–28 November 2008 under the Presidency of Ambassador Jürg Streuli of Switzerland. The focus of the meeting was on the first formal decision-making regarding requests for extensions of mine clearance deadlines. Requests were granted to 15 States Parties, with the UK's the most contentious. The ICBL expressed its appreciation for the fact that the extension request process was taken seriously by all States Parties, but felt that the final decisions did not always apply the same rigorous standards to all, citing the **UK** and **Venezuela**, neither of which had even begun demining operations.

⁵¹ The 31 States Parties that acknowledge possessing Claymore-type or OZM-72 mines include: Australia, Austria, Belarus, BiH, Brunei, Canada, Colombia, Croatia, Denmark, Ecuador, Estonia, Honduras, Hungary, Latvia, Lithuania, Malaysia, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Serbia, Slovenia, South Africa, Sweden, Switzerland, Thailand, Turkey, UK, and Zimbabwe.

⁵² The 30 States Parties that declare not possessing or having destroyed Claymore-type or OZM-72 mines are: Albania, Bangladesh, Belgium, Bolivia, Bulgaria, Cambodia, Chad, Cyprus, Czech Republic, El Salvador, France, Germany, Italy, Jordan, Kenya, Luxembourg, FYR Macedonia, Moldova, Mozambique, Peru, Philippines, Portugal, Qatar, Romania, Slovakia, Tajikistan, Tanzania, Turkmenistan, Uruguay, and Yemen.

While stating its grave concern that **Belarus, Greece, and Turkey** remained in serious violation of the treaty after missing their March 2008 stockpile destruction deadlines, the ICBL also expressed appreciation for the serious concerns stated by numerous States Parties about the need for those nations to urgently comply with their obligations. With the aim of preventing future instances of non-compliance, States Parties warmly welcomed a proposal submitted by **Lithuania and Serbia** on ensuring the full implementation of Article 4 on stockpile destruction.⁵³

Fifteen mine survivors from the ICBL delegation deplored that victim assistance remains seen as a lower priority, and urged concrete actions, citing the need for socio-economic inclusion of survivors in addition to medical assistance.

The ICBL regretted that for the first time since the Mine Ban Treaty entered into force in 1999, no new state had joined the treaty over a 12-month period, and called on all States Parties to increase their universalization efforts. On the positive side, 22 countries not yet party to the treaty participated as observers, demonstrating the continuing spread of the international norm against antipersonnel mines.⁵⁴

The meeting produced a strong Geneva Progress Report 2007–2008, which, in addition to reviewing progress in the past year, highlighted priority areas of work for the coming year. This built on Progress Reports from the previous three years, and the Nairobi Action Plan 2005–2009 adopted at the First Review Conference (Nairobi Summit on a Mine-Free World) in November–December 2004.

New co-chairs and co-rapporteurs of the Standing Committees were selected for the period until the Second Review Conference in Cartagena, Colombia from 30 November to 4 December 2009, with Ambassador Susan Eckey of Norway as President-Designate.

Standing Committee co-chairs and co-rapporteurs in 2008–2009

| Standing Committee | Co-chairs | Co-rapporteurs |
|--|-------------------------|------------------------|
| General Status and Operation of the Convention | Chile and Japan | Ecuador and Slovenia |
| Mine Clearance, Mine Risk Education and Mine Action Technologies | Argentina and Australia | Greece and Nigeria |
| Stockpile Destruction | Italy and Zambia | Bulgaria and Indonesia |
| Victim Assistance and Socio-Economic Reintegration | Belgium and Thailand | Peru and Turkey |

Participation in the Ninth Meeting of States Parties was high—nearly 800 people—with a total of 125 country delegations attending, including delegations from 103 States Parties. The range of participants—diplomats, campaigners, UN personnel, and, most notably, significant numbers of mine action practitioners and landmine survivors—again demonstrated that the Mine Ban Treaty has become the framework for addressing all aspects of the antipersonnel mine problem. More than 150 members of the ICBL attended.

Implementation and intersessional work program

A notable feature of the Mine Ban Treaty is the attention which States Parties have paid to ensuring implementation of the treaty's provisions. Structures created to monitor progress toward implementation and to allow discussion among States Parties include the annual

⁵³ The proposal calls for States Parties to take actions if a state does not have a plan for destruction within one year of entry into force, or has not started destruction within two years. It calls for pro-active consultations by Standing Committee co-chairs, and for stockpiling states to report on progress at every annual Meeting of States Parties and intersessional meeting, as well as in Article 7 reports. Non-compliant states are urged to provide a formal communication about reasons for failure to comply, and a plan to complete destruction with an expected completion date.

⁵⁴ Some of the more notable “holdouts” attended, including China, Egypt, India, Lao PDR, Lebanon, Pakistan, and Vietnam. Others included Armenia, Azerbaijan, Finland, Georgia, Libya, Marshall Islands, Micronesia, Mongolia, Morocco, Oman, Poland, Saudi Arabia, Singapore, Sri Lanka, and UAE.

Meetings of States Parties, the intersessional work program with its four Standing Committees, a coordinating committee, and contact groups on universalization of the treaty, Article 7, resource utilization, and linking mine action and development.

The intersessional Standing Committees met for one week in May 2009. Details on Standing Committee discussions and interventions can be found below in various thematic sections. A separate formal session was held devoted to preparations for the Second Review Conference.

The Oslo Process and the Convention on Cluster Munitions⁵⁵

With the failure of the CCW Third Review Conference in November 2006 to adequately address cluster munitions (see below), Norway announced it would start an independent process outside the CCW to negotiate a treaty banning cluster munitions that cause unacceptable humanitarian harm. It subsequently held the first meeting of the “Oslo Process” in February 2007, where 46 states committed themselves to conclude a new international treaty banning cluster munitions “that cause unacceptable harm to civilians” by 2008. A “Core Group” of nations took responsibility for the initiative, including Austria, Holy See, Ireland, Mexico, New Zealand, Norway, and Peru.

At the first follow-up meeting in Lima, Peru, in May 2007, a draft treaty text was distributed and discussed. Additional sessions to develop the treaty took place in Vienna, Austria, in December 2007 and Wellington, New Zealand, in February 2008. A total of about 140 countries participated in at least one of these Oslo Process preparatory meetings. Regional meetings to build support for the treaty were also held in Costa Rica in September 2007, Serbia in October 2007 (for affected states), Zambia in April 2008, and Thailand in April 2008 (sponsored by the ICRC).

Formal negotiations were held in Dublin, Ireland from 19–30 May 2008. At the conclusion, all 107 of the participating states adopted the new Convention on Cluster Munitions which comprehensively bans the use, production, stockpiling, and transfer of cluster munitions. An additional 20 states attended the negotiations as observers.

The Cluster Munition Coalition (CMC) and the ICBL praised the new treaty as one that will save thousands of lives for decades to come. Like the Mine Ban Treaty, it takes an integrated approach to the cluster munition problem, and requires clearance of contaminated areas as well as assistance to survivors and affected communities. The victim assistance provisions are especially laudable and much stronger than those included in the Mine Ban Treaty. Efforts to weaken the treaty with exceptions for certain cluster munitions, and to have a transition period allowing use of banned weapons for a number of years, were defeated. The most highly criticized aspect of the new convention is a provision that could be seen by some as a loophole allowing States Parties to assist in some way with the use of cluster munitions by non-States Parties in joint military operations.

In August 2008, Georgia and Russia both used cluster munitions in their conflict over South Ossetia, resulting in 70 civilian casualties and creating socio-economic harm. Around the world, CMC protests and media editorials condemned this new use of cluster munition so soon after the convention’s adoption.

However, this period also saw intensive activities to ensure that as many states signed the convention in Oslo as possible. Regional conferences held in Sofia, Bulgaria (18–19 September), Kampala, Uganda (29–30 September), Xieng Khouang, Lao PDR (20–22 October), Quito, Ecuador (6–7 November), and Beirut, Lebanon (11–12 November) helped secure commitments to sign and also provided useful venues to start considering implementation.

From 3–4 December 2008—two years after the Oslo Process began—Norway welcomed states back to Oslo for the Convention on Cluster Munitions Signing Conference. Ministers and senior officials from 94 governments signed the convention at Oslo City Hall, applauded

⁵⁵ For a detailed study, including entries on 150 countries, see Human Rights Watch and Landmine Action, *Banning Cluster Munitions: Government Policy and Practice*, Mines Action Canada, May 2009.

by a CMC delegation comprised of 250 campaigners from 75 countries. Another 28 countries attended but did not sign.

The number of signatories had grown to 98 as of early September 2009, and 17 states had ratified. The convention will enter into force six months after the 30th ratification.

The first significant gathering of signatories was held in Berlin from 25–26 June 2009, with a focus on stockpile destruction. Regional meetings to promote the convention were scheduled in Chile from 14–15 September and in Indonesia from 16–17 November 2009. The First Meeting of States Parties is being planned for Lao PDR in late 2010.

Convention on Conventional Weapons

Amended Protocol II

CCW Amended Protocol II regulates the production, transfer and use of landmines, booby-traps and other explosive devices. The inadequacy of the 1996 protocol gave impetus to the Ottawa Process that resulted in the Mine Ban Treaty. A total of 93 states were party to Amended Protocol II as of September 2009. Two states, **Georgia** (8 June 2009) and **Jamaica** (25 September 2008), joined since the publication of *Landmine Monitor Report 2008*. Just 11 of the 93 have not joined the Mine Ban Treaty: **China, Finland, Georgia, India, Israel, Morocco, Pakistan, Russia, South Korea, Sri Lanka**, and the US.⁵⁶ Thus, for antipersonnel mines, the protocol is only relevant for those 11 countries as the remainder are held to the higher standards of the Mine Ban Treaty.

The annual meeting of States Parties to Amended Protocol II took place in November 2008, with an informal meeting of experts in April 2009.

The nine-year deadline for states that chose to defer compliance with the requirements on detectability of antipersonnel mines and the requirements for self-destruction and self-deactivation for remotely-delivered antipersonnel mines, as provided in the Technical Annex, was 3 December 2007. **China, Latvia, Pakistan**, and **Russia** deferred on detectability, while **Belarus, China, Pakistan, Russia**, and **Ukraine** deferred on self-destruction and self-deactivation.⁵⁷

In its September 2007 Amended Protocol II Article 13 report, China stated that it had met its December deadline to comply with the protocol's technical specifications. In November 2007, China stated that it had made technical modification to or destroyed stockpiled antipersonnel mines which failed to meet the requirements of the protocol. It has provided few additional details.

Pakistan stated in November 2007 that it had made all the necessary technical changes to be compliant with the protocol, but it provided no details.

A Russian official said in November 2007, "By the end of this year a set of measures to implement requirements of the Protocol...will be nearing its completion. In particular, a national system of technical requirements to land mines, including anti-personnel ones, will be finalized and adopted for practical application, a planned disposal of obsolete types of mines is being carried out..."⁵⁸ Russia has not subsequently announced completion of the work, and over the years has provided few details about how it is complying with the technical requirements of the protocol.

⁵⁶ Mine Ban Treaty signatory Poland is party to CCW Amended Protocol II. Though it has not yet ratified the Mine Ban Treaty, as a signatory, it cannot do anything contrary to the object and purpose of the Mine Ban Treaty, so is already bound by a higher standard than Amended Protocol II.

⁵⁷ Remotely-delivered antipersonnel mine systems are stockpiled by Amended Protocol II States Parties Belarus, China, Greece, Israel, Pakistan, Russia, South Korea, Turkey, Ukraine, and US. The Mine Ban Treaty required Belarus, Greece and Turkey to destroy their remotely-delivered antipersonnel mines by 1 March 2008. Mine Ban Treaty States Parties Bulgaria, Italy, Japan, the Netherlands, Turkmenistan, and UK have already destroyed their stockpiles of remotely-delivered antipersonnel mines.

⁵⁸ Statement by the Delegation of the Russian Federation, Ninth Annual Conference of States Parties to CCW Amended Protocol II, Geneva, 6 November 2007.

Latvia's deferral is presumably irrelevant since it already destroyed its stockpile as a State Party to the Mine Ban Treaty, although it has retained some mines for training purposes. Belarus was obligated by the Mine Ban Treaty to complete the destruction of its stocks of PFM remotely-delivered antipersonnel mines by 1 March 2008, but has not yet complied (See Antipersonnel Mine Stockpiles and Their Destruction section above). Ukraine is obligated by the Mine Ban Treaty to complete the destruction of its stocks of PFM remotely-delivered antipersonnel mines by 1 June 2010.

Protocol V on Explosive Remnants of War

Protocol V on Explosive Remnants of War is intended to address the post-conflict dangers posed by unexploded ordnance and abandoned ordnance. It was adopted in November 2003 and entered into force on 12 November 2006. As of August 2009, 60 states had ratified the protocol. Fourteen states ratified Protocol V since the publication of *Landmine Monitor Report 2008*: **Belarus, Canada, Chile, Costa Rica, Ecuador, Georgia, Jamaica, Mali, Pakistan, Paraguay, Peru, Senegal**, the UAE, and the US. The first annual meeting of States Parties was held in Geneva in November 2007 and the second in November 2008, with informal meetings of experts in July 2008 and April 2009.

Cluster Munitions

At the Third CCW Review Conference held in Geneva from 7–17 November 2006, States Parties rejected a proposal to begin negotiations within the CCW on a “legally-binding instrument that addresses the humanitarian concerns posed by cluster munitions” and instead agreed to a weak mandate to continue discussions on ERW, with a focus on cluster munitions, in 2007.

CCW's Group of Governmental Experts met for one week in June 2007 with the sole substantive topic being cluster munitions. However, the outcome was again weak, with a statement that the Group “without prejudice to the outcome, recommends to the [November 2007 Meeting of States Parties] to decide how best to address the humanitarian impact of cluster munitions as a matter of urgency, including the possibility of a new instrument. Striking the right balance between military and humanitarian considerations should be part of the decision.”

During the week-long November 2007 meeting, a proposal from the European Union to negotiate in 2008 a legally-binding instrument that prohibits cluster munitions that cause unacceptable harm to civilians was rejected. States considered several ever-weaker proposals to begin negotiations on cluster munitions in 2008, and settled for an agreement to “negotiate a proposal to address urgently the humanitarian impact of cluster munitions, while striking a balance between military and humanitarian considerations.” The mandate did not specify that negotiations should lead to a new legally binding protocol, or include any kind of prohibition, and had no timeline.

Meetings were held in accordance with the mandate from 14–18 January, 7–11 April, 7–25 July, and 1–5 September 2008. By the end of the September session, the chairperson had developed a draft protocol text, but there were still wildly divergent views on the need for a protocol and what it should contain. States Parties were unable to reach an agreement at the annual meeting of States Parties in November 2008, but decided to extend the mandate and hold a negotiating session from 16–20 February, and 14–17 April 2009.

However, States Parties remained far apart on key issues, even after an additional informal session held on 17–21 August 2009. Following that session, the chairperson produced a new draft protocol, presented in his personal capacity, for possible consideration at the annual meeting of States Parties. Most observers felt there would be little chance to conclude a new protocol at the annual meeting from 12–13 November 2009, and the main issue would be whether to extend the work again into 2010.